

(Amended Substitute House Bill No. 300)

AN ACT

To amend sections 2923.01, 2929.01, 2935.03, 2937.281, 3101.06, 3332.09, 3719.011, 3719.02, 3719.021, 3719.03, 3719.05, 3719.06, 3719.07, 3719.08, 3719.09, 3719.11, 3719.12, 3719.121, 3719.13, 3719.15, 3719.161, 3719.172, 3719.18, 3719.19, 3719.21, 3719.27, 3719.32, 3719.61, 3719.70, 3719.81, 3743.19, 3743.41, 4507.08, 4507.16, 4561.15, 4723.28, 4729.02, 4729.16, 4729.53, 4729.55, 4729.57, 4729.61, 4729.65, 4729.99, 4731.70, 4732.17, 4741.22, 5122.51, 5122.99 and 5145.07, to enact sections 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.21, 2925.22, 2925.23, 2925.31, 2925.36, 2925.50, 2925.51, 2951.04, 2951.041, 5122.50, 5122.53, 5122.54, and 5122.55, to enact new sections 3719.01, 3719.10, 3719.14, 3719.28, 3719.40, 3719.41, 3719.42, 3719.43, 3719.44, and 3719.99, and to repeal sections 3719.01, 3719.10, 3719.101, 3719.111, 3719.14, 3719.17, 3719.171, 3719.20, 3719.22, 3719.23, 3719.24, 3719.25, 3719.26, 3719.28, 3719.29, 3719.40, 3719.41, 3719.42, 3719.43, 3719.44, 3719.45, 3719.46, 3719.47, 3719.48, 3719.49, 3719.50, 3719.51, 3719.99, and 4729.281 of the Revised Code to revise the drug abuse prevention and control laws of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2923.01, 2929.01, 2935.03, 2937.281, 3101.06, 3332.09, 3719.011, 3719.02, 3719.021, 3719.03, 3719.05, 3719.06, 3719.07, 3719.08, 3719.09, 3719.11, 3719.12, 3719.121, 3719.13, 3719.15, 3719.161, 3719.172, 3719.18, 3719.19, 3719.21, 3719.27, 3719.32, 3719.61, 3719.70, 3719.81, 3743.19, 3743.41, 4507.08, 4507.16, 4561.15, 4723.28, 4729.02, 4729.16, 4729.53,

4729.55, 4729.57, 4729.61, 4729.65, 4729.99, 4731.70, 4732.17, 4741.22, 5122.51, 5122.99, and 5145.07 be amended and sections 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.21, 2925.22, 2925.33, 2925.31, 2925.36, 2925.50, 2925.51, 2951.04, 2951.041, 3719.01, 3719.10, 3719.14, 3719.28, 3719.40, 3719.41, 3719.42, 3719.43, 3719.44, 3719.99, 5122.50, 5122.53, 5122.54, and 5122.55 of the Revised Code be enacted to read as follows:

Sec. 2923.01. (A) No person, with purpose to commit or to promote or facilitate the commission of aggravated murder or murder, kidnapping, compelling prostitution or promoting prostitution, aggravated arson or arson, aggravated robbery or robbery, aggravated burglary or burglary, or a felony offense of unauthorized use of a vehicle, CORRUPTING ANOTHER WITH DRUGS, TRAFFICKING IN DRUGS, THEFT OF DRUGS, OR ILLEGAL PROCESSING OF DRUG DOCUMENTS shall do either of the following:

(1) With another person or persons, plan or aid in planning the commission of any such offense;

(2) Agree with another person or persons that one or more of them will engage in conduct which facilitates the commission of any such offense.

(B) No person shall be convicted of conspiracy unless a substantial overt act in furtherance of the conspiracy is alleged and proved to have been done by him or a person with whom he conspired, subsequent to the accused's entrance into the conspiracy. For purposes of this section, an overt act is substantial when it is of such character as to manifest a purpose on the part of the actor that the object of the conspiracy should be completed.

(C) When the offender knows or has reasonable cause to believe that a person with whom he conspires has also conspired or is conspiring with another to commit the same offense, then the offender is guilty of conspiring with such other person, even though his identity may be unknown to the offender.

(D) It is no defense to a charge under this section that, in retrospect, commission of the offense which was the object of the conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses which are its objects are committed, or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense which was the object of the conspiracy was committed.

(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when such offenses are the object of the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission

of or attempt to commit such offense, he shall not be convicted of conspiracy involving the same offense.

(H) No person shall be convicted of conspiracy upon the testimony of a person with whom he conspired, unsupported by other evidence.

(I) The following are affirmative defenses to a charge of conspiracy:

(1) After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(2) After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense which was the object of the conspiracy, either by advising all other conspirators of his abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of his participation therein.

(J) Whoever violates this section is guilty of conspiracy, which is:

(1) A felony of the first degree, when one of the objects of the conspiracy is aggravated murder or murder;

(2) A felony of the next lesser degree than the most serious offense which is the object of the conspiracy, when the most serious offense which is the object of the conspiracy is a felony of the first, second, or third degree;

(3) A misdemeanor of the first degree, when the most serious offense which is the object of the conspiracy is a felony of the fourth degree.

(K) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of the Revised Code, other than this section. In such case, however:

(1) With respect to the offense specified as the object of the conspiracy in such other section or sections, division (A) of this section defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;

(2) Divisions (B) to (I) of this section are incorporated by reference in the conspiracy offense defined by such other section or sections of the Revised Code.

Sec. 2925.01. AS USED IN CHAPTER 2925. OF THE REVISED CODE:

(A) "ADMINISTER", "CONTROLLED SUBSTANCE", "DISPENSE," "HYPODERMIC", "MANUFACTURER", "MARIHUANA", "OFFICIAL WRITTEN ORDER", "PHARMACIST", "PHARMACY", "PRACTITIONER", "PRESCRIPTION", "SALE", "SCHEDULE I", "SCHEDULE II", "SCHEDULE III", "SCHEDULE IV", "SCHEDULE V", AND "WHOLESALE" HAVE THE

SAME MEANING AS PROVIDED IN SECTION 3719.01 OF THE REVISED CODE.

(B) "DRUG DEPENDENT PERSON" AND "DRUG OF ABUSE" HAVE THE SAME MEANING AS PROVIDED IN SECTION 3719.011 OF THE REVISED CODE.

(C) "DANGEROUS DRUG" HAS THE SAME MEANING AS PROVIDED IN SECTION 4729.02 OF THE REVISED CODE.

(D) "ACTUAL INCARCERATION" MEANS A PERSON IS REQUIRED TO BE IMPRISONED FOR THE STATED PERIOD NOTWITHSTANDING ANY CONTRARY PROVISIONS FOR SUSPENSION OF SENTENCE, PROBATION, SHOCK PROBATION, PAROLE, AND SHOCK PAROLE. AN OFFENDER SERVING ACTUAL INCARCERATION IS ELIGIBLE FOR TIME OFF FOR GOOD BEHAVIOR PURSUANT TO SECTION 2967.19 OF THE REVISED CODE IF CONFINED IN A STATE PENAL INSTITUTION, OR PURSUANT TO CRITERIA ESTABLISHED BY THE ADULT PAROLE AUTHORITY PURSUANT TO DIVISION (E) OF SECTION 2967.01 OF THE REVISED CODE IF CONFINED IN A STATE REFORMATORY INSTITUTION, WHICH IN EITHER CASE SHALL BE CALCULATED ON A MINIMUM TERM WHICH IS THE PERIOD OF ACTUAL INCARCERATION.

(E) "BULK AMOUNT" OF A CONTROLLED SUBSTANCE MEANS ANY OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO OR EXCEEDING TEN GRAMS OR TWENTY-FIVE UNIT DOSES OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR WHICH CONTAINS ANY AMOUNT OF, A SCHEDULE I OPIATE OR OPIUM DERIVATIVE, OR COCAINE;

(2) AN AMOUNT EQUAL TO OR EXCEEDING TEN GRAMS OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, RAW OR GUM OPIUM;

(3) AN AMOUNT EQUAL TO OR EXCEEDING TWO HUNDRED GRAMS OF MARIHUANA, OR AN AMOUNT EQUAL TO OR EXCEEDING TEN GRAMS OF THE RESIN CONTAINED IN MARIHUANA, OR OF ANY EXTRACTION OR PREPARATION OF SUCH RESIN, OR EQUAL TO OR EXCEEDING TWO GRAMS OF SUCH RESIN IN A LIQUID CONCENTRATE, LIQUID EXTRACT, OR LIQUID DISTILLATE FORM;

(4) AN AMOUNT EQUAL TO OR EXCEEDING THIRTY GRAMS OR TEN UNIT DOSES OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, A SCHEDULE I HALLUCINOGEN OTHER THAN TETRAHYDROCANNABINOL, LYSERGIC ACID DIETHYLAMIDE, LYSERGIC ACID AMIDE, OR MARIHUANA;

(5) AN AMOUNT EQUAL TO OR EXCEEDING TWENTY GRAMS OR FIVE TIMES THE MAXIMUM DAILY DOSE IN THE USUAL DOSE RANGE SPECIFIED IN A STANDARD

PHARMACEUTICAL REFERENCE MANUAL OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, A SCHEDULE II OPIATE OR OPIUM DERIVATIVE;

(6) AN AMOUNT EQUAL TO OR EXCEEDING ONE GRAM OR TEN UNIT DOSES OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, LYSERGIC ACID DIETHYLAMIDE, LYSERGIC ACID AMIDE, OR TETRAHYDROCANNABINOL;

(7) AN AMOUNT EQUAL TO OR EXCEEDING FIVE GRAMS OR TEN UNIT DOSES OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, PHENCYCLIDINE;

(8) AN AMOUNT EQUAL TO OR EXCEEDING ONE HUNDRED TWENTY GRAMS OR THIRTY TIMES THE MAXIMUM DAILY DOSE IN THE USUAL DOSE RANGE SPECIFIED IN A STANDARD PHARMACEUTICAL REFERENCE MANUAL OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, A SCHEDULE II STIMULANT OR DEPRESSANT SUBSTANCE, OR A SCHEDULE III OR IV SUBSTANCE;

(9) AN AMOUNT EQUAL TO OR EXCEEDING TWO HUNDRED FIFTY MILLILITERS OR TWO HUNDRED FIFTY GRAMS OF A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE WHICH IS, OR CONTAINS ANY AMOUNT OF, A SCHEDULE V SUBSTANCE.

(F) "UNIT DOSE" MEANS AN AMOUNT OR UNIT OF A COMPOUND, MIXTURE, OR PREPARATION CONTAINING A CONTROLLED SUBSTANCE, SUCH AMOUNT OR UNIT BEING SEPARATELY IDENTIFIABLE AND IN SUCH FORM AS TO INDICATE THAT IT IS THE AMOUNT OR UNIT BY WHICH THE CONTROLLED SUBSTANCE IS SEPARATELY ADMINISTERED TO OR TAKEN BY AN INDIVIDUAL.

(G) "CULTIVATE" INCLUDES PLANTING, WATERING, FERTILIZING, OR TILLING.

(H) "DRUG ABUSE OFFENSE" MEANS ANY OF THE FOLLOWING:

(1) A VIOLATION OF SECTION 2925.02, 2925.03, 2925.11, 2925.12, 2925.13, 2925.21, 2925.22, 2925.23, 2925.31, OR 2925.36 OF THE REVISED CODE;

(2) A VIOLATION OF AN EXISTING OR FORMER LAW OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, SUBSTANTIALLY EQUIVALENT TO ANY SECTION LISTED IN DIVISION (H) (1) OF THIS SECTION;

(3) AN OFFENSE UNDER AN EXISTING OR FORMER LAW OF THIS OR ANY OTHER STATE, OR OF THE UNITED STATES, OF WHICH PLANTING, CULTIVATING, HARVESTING, PROCESSING, MAKING, MANUFACTURING, PRODUC-

ING, SHIPPING, TRANSPORTING, DELIVERING, ACQUIRING, POSSESSING, STORING, DISTRIBUTING, DISPENSING, SELLING, INDUCING ANOTHER TO USE, ADMINISTERING TO ANOTHER, USING, OR OTHERWISE DEALING WITH A CONTROLLED SUBSTANCE IS AN ELEMENT;

(4) A CONSPIRACY OR ATTEMPT TO COMMIT, OR COMPLICITY IN COMMITTING OR ATTEMPTING TO COMMIT ANY OFFENSE UNDER DIVISION (H) (1), (2), OR (3) OF THIS SECTION.

(I) "FELONY DRUG ABUSE OFFENSE" MEANS ANY DRUG ABUSE OFFENSE THAT WOULD CONSTITUTE A FELONY UNDER THE LAWS OF THIS STATE EXCEPT A VIOLATION OF SECTION 2925.11 OF THE REVISED CODE.

(J) "HARMFUL INTOXICANT" DOES NOT INCLUDE BEER OR INTOXICATING LIQUOR, BUT MEANS ANY COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE THE GAS, FUMES, OR VAPOR OF WHICH WHEN INHALED CAN INDUCE INTOXICATION, EXCITEMENT, GIDDINESS, IRRATIONAL BEHAVIOR, DEPRESSION, STUPEFACTION, PARALYSIS, UNCONSCIOUSNESS, ASPHYXIATION, OR OTHER HARMFUL PHYSIOLOGICAL EFFECTS, AND INCLUDES WITHOUT LIMITATION ANY OF THE FOLLOWING:

(1) ANY VOLATILE ORGANIC SOLVENT, PLASTIC CEMENT, MODEL CEMENT, FINGERNAIL POLISH REMOVER, LACQUER THINNER, CLEANING FLUID, GASOLINE, AND ANY OTHER PREPARATION CONTAINING A VOLATILE ORGANIC SOLVENT;

(2) ANY AEROSOL PROPELLANT;

(3) ANY FLUOROCARBON REFRIGERANT;

(4) ANY ANESTHETIC GAS.

(K) "MANUFACTURE" MEANS TO PLANT, CULTIVATE, HARVEST, PROCESS, MAKE, PREPARE, OR OTHERWISE ENGAGE IN ANY PART OF THE PRODUCTION OF A DRUG, BY PROPAGATION, EXTRACTION, CHEMICAL SYNTHESIS, OR COMPOUNDING, OR ANY COMBINATION OF THE SAME, AND INCLUDES PACKAGING, REPACKAGING, LABELING, AND OTHER ACTIVITIES INCIDENT TO PRODUCTION.

(L) "POSSESS" OR "POSSESSION" MEANS HAVING CONTROL OVER A THING OR SUBSTANCE BUT MAY NOT BE INFERRED SOLELY FROM MERE ACCESS TO THE THING OR SUBSTANCE THROUGH OWNERSHIP OR OCCUPATION OF THE PREMISES UPON WHICH THE THING OR SUBSTANCE IS FOUND.

(M) "SAMPLE DRUG" MEANS A DRUG OR PHARMACEUTICAL PREPARATION THAT WOULD BE HAZARDOUS TO HEALTH OR SAFETY IF USED WITHOUT THE SUPERVISION OF A PRACTITIONER, OR A DRUG OF ABUSE, AND THAT, AT ONE TIME, HAD BEEN PLACED IN A CON-

TAINER PLAINLY MARKED AS A SAMPLE BY A MANUFACTURER.

(N) "STANDARD PHARMACEUTICAL REFERENCE MANUAL" MEANS THE CURRENT EDITION, WITH CUMULATIVE CHANGES IF ANY, OF ANY OF THE FOLLOWING REFERENCE WORKS:

- (1) "THE NATIONAL FORMULARY";
- (2) "THE UNITED STATES PHARMACOPEIA", PREPARED BY AUTHORITY OF THE UNITED STATES PHARMACOPEIAL CONVENTION, INC.;
- (3) SUCH OTHER STANDARD REFERENCES AS APPROVED BY THE STATE BOARD OF PHARMACY.

Sec. 2925.02. (A) NO PERSON SHALL KNOWINGLY DO ANY OF THE FOLLOWING:

(1) BY FORCE, THREAT, OR DECEPTION, ADMINISTER TO ANOTHER OR INDUCE OR CAUSE ANOTHER TO USE A CONTROLLED SUBSTANCE;

(2) BY ANY MEANS, ADMINISTER OR FURNISH TO ANOTHER OR INDUCE OR CAUSE ANOTHER TO USE A CONTROLLED SUBSTANCE WITH PURPOSE TO CAUSE SERIOUS PHYSICAL HARM TO SUCH PERSON, OR WITH PURPOSE TO CAUSE SUCH PERSON TO BECOME DRUG DEPENDENT;

(3) BY ANY MEANS, ADMINISTER OR FURNISH TO ANOTHER OR INDUCE OR CAUSE ANOTHER TO USE A CONTROLLED SUBSTANCE, AND THEREBY CAUSE SERIOUS PHYSICAL HARM TO SUCH PERSON, OR CAUSE SUCH PERSON TO BECOME DRUG DEPENDENT;

(4) BY ANY MEANS, FURNISH OR ADMINISTER TO A PERSON UNDER AGE EIGHTEEN WHO IS AT LEAST FOUR YEARS HIS JUNIOR, OR INDUCE OR CAUSE A PERSON UNDER AGE EIGHTEEN WHO IS AT LEAST FOUR YEARS HIS JUNIOR TO USE A CONTROLLED SUBSTANCE, OR INDUCE OR CAUSE A PERSON UNDER AGE EIGHTEEN WHO IS AT LEAST FOUR YEARS HIS JUNIOR TO COMMIT A FELONY DRUG ABUSE OFFENSE, WHERE THE OFFENDER KNOWS THE AGE OF SUCH PERSON OR IS RECKLESS IN THAT REGARD.

(B) DIVISION (A) (1), (3), OR (4) OF THIS SECTION DOES NOT APPLY TO MANUFACTURERS, WHOLESALERS, PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT IS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CORRUPTING ANOTHER WITH DRUGS:

- (1) IF THE DRUG INVOLVED IS ANY COMPOUND, MIX-

TURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II, WITH THE EXCEPTION OF MARIHUANA, CORRUPTING ANOTHER WITH DRUGS IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SEVEN YEARS, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWELVE YEARS.

(2) IF THE DRUG INVOLVED IS ANY COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE III, IV, OR V, CORRUPTING ANOTHER WITH DRUGS IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE YEARS, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FIVE YEARS.

(3) IF THE DRUG INVOLVED IS MARIHUANA, CORRUPTING ANOTHER WITH DRUGS IS A FELONY OF THE FOURTH DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE MONTHS, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SIX MONTHS.

Sec. 2925.03. (A) NO PERSON SHALL KNOWINGLY DO ANY OF THE FOLLOWING:

(1) SELL OR OFFER TO SELL A CONTROLLED SUBSTANCE IN AN AMOUNT LESS THAN THE MINIMUM BULK AMOUNT AS DEFINED IN SECTION 2925.01 OF THE REVISED CODE;

(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 SUCH DRUG IS INTENDED FOR SALE OR RESALE BY THE OFFENDER OR ANOTHER;

(3) CULTIVATE, MANUFACTURE, OR OTHERWISE ENGAGE IN ANY PART OF THE PRODUCTION OF A CONTROLLED SUBSTANCE;

(4) POSSESS A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THE BULK AMOUNT BUT IN AN AMOUNT LESS THAN THREE TIMES THAT AMOUNT;

(5) SELL OR OFFER TO SELL A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THE

BULK AMOUNT BUT IN AN AMOUNT LESS THAN THREE TIMES THAT AMOUNT;

(6) POSSESS A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THREE TIMES THE BULK AMOUNT;

(7) SELL OR OFFER TO SELL A CONTROLLED SUBSTANCE IN AN AMOUNT EQUAL TO OR EXCEEDING THREE TIMES THE BULK AMOUNT;

(8) PROVIDE MONEY OR OTHER ITEMS OF VALUE TO ANOTHER PERSON WITH THE PURPOSE THAT THE RECIPIENT OF THE MONEY OR ITEMS OF VALUE WOULD USE THEM TO OBTAIN CONTROLLED SUBSTANCES FOR THE PURPOSE OF SELLING OR OFFERING TO SELL SUCH CONTROLLED SUBSTANCES IN AMOUNTS EXCEEDING A BULK AMOUNT OR FOR THE PURPOSE OF VIOLATING DIVISION (A) (3) OF THIS SECTION.

(B) THIS SECTION DOES NOT APPLY TO MANUFACTURERS, PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT IS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE.

(C) IF THE DRUG INVOLVED IS ANY COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I WITH THE EXCEPTION OF MARIHUANA OR IN SCHEDULE II, WHOEVER VIOLATES THIS SECTION IS GUILTY OF AGGRAVATED TRAFFICKING.

(1) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (1) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE THIRD DEGREE, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, AGGRAVATED TRAFFICKING IS A FELONY OF THE SECOND DEGREE.

(2) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (2) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE THIRD DEGREE, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, AGGRAVATED TRAFFICKING IS A FELONY OF THE SECOND DEGREE.

(3) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (3) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, AGGRAVATED TRAFFICKING IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FIVE YEARS.

(4) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (4) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE THIRD DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF EIGHTEEN MONTHS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, AGGRAVATED TRAFFICKING IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE YEARS.

(5) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (5) OR (A) (6) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, AGGRAVATED TRAFFICKING IS A FELONY OF THE FIRST DEGREE, AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FIVE YEARS.

(6) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (7) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FIVE YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF AT LEAST SEVEN YEARS.

(7) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (8) OF THIS SECTION, AGGRAVATED TRAFFICKING IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SEVEN YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TEN YEARS.

(D) IF THE DRUG INVOLVED IS ANY COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE III, IV, OR V, WHOEVER VIOLATES THIS SECTION IS GUILTY OF TRAFFICKING IN DRUGS.

(1) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (1) OR (A) (2) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE FOURTH DEGREE AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE THIRD DEGREE.

(2) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (3) OF THIS SECTION, TRAFFICKING IN DRUGS

IS A FELONY OF THE THIRD DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF ONE YEAR AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWO YEARS.

(3) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (4) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE FOURTH DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SIX MONTHS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE THIRD DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF EIGHTEEN MONTHS.

(4) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (5) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE THIRD DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF ONE YEAR AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWO YEARS.

(5) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (6) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE THIRD DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF EIGHTEEN MONTHS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF THREE YEARS.

(6) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (7) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWO YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN DRUGS IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FOUR YEARS.

(7) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (8) OF THIS SECTION, TRAFFICKING IN DRUGS IS A FELONY OF THE FIRST DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FIVE YEARS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE,

THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SEVEN YEARS.

(E) IF THE DRUG INVOLVED IS MARIHUANA, WHOEVER VIOLATES THIS SECTION IS GUILTY OF TRAFFICKING IN MARIHUANA.

(1) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (1), (A) (2), (A) (3), OR (A) (4) OF THIS SECTION, TRAFFICKING IN MARIHUANA IS A FELONY OF THE FOURTH DEGREE AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN MARIHUANA IS A FELONY OF THE THIRD DEGREE.

(2) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (5) OR (A) (6) OF THIS SECTION, TRAFFICKING IN MARIHUANA IS A FELONY OF THE THIRD DEGREE AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, TRAFFICKING IN MARIHUANA IS A FELONY OF THE SECOND DEGREE.

(3) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (7) OF THIS SECTION, TRAFFICKING IN MARIHUANA IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SIX MONTHS AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF ONE YEAR.

(4) WHERE THE OFFENDER HAS VIOLATED DIVISION (A) (8) OF THIS SECTION, TRAFFICKING IN MARIHUANA IS A FELONY OF THE SECOND DEGREE AND THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF ONE YEAR, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWO YEARS.

(5) IF THE OFFENSE INVOLVES A GIFT OF TWENTY GRAMS OR LESS OF MARIHUANA, TRAFFICKING IN MARIHUANA IS A MINOR MISDEMEANOR FOR THE FIRST OFFENSE AND A MISDEMEANOR OF THE THIRD DEGREE FOR ANY SUBSEQUENT OFFENSE.

(F) IT SHALL BE AN AFFIRMATIVE DEFENSE, AS PROVIDED IN SECTION 2901.05 OF THE REVISED CODE, TO A CHARGE UNDER THIS SECTION FOR POSSESSING A BULK AMOUNT OF A CONTROLLED SUBSTANCE OR FOR CULTIVATING MARIHUANA THAT THE SUBSTANCE WHICH GAVE RISE TO THE CHARGE IS IN SUCH AMOUNT, IN SUCH FORM, OR IS PREPARED, COMPOUNDED, OR MIXED WITH SUBSTANCES WHICH ARE NOT CONTROLLED SUBSTANCES IN SUCH A MANNER, OR IS POSSESSED OR CULTIVATED IN

ANY OTHER CIRCUMSTANCES WHATSOEVER AS TO INDICATE THAT THE SUBSTANCE WAS SOLELY FOR PERSONAL USE.

(G) WHEN A PERSON IS CHARGED WITH POSSESSING A BULK AMOUNT OR A MULTIPLE THEREOF, 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 AND IT IS SUFFICIENT IF THE FINDING AND RETURN IS TO THE EFFECT THAT THE AMOUNT OF THE CONTROLLED SUBSTANCE INVOLVED IS A BULK AMOUNT OR THE REQUISITE MULTIPLE THEREOF, OR THAT THE AMOUNT OF THE CONTROLLED SUBSTANCE INVOLVED IS LESS THAN A BULK AMOUNT OR THE REQUISITE MULTIPLE THEREOF.

Sec. 2925.11. (A) NO PERSON SHALL KNOWINGLY OBTAIN, POSSESS, OR USE A CONTROLLED SUBSTANCE.

(B) THIS SECTION DOES NOT APPLY TO MANUFACTURERS, PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT WAS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE. THIS SECTION DOES NOT APPLY TO ANY PERSON WHO OBTAINED THE CONTROLLED SUBSTANCE PURSUANT TO A PRESCRIPTION ISSUED BY A PRACTITIONER, WHERE THE DRUG IS IN THE ORIGINAL CONTAINER IN WHICH IT WAS DISPENSED TO SUCH PERSON.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DRUG ABUSE:

(1) IF THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II, WITH THE EXCEPTION OF MARIHUANA, DRUG ABUSE IS A FELONY OF THE FOURTH DEGREE, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, DRUG ABUSE IS A FELONY OF THE THIRD DEGREE.

(2) IF THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE III, IV, OR V, DRUG ABUSE IS A MISDEMEANOR OF THE THIRD DEGREE, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, DRUG ABUSE IS A MISDEMEANOR OF THE SECOND DEGREE.

(3) IF THE DRUG INVOLVED IS MARIHUANA, DRUG

ABUSE IS A MISDEMEANOR OF THE FOURTH DEGREE, UNLESS THE AMOUNT OF MARIHUANA INVOLVED IS LESS THAN ONE HUNDRED GRAMS, THE AMOUNT OF MARIHUANA RESIN, OR EXTRACTION OR PREPARATION OF SUCH RESIN, IS LESS THAN FIVE GRAMS, AND THE AMOUNT OF SUCH RESIN IN A LIQUID CONCENTRATE, LIQUID EXTRACT, OR LIQUID DISTILLATE FORM, IS LESS THAN ONE GRAM, IN WHICH CASE DRUG ABUSE IS A MINOR MISDEMEANOR.

(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.

Sec. 2925.12. (A) NO PERSON SHALL KNOWINGLY MAKE, OBTAIN, POSSESS, OR USE ANY INSTRUMENT, ARTICLE, OR THING WHOSE CUSTOMARY AND PRIMARY PURPOSE IS FOR THE ADMINISTRATION OR USE OF A DANGEROUS DRUG, OTHER THAN MARIHUANA, WHEN THE INSTRUMENT INVOLVED IS A HYPODERMIC OR SYRINGE, WHETHER OR NOT OF CRUDE OR EXTEMPORIZED MANUFACTURE OR ASSEMBLY, AND THE INSTRUMENT, ARTICLE, OR THING INVOLVED HAS BEEN USED BY THE OFFENDER TO UNLAWFULLY ADMINISTER OR USE A DANGEROUS DRUG, OTHER THAN MARIHUANA, OR TO PREPARE A DANGEROUS DRUG, OTHER THAN MARIHUANA, FOR UNLAWFUL ADMINISTRATION OR USE.

(B) THIS SECTION DOES NOT APPLY TO MANUFACTURERS, PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT WAS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF POSSESSING DRUG ABUSE INSTRUMENTS, A MISDEMEANOR OF THE SECOND DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, VIOLATION OF THIS SECTION IS A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 2925.13. (A) NO PERSON, BEING THE OWNER, OPERATOR, OR PERSON IN CHARGE OF A LOCOMOTIVE, WATERCRAFT, AIRCRAFT, OR OTHER VEHICLES AS DEFINED IN DIVISION (A) OF SECTION 4501.01 OF THE RE-

REVISED CODE, SHALL KNOWINGLY PERMIT SUCH VEHICLE TO BE USED FOR COMMISSION OF A FELONY DRUG ABUSE OFFENSE.

(B) NO PERSON, BEING THE OWNER, LESSEE, OR OCCUPANT, OR HAVING CUSTODY, CONTROL, OR SUPERVISION OF PREMISES, OR REAL ESTATE, INCLUDING VACANT LAND, SHALL KNOWINGLY PERMIT PREMISES, OR REAL ESTATE, INCLUDING VACANT LAND, TO BE USED FOR COMMISSION OF A FELONY DRUG ABUSE OFFENSE BY ANOTHER PERSON.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PERMITTING DRUG ABUSE, A MISDEMEANOR OF THE FIRST DEGREE, AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, PERMITTING DRUG ABUSE IS A FELONY OF THE FOURTH DEGREE.

(D) VEHICLES USED IN VIOLATION OF DIVISION (A) OF THIS SECTION SHALL BE SEIZED AND FORFEITED TO THE MUNICIPAL CORPORATION OR COUNTY IN WHICH SUCH VIOLATION OCCURRED, UPON MOTION TO THE COMMON PLEAS COURT, EXCEPT THAT IF THE VIOLATION OCCURS IN A TOWNSHIP AND THE OFFENDER IS LAWFULLY ARRESTED BY A LAW ENFORCEMENT OFFICER EMPLOYED BY THE TOWNSHIP, THE COURT SHALL ORDER THE VEHICLE FORFEITED TO THE TOWNSHIP. FORFEITURE SHALL NOT APPLY TO COMMON CARRIERS OR INNOCENT OWNERS, NOR SHALL THEY AFFECT THE RIGHTS OF A HOLDER OF A VALID LIEN.

Sec. 2925.21. (A) NO PERSON SHALL OBTAIN ANY DANGEROUS DRUG BY ATTEMPTING OR COMMITTING A THEFT OFFENSE AS DEFINED IN SECTION 2913.01 OF THE REVISED CODE.

(B) NO PERSON SHALL OBTAIN ANY DANGEROUS DRUG BY ATTEMPTING OR COMMITTING A THEFT OFFENSE AS DEFINED IN SECTION 2913.01 OF THE REVISED CODE, AND AT THE TIME OF SUCH ATTEMPT OR OFFENSE OR IN FLEEING IMMEDIATELY AFTER SUCH ATTEMPT OR OFFENSE, USE OR THREATEN THE IMMEDIATE USE OF FORCE AGAINST ANOTHER.

(C) NO PERSON SHALL OBTAIN ANY DANGEROUS DRUG BY ATTEMPTING OR COMMITTING A THEFT OFFENSE AS DEFINED IN SECTION 2913.01 OF THE REVISED CODE AND AT THE TIME OF SUCH ATTEMPT OR OFFENSE OR IN FLEEING IMMEDIATELY AFTER SUCH ATTEMPT OR OFFENSE HAVE A DEADLY WEAPON OR DANGEROUS ORDINANCE AS DEFINED IN SECTION 2923.11 OF THE REVISED CODE ON OR ABOUT HIS PERSON OR UNDER HIS

CONTROL, OR INFLICT OR ATTEMPT TO INFLICT SERIOUS PHYSICAL HARM ON ANOTHER.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF THEFT OF DRUGS. A VIOLATION OF DIVISION (A) OF THIS SECTION IS A FELONY OF THE FOURTH DEGREE AND IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, A VIOLATION OF DIVISION (A) OF THIS SECTION IS A FELONY OF THE THIRD DEGREE. A VIOLATION OF DIVISION (B) OF THIS SECTION IS A FELONY OF THE SECOND DEGREE AND, WHERE THE OFFENDER IS A PRINCIPAL OFFENDER, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF TWO YEARS. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, A VIOLATION OF DIVISION (B) OF THIS SECTION IS A FELONY OF THE FIRST DEGREE AND WHERE THE OFFENDER IS A PRINCIPAL OFFENDER, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FOUR YEARS. A VIOLATION OF DIVISION (C) OF THIS SECTION IS A FELONY OF THE FIRST DEGREE AND, WHERE THE OFFENDER IS A PRINCIPAL OFFENDER, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF FOUR YEARS. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE AND IS A PRINCIPAL OFFENDER, THE COURT SHALL IMPOSE A SENTENCE OF ACTUAL INCARCERATION OF SEVEN YEARS.

Sec. 2925.22. (A) NO PERSON, BY DECEPTION AS DEFINED IN SECTION 2913.01 OF THE REVISED CODE, SHALL PROCURE THE ADMINISTRATION OF, A PRESCRIPTION FOR, OR THE DISPENSING OF, A DANGEROUS DRUG, OR 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, A MISDEMEANOR OF THE FIRST DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, DECEPTION TO OBTAIN DRUGS IS A FELONY OF THE FOURTH DEGREE. IF THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II, WITH THE EXCEPTION OF MARIHUANA, DECEPTION TO OBTAIN DRUGS IS A FELONY OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE AND THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II WITH THE EXCEPTION OF MARIHUANA, DECEPTION TO OBTAIN DRUGS IS A FELONY OF THE THIRD DEGREE.

Sec. 2925.23. (A) NO PERSON SHALL KNOWINGLY MAKE A FALSE STATEMENT IN ANY PRESCRIPTION, ORDER, REPORT, OR RECORD REQUIRED BY CHAPTER 3719. OF THE REVISED CODE.

(B) NO PERSON SHALL INTENTIONALLY MAKE, UTTER, OR SELL, OR KNOWINGLY POSSESS 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 SECTION 4729.60 OF THE REVISED CODE;**
- (5) REGISTRATION CERTIFICATE FOR A WHOLESALE DISTRIBUTOR OF DANGEROUS DRUGS AS REQUIRED IN SECTION 4729.60 OF THE REVISED CODE.**

(C) NO PERSON, BY THEFT AS DEFINED IN SECTION 2913.02 OF THE REVISED CODE, 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 SECTION 4729.60 OF THE REVISED CODE;**
- (6) A REGISTRATION CERTIFICATE OR BLANK REGISTRATION CERTIFICATE FOR A WHOLESALE DISTRIBUTOR OF DANGEROUS DRUGS AS REQUIRED IN SECTION 4729.60 OF THE REVISED CODE.**

(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) OF THIS SECTION DO NOT APPLY TO PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT IS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE.

(F) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ILLEGAL PROCESSING OF DRUG DOCUMENTS, A FELONY OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, ILLEGAL PROCESSING OF DRUG DOCUMENTS IS

A FELONY OF THE THIRD DEGREE. IF THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II WITH THE EXCEPTION OF MARIHUANA, ILLEGAL PROCESSING OF DRUG DOCUMENTS IS A FELONY OF THE THIRD DEGREE. IF THE DRUG INVOLVED IS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I OR II WITH THE EXCEPTION OF MARIHUANA, AND THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A FELONY DRUG ABUSE OFFENSE, ILLEGAL PROCESSING OF DRUG DOCUMENTS IS A FELONY OF THE SECOND DEGREE.

Sec. 2925.31. (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 MISDEMEANOR OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, ABUSING HARMFUL INTOXICANTS IS A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 2925.36. (A) NO PERSON SHALL KNOWINGLY FURNISH ANOTHER A SAMPLE DRUG.

(B) DIVISION (A) OF THIS SECTION DOES NOT APPLY TO MANUFACTURERS, WHOLESALERS, PRACTITIONERS, PHARMACISTS, OWNERS OF PHARMACIES, AND OTHER PERSONS WHOSE CONDUCT IS IN ACCORDANCE WITH CHAPTERS 3719., 4715., 4729., 4731., AND 4741. OF THE REVISED CODE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ILLEGAL DISPENSING OF DRUG SAMPLES, A MISDEMEANOR OF THE SECOND DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A DRUG ABUSE OFFENSE, ILLEGAL DISPENSING OF DRUG SAMPLES IS A MISDEMEANOR OF THE FIRST DEGREE. IF THE DRUG INVOLVED 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 FELONY OF THE FOURTH DEGREE.

Sec. 2925.50. IF A VIOLATION OF THIS CHAPTER IS A VIOLATION OF FEDERAL NARCOTIC LAWS, AS DEFINED IN SECTION 3719.01 OF THE REVISED CODE, A CONVICTION OR ACQUITTAL UNDER FEDERAL NARCOTIC LAWS FOR THE SAME ACT IS A BAR TO PROSECUTION IN THIS STATE.

Sec. 2925.51. (A) IN ANY CRIMINAL PROSECUTION FOR A VIOLATION OF THIS CHAPTER OR CHAPTER 3719. OF THE REVISED CODE, A LABORATORY REPORT FROM THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION OR A LABORATORY OPERATED BY ANOTHER LAW ENFORCEMENT AGENCY AND SIGNED BY THE PERSON PERFORMING THE ANALYSIS, STATING THAT THE SUBSTANCE WHICH IS THE BASIS OF THE ALLEGED OFFENSE HAS BEEN WEIGHED AND ANALYZED AND STATING THE FINDINGS AS TO THE CONTENT, WEIGHT, AND IDENTITY OF SUCH SUBSTANCE AND THAT IT CONTAINS ANY AMOUNT OF A CONTROLLED SUBSTANCE AND THE NUMBER AND DESCRIPTION OF UNIT DOSAGES, IS PRIMA-FACIE EVIDENCE OF THE CONTENT, IDENTITY, AND WEIGHT OR THE EXISTENCE AND NUMBER OF UNIT DOSAGES OF SUCH SUBSTANCE.

ATTACHED TO THAT REPORT SHALL BE A COPY OF A NOTARIZED STATEMENT BY THE SIGNER OF THE REPORT GIVING THE NAME AND RESIDENCE ADDRESS OF THE SIGNER AND STATING THAT HE IS AN EMPLOYEE OF THE LABORATORY ISSUING THE REPORT AND THAT PERFORMING SUCH ANALYSIS IS A PART OF HIS REGULAR DUTIES, AND GIVING AN OUTLINE OF HIS EDUCATION, TRAINING, AND EXPERIENCE FOR PERFORMING 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 LABORATORY CUSTODY.

THE NOTARIZED STATEMENT SHALL BE DATED NO EARLIER THAN NINETY DAYS PRIOR TO THE DATE OF INTRODUCTION INTO EVIDENCE AT ANY PROCEEDING.

(B) THE PROSECUTING ATTORNEY SHALL SERVE A COPY OF SUCH REPORT ON THE ATTORNEY OF RECORD FOR THE ACCUSED, OR ON THE ACCUSED IF HE HAS NO ATTORNEY, WITHIN THREE DAYS OF RECEIPT BUT NOT LATER THAN FOURTEEN DAYS PRIOR TO ANY PROCEEDING IN WHICH SUCH REPORT IS TO BE USED AGAINST THE ACCUSED OTHER THAN AT A PRELIMINARY HEARING WHERE THE REPORT MAY BE USED WITHOUT HAVING BEEN PREVIOUSLY SERVED UPON THE ACCUSED.

(C) SUCH REPORT SHALL NOT BE PRIMA-FACIE EVIDENCE OF THE CONTENTS, IDENTITY, AND WEIGHT OR THE EXISTENCE AND NUMBER OF UNIT DOSAGES OF SUCH SUBSTANCE IF THE ACCUSED OR HIS ATTORNEY DEMANDS THE TESTIMONY OF THE PERSON SIGNING THE REPORT, BY SERVING SUCH DEMAND UPON THE PROSECUTING ATTORNEY WITHIN SEVEN DAYS FROM THE AC-

CUSED OR HIS ATTORNEY'S RECEIPT OF SUCH REPORT. SUCH 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) IN NO EVENT SHALL THE PROSECUTING ATTORNEY SUBMIT THE REPORT DESCRIBED IN DIVISION (A) OF THIS SECTION INTO EVIDENCE IN ANY PROCEEDING OR OTHERWISE SUBMIT ANY LABORATORY ANALYSIS EVIDENCE OF A SUBSTANCE THAT IS THE BASIS OF AN ALLEGED VIOLATION OF THIS CHAPTER OR OF CHAPTER 3719. OF THE REVISED CODE, UNLESS HE COMPLIES WITH ALL THE REQUIREMENTS SET FORTH IN DIVISIONS (A), (B), (C), AND (D) OF THIS SECTION AND UNLESS BOTH OF THE FOLLOWING OCCUR:

(1) ONE-HALF OF THE TOTAL AMOUNT OF THE SUBSTANCE THAT IS THE BASIS OF THE LABORATORY ANALYSIS DESCRIBED IN DIVISION (A) OF THIS SECTION IS EXEMPTED FROM SUCH ANALYSIS AND IS PRESERVED FOR THE BENEFIT OF LABORATORY ANALYSIS BY THE ACCUSED OR HIS AGENTS AND EMPLOYEES;

(2) NOT LATER THAN FOURTEEN DAYS BEFORE ANY PROCEEDING IN WHICH SUCH EVIDENCE IS SUBMITTED, THE PROSECUTING ATTORNEY INFORMS THE ACCUSED OR HIS ATTORNEY THAT HE HAS A RIGHT TO HAVE A PORTION OF THE SUBSTANCE ANALYZED BY A LABORATORY ANALYST OF HIS CHOICE, OR, IF HE CANNOT AFFORD THE COST OF SUCH ANALYSIS, BY A LABORATORY ANALYST APPOINTED BY THE COURT.

Sec. 2929.01. As used in sections 2929.01 to 2929.51 of the Revised Code:

(A) "Repeat offender" means a person who has a history of persistent criminal activity, and whose character and condition reveal a substantial risk that he will commit another offense. It is prima-facie evidence that a person is a repeat offender if any of the following apply:

(1) Having been convicted of one or more offenses of violence, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense of violence;

(2) Having been convicted of one or more sex offenses as defined in section 2950.01 of the Revised Code, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent sex offense;

(3) Having been convicted of one or more theft offenses as

defined in section 2913.01 of the Revised Code, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent theft offense;

(4) HAVING BEEN CONVICTED OF ONE OR MORE FELONY DRUG ABUSE OFFENSES AS DEFINED IN CHAPTER 2925. OF THE REVISED CODE, AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT FELONY DRUG ABUSE OFFENSE;

~~(4)~~ (5) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense;

~~(5)~~ (6) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors, and having been imprisoned pursuant to sentence for any such offense, he commits a subsequent offense.

(B) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that he will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences. "Dangerous offender" includes, without limitation, psychopathic offender as defined in section 2947.24 of the Revised Code.

Sec. 2935.03. A sheriff, deputy sheriff, marshal, deputy marshal, or police officer shall arrest and detain a person found violating a law of this state, or an ordinance of a municipal corporation, until a warrant can be obtained.

When there is reasonable ground to believe that an offense of violence, or a theft offense as defined in section 2913.01 of the Revised Code, OR A FELONY DRUG ABUSE OFFENSE AS DEFINED IN SECTION 2925.01 OF THE REVISED CODE, has been committed, a sheriff, deputy sheriff, marshal, deputy marshal, or police officer may arrest without a warrant any person whom he has reasonable cause to believe is guilty of the violation, and detain him until a warrant can be obtained.

A constable within the limits of the township in which said constable has been appointed or elected, shall arrest and detain a person found by him in the commission of a misdemeanor, either in violation of a law of this state or an ordinance of a village, until a warrant can be obtained.

Sec. 2937.281. In cases of felony, the recognizance shall be signed by the accused and one or more adult residents of the county in which the case is pending, who shall own, in the aggregate, real property double the amount set as bail, over and above all encumbrances and liable to execution in at least that amount; or it

may be signed by the accused and a surety company authorized to do business in this state.

In cases of misdemeanor, the recognizance may be signed by the accused and one or more adult residents, qualified as set forth above or as to personal property ownership, by the accused and surety company, or, if authorized by judge or magistrate, by the accused alone. In cases of misdemeanors arising under Chapters 4501., 4503., 4505., 4507., 4509., 4511., 4513., 4517., and 4549. of the Revised Code, and related ordinance offenses (except those of driving under the influence of intoxicating liquor or narcotic drugs CONTROLLED SUBSTANCES and leaving the scene of an accident) the court or magistrate shall accept guaranteed arrest bond with respect to which a surety company has become surety as provided in section 3929.141 of the Revised Code in lieu of cash bail in an amount not to exceed two hundred dollars.

Sec. 2951.04. (A) IF THE COURT HAS REASON TO BELIEVE THAT AN OFFENDER CONVICTED OF A FELONY OR MISDEMEANOR IS A DRUG DEPENDENT PERSON OR IS IN DANGER OF BECOMING A DRUG DEPENDENT PERSON, THE COURT MAY, AND WHEN THE OFFENDER HAS BEEN CONVICTED, THE COURT SHALL ADVISE THE OFFENDER THAT HE HAS A RIGHT TO REQUEST CONDITIONAL PROBATION FOR PURPOSES OF TREATMENT AND REHABILITATION.

(B) WITHIN A REASONABLE TIME AFTER RECEIPT OF THE REQUEST FOR CONDITIONAL PROBATION, THE COURT SHALL HOLD A HEARING TO DETERMINE IF THE OFFENDER IS ELIGIBLE FOR CONDITIONAL PROBATION. THE OFFENDER IS ELIGIBLE FOR CONDITIONAL PROBATION IF THE COURT FINDS THAT:

(1) THE OFFENDER IS DRUG DEPENDENT OR IS IN DANGER OF BECOMING DRUG DEPENDENT AND HE MAY BENEFIT FROM TREATMENT;

(2) THE OFFENDER HAS BEEN ACCEPTED INTO AN APPROPRIATE DRUG TREATMENT FACILITY OR PROGRAM. AN APPROPRIATE FACILITY OR PROGRAM FOR REHABILITATION OR TREATMENT INCLUDES A SPECIAL FACILITY ESTABLISHED BY THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION PURSUANT TO SECTION 5122.041 OF THE REVISED CODE, A PROGRAM LICENSED BY THE DIRECTOR PURSUANT TO SECTION 5122.50 OF THE REVISED CODE, A PROGRAM CERTIFIED BY THE DIRECTOR PURSUANT TO DIVISION (C) OF SECTION 5122.51 OF THE REVISED CODE, A PUBLIC OR PRIVATE HOSPITAL, THE VETERANS ADMINISTRATION OR OTHER AGENCIES OF THE FEDERAL GOVERNMENT, OR PRIVATE CARE OR TREATMENT RENDERED BY A PHYSICIAN OR A PSYCHOLOGIST LICENSED IN THE STATE;

(8) THE OFFENDER HAS COMMITTED AN OFFENSE FOR WHICH PROBATION MAY BE GRANTED IN ACCORDANCE WITH SECTION 2951.02 OF THE REVISED CODE. FOR PURPOSES OF THIS SECTION, THE FACT THAT AN OFFENDER IS A REPEAT OFFENDER AS DEFINED IN SECTION 2929.01 OF THE REVISED CODE SHALL NOT CONCLUSIVELY BAR HIM FROM CONDITIONAL PROBATION AUTHORIZED BY THIS SECTION IF THE OFFENSES FOR WHICH HE HAS BEEN CONVICTED AND FOR WHICH HE PREVIOUSLY HAD BEEN IMPRISONED INVOLVED VIOLATIONS OF SECTION 2925.11 OR 2925.12 OF THE REVISED CODE OR WOULD HAVE BEEN VIOLATIONS OF THAT SECTION HAD IT BEEN IN EFFECT AT THE TIME OF THE VIOLATIONS.

(C) IF THE COURT FINDS THAT AN OFFENDER IS ELIGIBLE FOR CONDITIONAL PROBATION, THE COURT MAY SUSPEND EXECUTION OF THE SENTENCE IMPOSED AFTER COMPLETION OF ANY PERIOD OF ACTUAL INCARCERATION WHICH MAY BE REQUIRED BY CHAPTER 2925, OF THE REVISED CODE, AND PLACE THE OFFENDER ON PROBATION SUBJECT TO CHAPTER 2951, OF THE REVISED CODE AND UNDER THE CONTROL AND SUPERVISION OF THE COUNTY PROBATION DEPARTMENT OR THE ADULT PAROLE AUTHORITY.

PROBATION UNDER THIS SECTION SHALL BE CONDITIONED UPON THE OFFENDER'S VOLUNTARY ENTRANCE INTO AN APPROPRIATE TREATMENT PROGRAM OR FACILITY AND HIS FAITHFUL SUBMISSION TO THE TREATMENT PRESCRIBED FOR HIS DRUG DEPENDENCE OR DANGER OF DRUG DEPENDENCE AND UPON OTHER CONDITIONS AS THE COURT ORDERS.

THE COURT SHALL NOT SUSPEND EXECUTION OF A SENTENCE AND PLACE THE OFFENDER ON PROBATION UNTIL THE COURT AFFIRMATIVELY FINDS THAT THE OFFENDER IS NOT, OR THERE IS NO SUBSTANTIAL RISK OF HIS BECOMING, A DANGEROUS OFFENDER AS DEFINED IN SECTION 2929.01 OF THE REVISED CODE AND SUCH FINDING IS ENTERED INTO THE RECORD.

PROBATION GRANTED UNDER THIS SECTION SHALL CONTINUE FOR SUCH PERIOD AS THE COURT DETERMINES. THE PERIOD OF PROBATION MAY BE EXTENDED, BUT THE TOTAL PERIOD OF PROBATION, WHETHER FOR TREATMENT OR OTHERWISE, SHALL NOT EXCEED FIVE YEARS.

(D) AT SUCH HEARING PROVIDED FOR IN DIVISION (B) OF THIS SECTION, THE OFFENDER AND THE PROSECUTING ATTORNEY SHALL BE AFFORDED THE OPPORTUNITY TO PRESENT EVIDENCE TO ESTABLISH HIS ELIGIBILITY FOR PROBATION UNDER THIS SECTION.

UPON THE REQUEST OF THE OFFENDER, AND TO AID

THE OFFENDER IN ESTABLISHING HIS ELIGIBILITY FOR PROBATION, THE COURT MAY REFER THE OFFENDER FOR MEDICAL AND PSYCHIATRIC EXAMINATION TO THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION OR TO A STATE FACILITY DESIGNATED BY THE DEPARTMENT, TO A PSYCHIATRIC CLINIC APPROVED BY THE DEPARTMENT, OR TO A PROGRAM OR FACILITY DESCRIBED IN DIVISION (B) (2) OF THIS SECTION. HOWEVER, THE PSYCHIATRIC PORTION OF A REFERRAL PURSUANT TO THIS DIVISION SHALL BE PERFORMED ONLY BY A COURT APPOINTED INDIVIDUAL WHO HAS NOT PREVIOUSLY TREATED THE OFFENDER OR ANY MEMBER OF HIS IMMEDIATE FAMILY.

(E) TREATMENT OF DRUG DEPENDENT PERSONS OR PERSONS IN DANGER OF BECOMING A DRUG DEPENDENT PERSON PLACED ON PROBATION UNDER THIS SECTION MAY INCLUDE: HOSPITALIZATION UNDER CLOSE SUPERVISION OR OTHERWISE; RELEASE ON AN OUT-PATIENT STATUS UNDER SUPERVISION; AND SUCH OTHER TREATMENT OR AFTER-CARE AS THE APPROPRIATE TREATMENT FACILITY OR PROGRAM CONSIDERS NECESSARY OR DESIRABLE TO REHABILITATE SUCH PERSON OR PERSONS, INCLUDING THE CONTINUED MAINTENANCE OF AN EXISTING DRUG DEPENDENCE THROUGH THE ADMINISTRATION OF METHADONE PURSUANT TO SECTION 3719.61 OF THE REVISED CODE. AN OFFENDER RELEASED FROM HOSPITALIZATION OR TREATMENT BUT STILL SUBJECT TO THE TERM OF PROBATION MAY BE REHOSPITALIZED OR RETURNED TO TREATMENT AT ANY TIME IT BECOMES NECESSARY.

(F) IF, AT ANY TIME AFTER TREATMENT HAS COMMENCED, THE APPROPRIATE TREATING FACILITY OR PROGRAM REPORTS TO THE PROBATION OFFICER THAT THE OFFENDER IS REHABILITATED AND FURTHER TREATMENT IS UNNECESSARY, OR THAT MAXIMUM BENEFIT OR TREATMENT HAS BEEN ACHIEVED, THE OFFENDER SHALL BE RELIEVED OF THE CONDITION OF TREATMENT, AND THE COURT MAY DISCHARGE HIM OR PLACE HIM ON AN ADDITIONAL PERIOD OF PROBATION, UPON SUCH CONDITIONS AS THE COURT CONSIDERS NECESSARY. IF, AT ANY TIME AFTER TREATMENT HAS COMMENCED, THE TREATING FACILITY OR PROGRAM REPORTS TO THE PROBATION OFFICER THAT THE OFFENDER FAILS TO SUBMIT TO OR FOLLOW THE PRESCRIBED TREATMENT, OR BECOMES A DISCIPLINE PROBLEM, THE OFFENDER SHALL BE ARRESTED AS PROVIDED IN SECTION 2951.08 OF THE REVISED CODE AND BE REMOVED FROM THE TREATMENT PROGRAM OR FACILITY. SUCH FAILURE AND REMOVAL SHALL BE CONSIDERED BY THE COURT AS A VIOLATION OF THE CONDITIONS OF PROBATION AND DEALT WITH

ACCORDING TO LAW AS IN OTHER CASES OF PROBATION VIOLATION. AT ANY TIME AND FOR ANY APPROPRIATE REASON, THE OFFENDER, HIS PROBATION OFFICER, THE AUTHORITY OR DEPARTMENT THAT HAS THE DUTY TO CONTROL AND SUPERVISE THE OFFENDER AS PROVIDED FOR IN SECTION 2951.05 OF THE REVISED CODE, OR THE TREATING FACILITY OR PROGRAM MAY PETITION THE COURT TO RECONSIDER, SUSPEND, OR MODIFY ITS ORDER FOR TREATMENT CONCERNING THAT PERSON.

(G) THE TREATING FACILITY OR PROGRAM SHALL REPORT TO THE AUTHORITY OR DEPARTMENT WHO HAS THE DUTY TO CONTROL AND SUPERVISE THE OFFENDER AS PROVIDED FOR IN SECTION 2951.05 OF THE REVISED CODE, AT ANY PERIODIC REPORTING PERIOD THE COURT REQUIRES AND WHENEVER THE OFFENDER IS CHANGED FROM AN IN-PATIENT TO AN OUT-PATIENT, IS TRANSFERRED TO ANOTHER TREATMENT FACILITY OR PROGRAM, FAILS TO SUBMIT TO OR FOLLOW THE PRESCRIBED TREATMENT, BECOMES A DISCIPLINE PROBLEM, IS REHABILITATED, OR OBTAINS THE MAXIMUM BENEFIT OF TREATMENT.

(H) ANY OFFENDER PLACED ON PROBATION BY THE TERMS OF THIS SECTION SHALL BE LIABLE FOR EXPENSES INCURRED DURING THE COURSE OF TREATMENT AND IF THE OFFENDER IS TREATED IN A BENEVOLENT INSTITUTION UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, HE IS SUBJECT TO THE PROVISIONS OF CHAPTER 5121. OF THE REVISED CODE.

Sec. 2951.041. (A) IF THE COURT HAS REASON TO BELIEVE THAT AN OFFENDER CHARGED WITH A FELONY OR MISDEMEANOR IS A DRUG DEPENDENT PERSON OR IS IN DANGER OF BECOMING A DRUG DEPENDENT PERSON, THE COURT SHALL, PRIOR TO THE ENTRY OF A PLEA, ACCEPT THAT OFFENDER'S REQUEST FOR TREATMENT IN LIEU OF CONVICTION. IF THE OFFENDER REQUESTS TREATMENT IN LIEU OF CONVICTION, THE COURT SHALL STAY ALL CRIMINAL PROCEEDINGS PENDING THE OUTCOME OF THE HEARING TO DETERMINE WHETHER THE OFFENDER IS A PERSON ELIGIBLE FOR TREATMENT IN LIEU OF CONVICTION. AT THE CONCLUSION OF THE HEARING, THE COURT SHALL ENTER ITS FINDINGS AND ACCEPT THE OFFENDER'S PLEA.

(B) THE OFFENDER IS ELIGIBLE FOR TREATMENT IN LIEU OF CONVICTION IF THE COURT FINDS THAT:

(1) THE OFFENDER'S DRUG DEPENDENCE OR DANGER OF DRUG DEPENDENCE WAS A FACTOR LEADING TO THE CRIMINAL ACTIVITY WITH WHICH HE IS CHARGED,

AND REHABILITATION THROUGH TREATMENT WOULD SUBSTANTIALLY REDUCE THE LIKELIHOOD OF ADDITIONAL CRIMINAL ACTIVITY;

(2) THE OFFENDER HAS BEEN ACCEPTED INTO AN APPROPRIATE DRUG TREATMENT FACILITY OR PROGRAM. AN APPROPRIATE FACILITY OR PROGRAM FOR REHABILITATION OR TREATMENT INCLUDES A SPECIAL FACILITY ESTABLISHED BY THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION PURSUANT TO SECTION 5122.041 OF THE REVISED CODE, A PROGRAM LICENSED BY THE DIRECTOR PURSUANT TO SECTION 5122.50 OF THE REVISED CODE, A PROGRAM CERTIFIED BY THE DIRECTOR PURSUANT TO DIVISION (C) OF SECTION 5122.51 OF THE REVISED CODE, A PUBLIC OR PRIVATE HOSPITAL, THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE FEDERAL GOVERNMENT, OR PRIVATE CARE OR TREATMENT RENDERED BY A PHYSICIAN OR A PSYCHOLOGIST LICENSED IN THE STATE;

(3) IF THE OFFENDER WERE CONVICTED HE WOULD BE ELIGIBLE FOR PROBATION UNDER SECTION 2951.02 OF THE REVISED CODE, EXCEPT THAT A FINDING OF ANY OF THE CRITERIA LISTED IN DIVISIONS (D) AND (F) OF THAT SECTION SHALL CAUSE THE OFFENDER TO BE CONCLUSIVELY INELIGIBLE FOR TREATMENT IN LIEU OF CONVICTION;

(4) THE OFFENDER IS NOT A "REPEAT OFFENDER" OR "DANGEROUS OFFENDER" AS DEFINED IN SECTION 2929.01 OF THE REVISED CODE;

(5) THE OFFENDER IS NOT CHARGED WITH ANY OFFENSE DEFINED IN SECTION 2925.02, 2925.03, OR 2925.21 OF THE REVISED CODE.

UPON SUCH A FINDING AND WHERE THE OFFENDER ENTERS A PLEA OF GUILTY OR NO CONTEST, THE COURT MAY STAY ALL CRIMINAL PROCEEDINGS AND ORDER THE OFFENDER TO A PERIOD OF REHABILITATION. WHERE A PLEA OF NOT GUILTY IS ENTERED, A TRIAL SHALL PRECEDE FURTHER CONSIDERATION OF THE OFFENDER'S REQUEST FOR TREATMENT IN LIEU OF CONVICTION.

(C) THE OFFENDER AND THE PROSECUTING ATTORNEY SHALL BE AFFORDED THE OPPORTUNITY TO PRESENT EVIDENCE TO ESTABLISH ELIGIBILITY FOR TREATMENT IN LIEU OF CONVICTION, AND THE PROSECUTOR MAY MAKE A RECOMMENDATION TO THE COURT CONCERNING WHETHER OR NOT THE OFFENDER SHOULD RECEIVE TREATMENT IN LIEU OF CONVICTION. UPON THE REQUEST OF THE OFFENDER AND TO AID THE OFFENDER IN ESTABLISHING HIS ELIGIBILITY FOR TREATMENT IN LIEU OF CONVICTION, THE COURT MAY REFER THE OFFENDER FOR MEDICAL AND PSYCHIATRIC EXAMINATION

TO THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION OR TO A STATE FACILITY DESIGNATED BY THE DEPARTMENT, TO A PSYCHIATRIC CLINIC APPROVED BY THE DEPARTMENT, OR TO A PROGRAM OR FACILITY DESCRIBED IN DIVISION (B) (2) OF THIS SECTION. HOWEVER, THE PSYCHIATRIC PORTION OF AN EXAMINATION PURSUANT TO A REFERRAL UNDER THIS DIVISION SHALL BE PERFORMED ONLY BY A COURT APPOINTED INDIVIDUAL WHO HAS NOT PREVIOUSLY TREATED THE OFFENDER OR A MEMBER OF HIS IMMEDIATE FAMILY.

(D) AN OFFENDER FOUND TO BE ELIGIBLE FOR TREATMENT IN LIEU OF CONVICTION AND ORDERED TO A PERIOD OF REHABILITATION SHALL BE PLACED UNDER THE CONTROL AND SUPERVISION OF THE COUNTY PROBATION DEPARTMENT OR THE ADULT PAROLE AUTHORITY AS PROVIDED IN CHAPTER 2951. OF THE REVISED CODE AS IF HE WERE ON PROBATION. THE COURT SHALL ORDER A PERIOD OF REHABILITATION TO CONTINUE FOR SUCH PERIOD AS THE JUDGE OR MAGISTRATE DETERMINES WHICH MAY BE EXTENDED BUT THE TOTAL PERIOD SHALL NOT EXCEED THREE YEARS. THE PERIOD OF REHABILITATION SHALL BE CONDITIONED UPON THE OFFENDER'S VOLUNTARY ENTRANCE INTO AN APPROPRIATE TREATMENT FACILITY OR PROGRAM, FAITHFUL SUBMISSION TO PRESCRIBED TREATMENT, AND UPON SUCH OTHER CONDITIONS AS THE COURT ORDERS.

(E) TREATMENT OF A PERSON ORDERED TO A PERIOD OF REHABILITATION UNDER THIS SECTION MAY INCLUDE HOSPITALIZATION UNDER CLOSE SUPERVISION OR OTHERWISE, RELEASE ON AN OUT-PATIENT STATUS UNDER SUPERVISION, AND SUCH OTHER TREATMENT OR AFTER-CARE AS THE APPROPRIATE TREATMENT FACILITY OR PROGRAM CONSIDERS NECESSARY OR DESIRABLE TO REHABILITATE SUCH PERSON. PERSONS RELEASED FROM HOSPITALIZATION OR TREATMENT BUT STILL SUBJECT TO THE ORDERED TERM OF REHABILITATION MAY BE REHOSPITALIZED OR RETURNED TO TREATMENT AT ANY TIME IT BECOMES NECESSARY FOR THEIR TREATMENT AND REHABILITATION.

(F) IF THE TREATING FACILITY OR PROGRAM REPORTS TO THE PROBATION OFFICER THAT THE OFFENDER HAS SUCCESSFULLY COMPLETED TREATMENT AND IS REHABILITATED, THE COURT MAY DISMISS THE CHARGES PENDING AGAINST THE OFFENDER. IF THE TREATING FACILITY OR PROGRAM REPORTS THAT THE OFFENDER HAS SUCCESSFULLY COMPLETED TREATMENT AND IS REHABILITATED OR HAS OBTAINED MAXIMUM BENEFITS FROM THE TREATMENT PROGRAM, AND THAT THE OFFENDER COMPLETES THE PERIOD OF REHABILITATION

AND OTHER CONDITIONS ORDERED BY THE COURT, THE COURT SHALL DISMISS THE CHARGES PENDING AGAINST THE OFFENDER. IF THE TREATING FACILITY OR PROGRAM REPORTS THAT THE OFFENDER HAS FAILED TREATMENT, OR IF THE OFFENDER DOES NOT SATISFACTORILY COMPLETE THE PERIOD OF REHABILITATION OR THE OTHER CONDITIONS ORDERED BY THE COURT, THE COURT MAY TAKE SUCH ACTIONS AS IT DEEMS APPROPRIATE. UPON VIOLATION OF THE CONDITIONS OF THE PERIOD OF REHABILITATION, THE COURT MAY ENTER AN ADJUDICATION OF GUILT AND PROCEED AS OTHERWISE PROVIDED. IF AT ANY TIME AFTER TREATMENT HAS COMMENCED, THE TREATING FACILITY OR PROGRAM REPORTS THAT THE OFFENDER FAILS TO SUBMIT TO OR FOLLOW THE PRESCRIBED TREATMENT, THE OFFENDER SHALL BE ARRESTED AS PROVIDED IN SECTION 2951.08 OF THE REVISED CODE AND REMOVED FROM THE TREATMENT PROGRAM OR FACILITY. SUCH FAILURE AND REMOVAL SHALL BE CONSIDERED BY THE COURT AS A VIOLATION OF THE CONDITIONS OF THE PERIOD OF REHABILITATION AND DEALT WITH ACCORDING TO LAW AS IN CASES OF PROBATION VIOLATION. AT ANY TIME AND FOR ANY APPROPRIATE REASON, THE OFFENDER, HIS PROBATION OFFICER, THE AUTHORITY OR DEPARTMENT THAT HAS THE DUTY TO CONTROL AND SUPERVISE THE OFFENDER AS PROVIDED FOR IN SECTION 2951.05 OF THE REVISED CODE, OR THE TREATING FACILITY OR PROGRAM MAY PETITION THE COURT TO RECONSIDER, SUSPEND, OR MODIFY ITS ORDER FOR TREATMENT CONCERNING THAT PERSON.

(G) THE TREATING FACILITY OR PROGRAM SHALL REPORT TO THE AUTHORITY OR DEPARTMENT WHO HAS THE DUTY TO CONTROL AND SUPERVISE THE OFFENDER AS PROVIDED FOR IN SECTION 2951.05 OF THE REVISED CODE, AT ANY PERIODIC REPORTING PERIOD THE COURT REQUIRES AND WHENEVER THE OFFENDER IS CHANGED FROM AN IN-PATIENT TO AN OUT-PATIENT, IS TRANSFERRED TO ANOTHER TREATMENT FACILITY OR PROGRAM, FAILS TO SUBMIT TO OR FOLLOW THE PRESCRIBED TREATMENT, BECOMES A DISCIPLINE PROBLEM, IS REHABILITATED, OR OBTAINS THE MAXIMUM BENEFIT OF TREATMENT.

(H) IF, ON THE OFFENDER'S MOTION, THE COURT FINDS THAT THE OFFENDER HAS SUCCESSFULLY COMPLETED THE PERIOD OF REHABILITATION ORDERED BY THE COURT, IS REHABILITATED, IS NO LONGER DRUG DEPENDENT OR IN DANGER OF BECOMING DRUG DEPENDENT, AND HAS COMPLETED ALL OTHER CONDITIONS, THE COURT SHALL DISMISS THE PROCEEDING AGAINST HIM. SUCCESSFUL COMPLETION OF A PERIOD OF REHABILITA-

TION UNDER THIS SECTION SHALL BE WITHOUT ADJUDICATION OF GUILT AND IS NOT A CRIMINAL CONVICTION FOR PURPOSES OF DISQUALIFICATIONS OR DISABILITIES IMPOSED BY LAW AND UPON CONVICTION OF A CRIME, AND THE COURT MAY ORDER THE EXPUNGEMENT OF RECORDS IN THE MANNER PROVIDED IN SECTIONS 2953.31 TO 2953.36 OF THE REVISED CODE.

(I) AN ORDER DENYING TREATMENT IN LIEU OF CONVICTION UNDER THIS SECTION SHALL NOT BE CONSTRUED TO PREVENT CONDITIONAL PROBATION UNDER SECTION 2951.04 OF THE REVISED CODE.

(J) ANY PERSON ORDERED TO TREATMENT BY THE TERMS OF THIS SECTION SHALL BE LIABLE FOR EXPENSES INCURRED DURING THE COURSE OF TREATMENT AND IF HE IS TREATED IN A BENEVOLENT INSTITUTION UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, HE IS SUBJECT TO THE PROVISIONS OF CHAPTER 5121. OF THE REVISED CODE.

(K) AN OFFENDER CHARGED WITH A DRUG ABUSE OFFENSE, OTHER THAN A MINOR MISDEMEANOR INVOLVING MARIJUANA AND OTHERWISE ELIGIBLE FOR TREATMENT IN LIEU OF CONVICTION MAY REQUEST AND MAY BE ORDERED TO A PERIOD OF REHABILITATION EVEN THOUGH THE FINDINGS REQUIRED BY DIVISIONS (B) (1) AND (2) OF THIS SECTION ARE NOT MADE. AN ORDER TO REHABILITATION UNDER THIS DIVISION SHALL BE SUBJECT TO SUCH CONDITIONS AS THE COURT REQUIRES BUT SHALL NOT BE CONDITIONED UPON ENTRY INTO AN APPROPRIATE TREATMENT PROGRAM OR FACILITY.

Sec. 3101.06. No marriage license shall be granted when either of the applicants is a habitual drunkard, imbecile, or insane person, is under the influence of an intoxicating liquor or ~~narcotic drug~~ CONTROLLED SUBSTANCE, or is infected with syphilis in a form that is communicable or likely to become communicable.

Sec. 3332.09. The state board of school and college registration may suspend, revoke, or cancel a certificate of registration for any one or any combination of the following causes:

(A) Violation of any provision of sections 3332.01 to 3332.09, inclusive, of the Revised Code, or any regulation made by the board;

(B) Furnishing of false, misleading, or incomplete information requested by the board;

(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;

(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any narcotic drug CONTROLLED SUBSTANCE, or who is found to be mentally incompetent;

(E) Violation of any commitment made in an application for a certificate of registration;

(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the course of instruction, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the holder of a certificate of registration;

(G) Failure to provide or maintain premises or equipment for offering courses of instruction in a safe and sanitary condition;

(H) Refusal by an agent to display his agent's certificate of registration upon demand of a prospective student or other interested person;

(I) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in Chapter 3332. of the Revised Code requires an instructor to be certificated by the state board of education or to hold any type of post-high school degree;

(J) Offering training or courses of instruction other than those presented in the application, except that schools may offer special courses adapted to the needs of individual students and the special courses are in the subject field specified in the application;

(K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;

(L) Accepting the services of an agent not licensed in accordance with sections 3332.10 to 3332.16, ~~inclusive~~, of the Revised Code. The board shall informally notify the certificate holder believed to be in violation of one or more of the above conditions. The board shall hold informal conferences with the certificate holder in an effort to eliminate the objectionable procedures or practices. Nothing said or done in such informal conferences shall be disclosed by any member of the board or its staff or be used as evidence in any subsequent proceeding. If these efforts fail to eliminate the objectionable procedures or practices, the board shall hold a public hearing in accordance with sections 119.01 to 119.13, ~~inclusive~~, of the Revised Code.

Sec. 3719.01. AS USED IN CHAPTER 3719. OF THE REVISED CODE:

(A) "ADMINISTER" MEANS THE DIRECT APPLICATION OF A DRUG, WHETHER BY INJECTION, INHALATION, INGESTION, OR ANY OTHER MEANS TO A PERSON OR AN ANIMAL.

(B) "BOARD" MEANS THE STATE BOARD OF PHAR-

MACY ESTABLISHED BY SECTION 4729.01 OF THE REVISED CODE.

(C) "BUREAU OF NARCOTICS AND DANGEROUS DRUGS" MEANS ITS SUCCESSOR AGENCY, THE DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE, OR ITS SUCCESSOR AGENCY.

(D) "CONTROLLED SUBSTANCE" MEANS A DRUG, COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE INCLUDED IN SCHEDULE I, II, III, IV, OR V.

(E) "DANGEROUS DRUG" HAS THE SAME MEANING AS PROVIDED IN SECTION 4729.02 OF THE REVISED CODE.

(F) "DISPENSE" MEANS SELL, LEAVE WITH, GIVE AWAY, DISPOSE OF, OR DELIVER.

(G) "DISTRIBUTE" MEANS TO DEAL IN, SHIP, TRANSPORT, OR DELIVER BUT DOES NOT INCLUDE ADMINISTERING OR DISPENSING A DRUG.

(H) "DRUG" HAS THE SAME MEANING AS PROVIDED IN SECTION 4729.02 OF THE REVISED CODE.

(I) "DRUG ABUSE OFFENSE" AND "FELONY DRUG ABUSE OFFENSE" HAVE THE SAME MEANINGS AS PROVIDED IN SECTION 2925.01 OF THE REVISED CODE.

(J) "FEDERAL DRUG ABUSE CONTROL LAWS" MEANS THE "COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970", 84 STAT. 1242, 21 U.S.C. 801, AND ANY AMENDMENTS OR ADDITIONS THERETO OR REENACTMENTS THEREOF.

(K) "FEDERAL NARCOTICS LAWS" MEAN THE LAWS OF THE UNITED STATES RELATING TO OPIUM, COCA LEAVES, AND OTHER NARCOTIC DRUGS AND INCLUDES FEDERAL DRUG ABUSE CONTROL LAWS.

(L) "HOSPITAL" MEANS AN INSTITUTION FOR THE CARE AND TREATMENT OF THE SICK AND INJURED, CERTIFIED BY THE DEPARTMENT OF HEALTH AND APPROVED BY THE STATE BOARD OF PHARMACY AS PROPER TO BE ENTRUSTED WITH THE CUSTODY OF CONTROLLED SUBSTANCES AND THE PROFESSIONAL USE OF CONTROLLED SUBSTANCES UNDER THE DIRECTION OF A PRACTITIONER OR PHARMACIST.

(M) "HYPODERMIC" MEANS A HYPODERMIC SYRINGE OR NEEDLE, OR OTHER INSTRUMENT OR DEVICE FOR THE SUBCUTANEOUS INJECTION OF MEDICATION.

(N) "ISOMER" MEANS, EXCEPT AS OTHERWISE EXPRESSLY STATED, THE OPTICAL ISOMER.

(O) "LABORATORY" MEANS A LABORATORY APPROVED BY THE STATE BOARD OF PHARMACY AS PROPER TO BE ENTRUSTED WITH THE CUSTODY OF CONTROLLED SUBSTANCES AND THE USE OF CONTROLLED SUBSTANCES FOR SCIENTIFIC AND CLINICAL PURPOSES AND FOR PURPOSES OF INSTRUCTIONS.

(P) "MANUFACTURER" MEANS A PERSON WHO PLANTS, CULTIVATES, HARVESTS, PROCESSES, MAKES, PREPARES, OR OTHERWISE ENGAGES IN ANY PART OF THE PRODUCTION OF A CONTROLLED SUBSTANCE BY PROPAGATION, COMPOUNDING, CONVERSION, OR PROCESSING, EITHER DIRECTLY OR INDIRECTLY BY EXTRACTION FROM SUBSTANCES OF NATURAL ORIGIN, OR INDEPENDENTLY BY MEANS OF CHEMICAL SYNTHESIS, OR BY A COMBINATION OF EXTRACTION AND CHEMICAL SYNTHESIS, AND INCLUDES ANY PACKAGING OR REPACKAGING OF THE SUBSTANCE OR LABELING OR RELABELING OF ITS CONTAINER AND OTHER ACTIVITIES INCIDENT TO PRODUCTION, EXCEPT THAT THIS TERM DOES NOT INCLUDE A PHARMACIST WHO PREPARES, COMPOUNDS, PACKAGES, OR LABELS A CONTROLLED SUBSTANCE AS AN INCIDENT TO DISPENSING A CONTROLLED SUBSTANCE IN ACCORDANCE WITH A PRESCRIPTION AND IN THE USUAL COURSE OF PROFESSIONAL PRACTICE.

(Q) "MARIHUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT, THE SEEDS THEREOF; THE RESIN EXTRACTED FROM ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS OR RESIN. IT DOES NOT INCLUDE THE MATURE STALKS OF THE PLANT, FIBER PRODUCED FROM THE STALKS, OILS OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS, EXCEPT THE RESIN EXTRACTED THEREFROM, FIBER, OIL OR CAKE, OR THE STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINIZATION.

(R) "NARCOTIC DRUGS" MEANS COCA LEAVES, OPIUM, ISONIPECAINE, AMIDONE, ISOAMIDONE, KETOBEMIDONE, AS DEFINED IN THIS DIVISION, AND EVERY SUBSTANCE NOT CHEMICALLY DISTINGUISHED FROM THEM AND EVERY DRUG, OTHER THAN CANNABIS, WHICH MAY BE INCLUDED IN THE MEANING OF "NARCOTIC DRUG" UNDER THE FEDERAL DRUG ABUSE CONTROL LAWS. "COCA LEAVES" INCLUDES COCAINE AND ANY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF COCA LEAVES, EXCEPT DERIVATIVE OF COCA LEAVES, WHICH DO NOT CONTAIN COCAINE, ECGO-

NINE, OR SUBSTANCES FOR WHICH COCAINE OR ECGONINE MAY BE SYNTHESIZED OR MADE. "ISONIPECAINE" MEANS ANY SUBSTANCE IDENTIFIED CHEMICALLY AS 1-METHYL-4-PHENYL-PIPERIDINE-4-CARBOXYLIC ACID ETHYL ESTER, OR ANY SALT THEREOF, BY WHATEVER TRADE NAME DESIGNATED. "AMIDONE" MEANS ANY SUBSTANCE IDENTIFIED CHEMICALLY AS 4-4-DIPHENYL-6-DIMETHYLAMINO-HEPTANONE-3, OR ANY SALT THEREOF, BY WHATEVER TRADE NAME DESIGNATED. "ISOAMIDONE" MEANS ANY SUBSTANCE IDENTIFIED CHEMICALLY AS 4-4-DIPHENYL-5-METHYL-6-DIMETHYLAMINOHEXANONE-3, OR ANY SALT THEREOF, BY WHATEVER TRADE NAME DESIGNATED. "KETOBEMIDONE" MEANS ANY SUBSTANCE IDENTIFIED CHEMICALLY AS 4 - (3-HYDROXYPHENYL) - 1 - METHYL - 4 - PIPERIDYL ETHYL KETONE HYDROCHLORIDE, OR ANY SALT THEREOF, BY WHATEVER TRADE NAME DESIGNATED.

(S) "NURSE" MEANS A PERSON LICENSED TO ENGAGE IN THE PRACTICE OF NURSING IN THIS STATE.

(T) "OFFICIAL WRITTEN ORDER" MEANS AN ORDER WRITTEN ON A FORM PROVIDED FOR THAT PURPOSE BY THE DIRECTOR OF THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, UNDER ANY LAWS OF THE UNITED STATES MAKING PROVISION THEREFOR, IF SUCH ORDER FORMS ARE AUTHORIZED AND REQUIRED BY FEDERAL LAW.

(U) "OPIATE" MEANS ANY SUBSTANCE HAVING AN ADDICTION-FORMING OR ADDICTION-SUSTAINING LIABILITY SIMILAR TO MORPHINE OR BEING CAPABLE OF CONVERSION INTO A DRUG HAVING ADDICTION-FORMING OR ADDICTION-SUSTAINING LIABILITY. IT DOES NOT INCLUDE, UNLESS SPECIFICALLY DESIGNATED AS CONTROLLED UNDER SECTION 3719.41 OF THE REVISED CODE, THE DEXTROROTATORY ISOMER OF 3-METHOXY-N-METHYLMORPHINIAN AND ITS SALTS (DEXTRO-METHORPHAN). IT DOES INCLUDE ITS RACEMIC AND LEVORATORY FORMS.

(V) "OPIUM POPPY" MEANS THE PLANT OF THE SPECIES PAPAVER SOMNIFERUM L., EXCEPT ITS SEEDS.

(W) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP OR ASSOCIATION, OR ANY OTHER LEGAL ENTITY.

(X) "PHARMACIST" MEANS A PERSON REGISTERED WITH THE STATE BOARD OF PHARMACY AS A COMPOUNDER AND DISPENSER OF DRUGS.

(Y) "PHARMACY" MEANS ANY AREA, ROOM, ROOMS,

PLACE OF BUSINESS, DEPARTMENT, OR PORTION OF ANY OF THE FOREGOING, WHERE PRESCRIPTIONS ARE FILLED OR WHERE DRUGS, DANGEROUS DRUGS, OR POISONS ARE COMPOUNDED, SOLD, OFFERED, OR DISPLAYED FOR SALE, DISPENSED, OR DISTRIBUTED TO THE PUBLIC.

(Z) "POPPY STRAW" MEANS ALL PARTS, EXCEPT THE SEEDS, OF THE OPIUM POPPY, AFTER MOWING.

(AA) "PRACTITIONER" MEANS A PERSON WHO IS LICENSED PURSUANT TO CHAPTER 4715., 4731., OR 4741. OF THE REVISED CODE AND AUTHORIZED BY LAW TO WRITE PRESCRIPTIONS FOR DRUGS OR DANGEROUS DRUGS.

(BB) "PRESCRIPTION" MEANS A WRITTEN OR ORAL ORDER FOR A CONTROLLED SUBSTANCE FOR THE USE OF A PARTICULAR PERSON OR A PARTICULAR ANIMAL GIVEN BY A PRACTITIONER IN THE COURSE OF PROFESSIONAL PRACTICE AND IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY THE DIRECTOR OF THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, PURSUANT TO THE FEDERAL DRUG ABUSE CONTROL LAWS.

(CC) "REGISTRY NUMBER" MEANS THE NUMBER ASSIGNED TO EACH PERSON REGISTERED UNDER THE FEDERAL DRUG ABUSE CONTROL LAWS.

(DD) "SALE" INCLUDES DELIVERY, BARTER, EXCHANGE, TRANSFER, OR GIFT, OR OFFER THEREOF, AND EACH SUCH TRANSACTION MADE BY ANY PERSON, WHETHER AS PRINCIPAL, PROPRIETOR, AGENT, SERVANT, OR EMPLOYEE.

(EE) "SCHEDULE I", "SCHEDULE II", "SCHEDULE III", "SCHEDULE IV", AND "SCHEDULE V" MEAN CONTROLLED SUBSTANCE SCHEDULES I, II, III, IV, AND V, RESPECTIVELY, ESTABLISHED PURSUANT TO SECTION 3719.41 OF THE REVISED CODE, AS AMENDED PURSUANT TO SECTION 3719.43 OR 3719.44 OF THE REVISED CODE.

(FF) "WHOLESALE" MEANS A PERSON WHO, ON OFFICIAL WRITTEN ORDERS OTHER THAN PRESCRIPTIONS, SUPPLIES CONTROLLED SUBSTANCES THAT HE HIMSELF HAS NOT MANUFACTURED, PRODUCED, OR PREPARED AND INCLUDES "WHOLESALE DISTRIBUTOR OF DANGEROUS DRUGS" AS THIS TERM IS DEFINED IN SECTION 4729.02 OF THE REVISED CODE.

Sec. 3719.011. As used in the Revised Code:

(A) "Drug of abuse" means any narcotic drug CONTROLLED SUBSTANCE as defined in section 3719.01 of the Revised Code, any barbiturate or amphetamine as defined in section 3719.23 of the Revised Code, any hallucinogen as defined in section

~~3719.40 of the Revised Code,~~ any harmful intoxicant as defined in section ~~3719.50~~ 2925.01 of the Revised Code, and any dangerous drug as defined in section 4729.02 of the Revised Code.

(B) "Drug dependent person" means any person who, by reason of the use of any drug of abuse, is physically, psychologically, or physically and psychologically dependent upon the use of such drug, to the detriment of his health or welfare.

(C) "Person in danger of becoming a drug dependent person" means any person who, by reason of his habitual or incontinent use of any drug of abuse, is in imminent danger of becoming a drug dependent person.

Sec. 3719.02. ~~No A person shall~~ MAY cultivate, grow, or by other process produce or manufacture, and ~~no A person on land owned, occupied, or controlled by him shall~~ MAY knowingly allow to be cultivated, grown, or produced, any ~~opium, coca leaves, cannabis, marijuana, or other narcotic drug~~ without CONTROLLED SUBSTANCE IF HE first obtaining OBTAINS a license as a manufacturer of ~~narcotic drugs~~ CONTROLLED SUBSTANCES from the state board of pharmacy.

All licenses issued pursuant to this section shall be for a period of one year from the last day of June and may be renewed for a like period annually according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code.

The annual license fee shall be five dollars and shall accompany each application for a license or renewal thereof.

Sec. 3719.021. ~~No person except~~ PERSONS OTHER THAN a licensed manufacturer, pharmacist, or owner of a pharmacy shall WHO possess for sale, sell, or dispense ~~narcotic drugs, pursuant to an official written order, without first obtaining~~ CONTROLLED SUBSTANCES AT WHOLESALE SHALL FIRST OBTAIN a license as a wholesaler of ~~narcotic drugs~~ CONTROLLED SUBSTANCES from the state board of pharmacy.

All licenses issued pursuant to this section shall be for a period of one year from the thirtieth day of June and may be renewed for a like period annually according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code.

The annual license fee shall be five dollars and shall accompany each application for such license or renewal thereof. All such renewal fees shall be paid in advance by the renewal applicant to the treasurer of state, and entered by the treasurer on the records of the state board of pharmacy.

Sec. 3719.03. No license shall be issued under section 3719.02 or 3719.021 of the Revised Code unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy:

(A) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(B) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application;

(C) That the applicant's trade connections are such that there is a reasonable probability that he will apply all ~~narcotic drugs~~ CONTROLLED SUBSTANCES grown, cultivated, processed, produced, or possessed by him to scientific, experimental, medicinal, or instructive purposes;

(D) That the applicant is in sufficiently good financial condition to carry out his obligation;

(E) That the applicant has satisfactorily shown that the granting of such license is in the public interest.

No license shall be granted to any person who has, within five years, been convicted of a ~~willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or any other narcotic drug~~ DRUG ABUSE OFFENSE AS DEFINED IN SECTION 3719.01 OF THE REVISED CODE, or to any person who is a ~~narcotic drug addict~~ DRUG DEPENDENT PERSON.

The board may suspend or revoke, for cause, any license issued under section 3719.02 or 3719.021 of the Revised Code.

Sec. 3719.05. (A) A pharmacist may dispense schedule II controlled substances to any person upon a written prescription given by a practitioner and schedule III OR IV controlled substances to any person upon a written or oral prescription given by a practitioner. Each written prescription shall be properly executed, dated, and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the schedule II controlled substance is dispensed, and the full name, address, and registry number under the federal drug abuse control laws of the person prescribing. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The prescription shall be retained on file by the owner of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of ~~sections 3719.01 to 3719.22, inclusive,~~ CHAPTER 2925., 3719., OR 4719. of the Revised Code. Each oral prescription shall be recorded by the pharmacist and such record shall show the name and address of the patient for whom, or of the owner of the animal for which the schedule III OR IV controlled substance is dispensed, the full name, address, and registry number under the federal drug abuse control laws of the practitioner prescribing, the name of the schedule III OR IV controlled substance dispensed, the amount dispensed, and the date when dispensed.

Such record shall be retained on file by the owner of the pharmacy in which it is filled for a period of two years. No prescription for a schedule II controlled substance shall be refilled. Prescriptions for schedule III and ~~V~~ IV controlled substances may be refilled not more than five times in a six month period from the date the prescription is given by a practitioner.

(B) The legal owner of any stock of schedule II controlled substances in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or owner of a pharmacy registered under the federal drug abuse control laws pursuant to an official written order.

(C) A pharmacist may dispense, upon an official written order to a practitioner in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medicinal purposes.

(D) Notwithstanding division (A) of this section, schedule II controlled substances may be dispensed orally and without the written prescription of a practitioner in emergency situations as prescribed under the "Comprehensive Drug Abuse Prevention and Control Act of 1970", 84 Stat. 1260, 21 U.S.C.A. 820 FEDERAL DRUG ABUSE CONTROL LAWS.

Sec. 3719.06. (A) A practitioner licensed to prescribe, dispense, and administer ~~narcotic drugs~~ CONTROLLED SUBSTANCES to a human being in the course of his professional practice may prescribe schedule II controlled substances by a written prescription or schedule III OR IV controlled substances by a written or oral prescription, administer, or dispense schedule II ~~or~~ III, OR IV controlled substances, or he may cause the same to be administered under his direction and supervision. Each written prescription shall be dated and signed by the practitioner prescribing on the day when issued and shall bear the full name and address of the person for whom the ~~narcotic drug~~ CONTROLLED SUBSTANCE is prescribed and the full name, address, and registry number under the federal drug abuse control laws of the person prescribing.

(B) A practitioner licensed to prescribe, dispense, and administer ~~narcotic drugs~~ CONTROLLED SUBSTANCES to an animal in the course of his professional practice and not for use by a human being, may prescribe schedule II controlled substances by a written prescription or schedule III OR IV controlled substances by a written or oral prescription, administer, and dispense schedule II ~~or~~ III, OR IV controlled substances, or he may cause them to be administered by an assistant or orderly under his direction and supervision. Each written prescription shall be dated and signed by the practitioner prescribing on the day when issued and shall bear the full name and address of the owner of the animal, the species of the animal for which the ~~narcotic drug~~ CON-

TROLLED SUBSTANCE is prescribed and the full name, address, and registry number under the federal drug abuse control laws of the practitioner prescribing.

(C) Any person, who has obtained from a practitioner any narcotic drug CONTROLLED SUBSTANCE for administration to a human being or an animal during the absence of such practitioner, shall return to such practitioner any unused portion of such drug, when it is no longer required by such human being or animal.

Sec. 3719.07. (A) Every practitioner, or other person who is authorized to administer or use narcotic drugs CONTROLLED SUBSTANCES, shall keep a record of all such drugs received by him, and a record of all such drugs administered, dispensed, or used by him, otherwise than by prescription in accordance with the provisions of division (E) of this section. The keeping of a record of the quantity, character, and potency of solutions or other preparations purchased or made up by a practitioner or other person using small quantities of solutions or other preparations of narcotic drugs CONTROLLED SUBSTANCES for local application, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients is a sufficient compliance with this division.

No record need be kept of SCHEDULE V narcotic drugs administered, dispensed, or used in the treatment of any one person or animal, when the amount administered, dispensed, or used for that purpose does not exceed in any forty-eight consecutive hours:

- (1) Two grains of opium;
- (2) One-half of a grain of morphine or any of its salts;
- (3) Four grains of codeine or any of its salts;
- (4) Two grains of dihydrocodeine or any of its salts;
- (5) One-half grain of ethylmorphine or any of its salts;
- (6) A quantity of any other SCHEDULE V narcotic drugs or any combination of SCHEDULE V narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(B) Manufacturers and wholesalers shall keep records of all narcotic drugs CONTROLLED SUBSTANCES compounded, mixed, cultivated, grown, or by any other process produced or prepared by them, and of all narcotic drugs CONTROLLED SUBSTANCES received or dispensed by them, in accordance with division (F) of this section.

(C) Every owner of a pharmacy shall keep records of all narcotic drugs CONTROLLED SUBSTANCES received or dispensed by them, in accordance with division (G) of this section.

(D) Every person who purchases for resale, or who dispenses SCHEDULE V narcotic drug preparations DRUGS exempted by

section 3719.15 of the Revised Code shall keep a record showing the quantities and kinds thereof received, dispensed, or disposed of otherwise, in accordance with divisions (E), (F), and (G) of this section.

(E) Every practitioner or other person, except a pharmacist, manufacturer, or wholesaler, authorized to administer or use narcotic drugs CONTROLLED SUBSTANCES shall, when the keeping of a record is required by the federal drug abuse control laws or regulations promulgated by the United States director, bureau of narcotics and dangerous drugs, keep a record of all narcotic drugs CONTROLLED SUBSTANCES received, administered, dispensed, or used which shall contain:

(1) A description of all narcotic drugs CONTROLLED SUBSTANCES received, the quantity of narcotic drugs CONTROLLED SUBSTANCES received, the name and address of the person from whom received, and the date of receipt;

(2) The kind and quantity of narcotic drugs CONTROLLED SUBSTANCES administered, dispensed, or used, the date of administering, dispensing, or using, the name and address of the person to whom, or for whose use, or the owner and species of the animal for which the narcotic drug CONTROLLED SUBSTANCE was administered, dispensed, or used.

(F) Every manufacturer and wholesaler shall keep a record of all narcotic drugs CONTROLLED SUBSTANCES compounded, mixed, cultivated, grown, or by any other process produced or prepared, received, or dispensed by him which shall contain:

(1) A description of the kind and quantity of all drugs produced or prepared, the name and address of the person from whom received, and the date of receipt;

(2) The kind and quantity of narcotic drugs CONTROLLED SUBSTANCES dispensed, the name and address of each person to whom a narcotic drug CONTROLLED SUBSTANCE is dispensed, the amount of the narcotic drug CONTROLLED SUBSTANCE dispensed to each person, and the date it was so dispensed.

(G) Every owner of a pharmacy shall keep a record of all narcotic drugs CONTROLLED SUBSTANCES received or dispensed by him which shall contain:

(1) The kind and quantity of narcotic drugs CONTROLLED SUBSTANCES received, the name and address of the person from whom narcotic drugs CONTROLLED SUBSTANCES are received, and the date of receipt;

(2) The name and place of residence of each person to whom narcotic drugs SCHEDULE V CONTROLLED SUBSTANCES including those otherwise exempted by section 3719.15 of the Revised Code are dispensed, the kind and quantity of such narcotic drugs CONTROLLED SUBSTANCES dispensed to each person, the date such narcotic drugs CONTROLLED SUBSTANCES are dispensed to each person, and the name and address of the prac-

itioner prescribing drugs to the person to whom they are dispensed.

Every such record shall be kept for a period of two years and the date of the transaction recorded.

The keeping of a record required by or under the federal drug abuse control laws, containing substantially the same information as specified in this section, constitutes compliance with this section.

Every person who purchases for resale or who sells narcotic drug SCHEDULE V CONTROLLED SUBSTANCE preparations exempted by section 3719.15 of the Revised Code shall keep the record required by or under the federal drug abuse control law.

Sec. 3719.08. (A) Whenever a manufacturer dispenses a narcotic drug CONTROLLED SUBSTANCE, and whenever a wholesaler dispenses a narcotic drug CONTROLLED SUBSTANCE in a package prepared by him, he shall securely affix to each package in which such narcotic drug CONTROLLED SUBSTANCE is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug CONTROLLED SUBSTANCE contained therein. No person, except a pharmacist for the purpose of filling a prescription under sections 3719.01 to 3719.22, inclusive, CHAPTER 3719. of the Revised Code shall alter, deface, or remove any label so affixed.

(B) Whenever a pharmacist dispenses any narcotic drug CONTROLLED SUBSTANCE on a prescription issued by a practitioner, OR A PRACTITIONER DISPENSES ANY CONTROLLED SUBSTANCE IN THE COURSE OF HIS PRACTICE, he shall affix to the container in which such narcotic drug CONTROLLED SUBSTANCE is dispensed, a label showing:

(1) His own name, AND address, and registry number, or the name, AND address, and registry number of the owner of the pharmacy for whom he is acting;

(2) The name of the patient for whom the narcotic drug CONTROLLED SUBSTANCE is prescribed or, if the patient is an animal, the name of the owner and the species of the animal;

(3) The name of the practitioner by whom the prescription was written OR BY WHOM THE DRUG WAS DISPENSED;

(4) Such directions as may be stated on the prescription OR PROVIDED BY THE PRACTITIONER ON USAGE OF THE DRUG;

(5) THE DATE ON WHICH THE PRESCRIPTION WAS FILLED OR REFILLED, WHICHEVER DATE IS LATER.

THE REQUIREMENTS OF DIVISION (B) OF THIS SECTION DO NOT APPLY WHEN A CONTROLLED SUBSTANCE IS PRESCRIBED FOR ADMINISTRATION TO AN ULTIMATE USER WHO IS INSTITUTIONALIZED.

(C) No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

(D) Every label for a narcotic SCHEDULE II, III, OR IV drug shall contain the following warning:

"Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

Sec. 3719.09. ~~(A) Except as provided in division (B) of this section, no person shall have in his possession or under his control any narcotic drug or narcotic drug preparation.~~

~~(B) This section does not apply to POSSESSION OR CONTROL OF CONTROLLED SUBSTANCES IS AUTHORIZED IN THE FOLLOWING INSTANCES:~~

~~(1) (A) Possession of narcotic drugs CONTROLLED SUBSTANCES in the course of business by a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to administer, dispense, or possess narcotic drugs CONTROLLED SUBSTANCES under sections 3719.01 to 3719.22, inclusive. CHAPTER 3719. OR 4729. of the Revised Code;~~

~~(2) (B) Possession by any person of any SCHEDULE V narcotic drug exempted under section 3719.15 of the Revised Code, where the quantity of such drug does not exceed two grains of opium, one-half grain of morphine or any of its salts, four grains of codeine or any of its salts, two grains of dihydrocodeine, or any of its salts, or one-half grain of ethylmorphine or any of its salts, or, in the case of any other narcotic drug SCHEDULE V CONTROLLED SUBSTANCE or any combination of narcotic drugs, where the quantity does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated;~~

~~(3) (C) Possession by any person of any narcotic drug CONTROLLED SUBSTANCE obtained pursuant to a prescription issued by a practitioner, which drug is in the original container in which it was dispensed to such person.~~

~~(C) Possession of a narcotic drug, except as provided in division (B) of this section, is presumptive evidence of intent to violate this section.~~

Sec. 3719.10. PREMISES OR REAL ESTATE, INCLUDING VACANT LAND, ON WHICH A FELONY VIOLATION OF CHAPTER 2925. OR 3719. OF THE REVISED CODE OCCURS CONSTITUTE A NUISANCE SUBJECT TO ABATEMENT PURSUANT TO CHAPTER 3767. OF THE REVISED CODE.

Sec. 3719.11. All narcotic drugs CONTROLLED SUBSTANCES, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(A) The court or magistrate having jurisdiction shall order such narcotic drugs CONTROLLED SUBSTANCES forfeited and

destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States director, bureau of narcotics and dangerous drugs, by the officer who destroys them.

(B) Upon written application by the department of health, the court or magistrate by whom the forfeiture of ~~narcotic drugs~~ CONTROLLED SUBSTANCES has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said department, for distribution or destruction, as provided in this section.

(C) Upon application by any hospital within this state, not operated for private gain, the department may deliver any ~~narcotic drugs~~ CONTROLLED SUBSTANCES that have come into its custody by authority of this section to the applicant for medicinal use. The department may deliver excess stocks of such ~~narcotic drugs~~ CONTROLLED SUBSTANCES to the United States director, bureau of narcotics and dangerous drugs, or may destroy the same.

(D) The department shall keep a complete record of all drugs received and of all drugs disposed of, showing:

- (1) The exact kinds, quantities, and forms of such drugs;
- (2) The persons from whom received and to whom delivered;
- (3) By whose authority received, delivered, and destroyed;
- (4) The dates of the receipt, disposal, or destruction.

The record required in this section shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic and drug abuse control laws.

Sec. 3719.12. On the conviction of a manufacturer, wholesaler, practitioner, pharmacist, or nurse of the violation of sections 3719.01 to 3719.22, inclusive, CHAPTER 2925. OR 3719. of the Revised Code a copy of the judgment and sentence of the court or magistrate shall be sent by the clerk of the court, or by the magistrate, to the board or officer by whom such manufacturer, wholesaler, practitioner, pharmacist, or nurse has been licensed or registered to practice his profession or to carry on his business. Such board or officer shall have the power to suspend or revoke such license or registration.

Sec. 3719.121. Any practitioner, nurse, pharmacist, manufacturer, or wholesaler, who is or becomes addicted to the use of ~~narcotic drugs~~ CONTROLLED SUBSTANCES, shall have his license or registration suspended by the board under which he has been licensed or registered until such time as such practitioner, nurse, pharmacist, manufacturer, or wholesaler offers satisfactory proof to such board that he is no longer addicted to the use of ~~narcotic drugs~~ CONTROLLED SUBSTANCES.

Sec. 3719.13. Prescriptions, orders, and records, required by ~~sections 3719.01 to 3719.22, inclusive,~~ CHAPTER 3719. of the Revised Code, and stocks of narcotic drugs CONTROLLED SUBSTANCES, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs CONTROLLED SUBSTANCES. No officer having knowledge, by virtue of his office, of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

Sec. 3719.14. (A) COMMON CARRIERS OR WAREHOUSEMEN, WHILE ENGAGED IN LAWFULLY TRANSPORTING OR STORING CONTROLLED SUBSTANCES, OR ANY EMPLOYEE OF THE SAME ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT, MAY CONTROL AND POSSESS CONTROLLED SUBSTANCES.

(B) ANY LAW ENFORCEMENT OFFICIAL MAY PURCHASE, COLLECT, OR POSSESS CONTROLLED SUBSTANCES WHEN NECESSARY TO DO SO IN THE PERFORMANCE OF HIS OFFICIAL DUTIES.

(C) EMPLOYEES OR AGENTS OF PERSONS ENTITLED TO POSSESSION OF CONTROLLED SUBSTANCES OR PERSONS WHOSE POSSESSION OF CONTROLLED SUBSTANCES IS FOR THE PURPOSE OF AIDING LAW ENFORCEMENT OFFICIALS IN THEIR OFFICIAL DUTIES MAY TEMPORARILY POSSESS CONTROLLED SUBSTANCES.

Sec. 3719.15. Except as specifically provided in ~~sections CHAPTERS 2925. AND 3719.01 to 3719.22, inclusive,~~ 3719. of the Revised Code, such ~~sections~~ CHAPTERS shall not apply to the following cases:

(A) Where a practitioner administers or dispenses; or where a pharmacist or owner of a pharmacy sells at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce:

- (1) Not more than two grains of opium;
- (2) Not more than one quarter of a grain of morphine or of any of its salts;
- (3) Not more than one grain of codeine or of any of its salts;
- (4) Not more than one-half grain of dihydrocodeine or any of its salts;
- (5) Not more than one-quarter grain of ethylmorphine or any of its salts.

Each preparation mentioned in divisions (A) (1), (2), (3), (4), and (5) of this section shall in addition contain one or more non-

narcotic active medicinal ingredients in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(6) Pharmaceutical preparations in solid form containing not more than two and five-tenths milligrams diphenoxylate and not less than twenty-five micrograms atropine sulfate per dosage unit.

(B) Where a practitioner administers or dispenses; or where a pharmacist sells at retail, liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combination as prevent their being readily extracted from such liniments, ointments, or preparations, except that such sections shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, compounded, dispensed, and sold in good faith as a medicine, and not for the purpose of evading such sections.

Sec. 3719.161. No person shall alter any narcotic preparation CONTROLLED SUBSTANCE from the original compounded form by evaporation or other means to increase the concentration of narcotic drug contained therein. Altered preparations having a greater concentration of SCHEDULE V narcotic drug content than specified under provisions of section 3719.15 of the Revised Code, shall be classified as a SCHEDULE III narcotic drug falling within provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code.

Sec. 3719.172. (A) Except as provided in division (B) of this section, no person shall possess a hypodermic.

(B) Division (A) of this section does not prohibit the possession of a hypodermic by any of the following POSSESSION OF A HYPODERMIC IS AUTHORIZED FOR:

(1) Any manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of such manufacturer, distributor, or dealer, in the regular course of business;

(2) A hospital, owner of a pharmacy, or pharmacist, in the regular course of business;

(3) Any practitioner, nurse, or other person authorized to administer injections, in the regular course of his profession or employment;

(4) Any person, when the hypodermic in his possession was lawfully obtained and is kept and used for the purpose of self-

administration of insulin or other drug prescribed by a practitioner for the treatment of disease;

(5) Any person whose use of a hypodermic is for legal research, clinical or medicinal purposes;

(6) Any farmer, for the lawful administration of a drug to an animal;

(7) ANY PERSON WHOSE USE OF A HYPODERMIC IS FOR LAWFUL PROFESSIONAL, MECHANICAL, TRADE, OR CRAFT PURPOSE.

~~(C)~~ (B) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no owner of a pharmacy, or pharmacist, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division ~~(B)~~ (A) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in his possession from theft or acquisition by any unauthorized person, or negligently discard a hypodermic without first having rendered it completely unusable for its original purpose.

~~(D)~~ (C) No person, other than a manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, a hospital, pharmacist, or person under the direct supervision of a pharmacist, or a practitioner in the regular course of business and as permitted by law, shall sell or furnish a hypodermic to another.

~~(E)~~ (D) No person shall sell or furnish a hypodermic to another whom he knows or has reasonable cause to believe is prohibited NOT AUTHORIZED by division (A) of this section from possessing TO POSSESS a hypodermic.

~~(F)~~ (E) A pharmacist or person under the direct supervision of a pharmacist may furnish hypodermics to another without a prescription by a practitioner, but the pharmacist or person under his supervision shall require positive identification of each person to whom hypodermics are furnished, and shall keep a written record of each transaction, including the date, the type and quantity of the articles furnished, and the name, address, and signature of the person to whom such articles are furnished. Such record shall be retained in the same manner as the exempt narcotics register. No pharmacist or person under his supervision shall fail to comply with this division in furnishing hypodermics.

~~(G)~~ As used in this section, "hypodermic" means a hypodermic syringe or needle, or other instrument or device for the subcutaneous injection of medication.

Sec. 3719.18. The state board of pharmacy, its officers, agents, inspectors, and representatives, and all officers within the state, and all prosecuting attorneys, shall enforce sections 3719.01 to 3719.22, inclusive, CHAPTERS 2925. AND 3719. of the Revised

Code, except those specifically delegated, and ~~co-operate~~ COOPERATE with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to ~~narcotic drugs~~ CONTROLLED SUBSTANCES.

Sec. 3719.19. No person shall be prosecuted for a violation of ~~sections 3719.01 to 3719.22, inclusive,~~ CHAPTER 3719. of the Revised Code, if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of ~~such sections~~ THIS CHAPTER.

Sec. 3719.21. All fines or forfeited bonds assessed and collected under prosecutions or prosecutions commenced for violations of ~~sections 3719.01 to 3719.22, inclusive,~~ CHAPTERS 2925. AND 3719. of the Revised Code, shall within thirty days, be paid to the ~~secretary~~ EXECUTIVE DIRECTOR of the state board of pharmacy and by him paid into the state treasury. THE TREASURER OF STATE SHALL ENTER TWENTY-FIVE PER CENT OF THE FINES AND FORFEITED BONDS ON THE RECORDS OF THE STATE BOARD OF PHARMACY. SUCH FUNDS SHALL BE USED BY THE BOARD IN CARRYING OUT ITS DUTIES UNDER CHAPTER 3719. OF THE REVISED CODE.

Sec. 3719.27. Persons required, by ~~section 3719.26~~ CHAPTER 3719. of the Revised Code, to keep files or records shall, upon the written request of an officer or employee designated by the state board of pharmacy, make such files or records available to such officer or employee, at all reasonable hours, for inspection and copying, and accord to such officer or employee full opportunity to check the correctness of such files or records, including opportunity to make inventory of all stocks of ~~barbiturates or amphetamines~~ CONTROLLED SUBSTANCES on hand. No person shall fail to make such files or records available or to accord such opportunity to check their correctness.

Sec. 3719.28. (A) THE STATE BOARD OF PHARMACY, PURSUANT TO CHAPTER 119. OF THE REVISED CODE, SHALL ADOPT RULES FOR ADMINISTRATION AND ENFORCEMENT OF CHAPTER 3719. OF THE REVISED CODE AND PRESCRIBING THE MANNER OF KEEPING AND THE FORM AND CONTENT OF RECORDS TO BE KEPT BY PERSONS AUTHORIZED TO MANUFACTURE, DISTRIBUTE, DISPENSE, CONDUCT RESEARCH IN, PRESCRIBE, ADMINISTER, OR OTHERWISE DEAL WITH CONTROLLED SUBSTANCES. SUCH RULES SHALL BE DESIGNED TO:

- (1) FACILITATE SURVEILLANCE OF TRAFFIC IN DRUGS, TO PREVENT THE IMPROPER ACQUISITION OR USE OF CONTROLLED SUBSTANCES OR THEIR DIVERSION INTO ILLICIT CHANNELS;
- (2) AID THE STATE BOARD OF PHARMACY AND

STATE, LOCAL, AND FEDERAL LAW ENFORCEMENT OFFICERS IN ENFORCING THE LAWS OF THIS STATE AND THE FEDERAL GOVERNMENT DEALING WITH DRUG ABUSE AND CONTROL OF DRUG TRAFFIC.

(B) RULES ADOPTED PURSUANT TO THIS SECTION SHALL NOT PROVIDE ANY LESS STRINGENT REQUIREMENTS WITH RESPECT TO RECORDS THAN THE REQUIREMENTS OF THE FEDERAL DRUG ABUSE CONTROL LAWS AND REGULATIONS ADOPTED THEREUNDER. TO THE EXTENT THAT RECORDS KEPT UNDER THE FEDERAL DRUG ABUSE CONTROL LAWS AND REGULATIONS ADOPTED THEREUNDER FULFILL REQUIREMENTS FOR SIMILAR RECORDS UNDER RULES ADOPTED PURSUANT TO THIS SECTION, COMPLIANCE WITH THE FEDERAL LAW AND REGULATIONS SHALL CONSTITUTE COMPLIANCE WITH THE LAW AND RULES OF THIS STATE WITH RESPECT TO SUCH RECORDS.

Sec. 3719.32. No person shall knowingly sell or deliver to any person otherwise than in the manner prescribed by laws, or sell or deliver to a minor under sixteen years of age in the manner prescribed by law but without the written order of an adult, any of the following substances or any poisonous compounds, combinations, or preparations thereof: the compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, and zinc; the concentrated mineral acids; oxalic and hydrocyanic acids and their salts, and carbolic acid; yellow phosphorus; the essential oils of almonds, pennyroyal, tansy, and savin, croton oil, creosote, chloroform, chloral hydrate, and cantharides; aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, ~~cannabis~~ *indica*, digitalis, hyoscyamus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, strophanthus, stramonium, veratum viride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from such alkaloids, or other poisonous alkaloids or their salts; or other virulent poison.

Sec. 3719.40. THE CONTROLLED SUBSTANCES INCLUDED OR TO BE INCLUDED IN THE SCHEDULES IN SECTION 3719.41 OF THE REVISED CODE ARE INCLUDED BY WHATEVER OFFICIAL, COMMON, USUAL, CHEMICAL, OR TRADE NAME DESIGNATED.

Sec. 3719.41. CONTROLLED SUBSTANCE SCHEDULES I, II, III, IV, AND V ARE HEREBY ESTABLISHED, WHICH SCHEDULES INCLUDE THE FOLLOWING, SUBJECT TO AMENDMENT PURSUANT TO SECTION 3719.43 OR 3719.44 OF THE REVISED CODE.

SCHEDULE I

(A) NARCOTICS-OPIATES
ANY OF THE FOLLOWING OPIATES, INCLUDING THEIR ISOMERS, ESTERS, ETHERS, SALTS, AND SALTS OF ISO-

MERS, ESTERS, AND ETHERS, UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS, WHENEVER THE EXISTENCE OF THESE ISOMERS, ESTERS, ETHERS, AND SALTS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) ACETYLMETHADOL;
- (2) ALLYLPRODINE;
- (3) ALPHACETYLMETHADOL;
- (4) ALPHAMEPRODINE;
- (5) ALPHAMETHADOL;
- (6) BENZETHIDINE;
- (7) BETA ACETYLMETHADOL;
- (8) BETA MEPRODINE;
- (9) BETA METHADOL;
- (10) BETAPRODINE;
- (11) CLONITAZENE;
- (12) DEXTROMORAMIDE;
- (13) DEXTRORPHAN;
- (14) DIAMPROMIDE;
- (15) DIETHYLTHIAMBUTENE;
- (16) DIMENOXADOL;
- (17) DIMEPHEPTANOL;
- (18) DIMETHYLTHIAMBUTENE;
- (19) DIOXAPHETYL BUTYRATE;
- (20) DIPIPANONE;
- (21) ETHYLMETHYLTHIAMBUTENE;
- (22) ETONITAZENE;
- (23) ETOXERIDINE;
- (24) FURETHIDINE;
- (25) HYDROXPETHIDINE;
- (26) KETOBEMIDONE;
- (27) LEVOMORAMIDE;
- (28) LEVOPHENACYLMORPHAN;
- (29) MORPHERIDINE;
- (30) NORACYMETHADOL;
- (31) NORLEVORPHANOL;
- (32) NORMETHADONE;
- (33) NORPIPANONE;
- (34) PHENADOXONE;
- (35) PHENAMPROMIDE;
- (36) PHENOMORPHAN;
- (37) PHENOPERIDINE;
- (38) PIRITRAMIDE;
- (39) PROHEPTAZINE;
- (40) PROPERIDINE;
- (41) PROPIRAM;
- (42) RACEMORAMIDE;
- (43) TRIMEPERIDINE.

(B) NARCOTICS-OPIUM DERIVATIVES

ANY OF THE FOLLOWING OPIUM DERIVATIVES, THEIR SALTS, ISOMERS, AND SALTS OF ISOMERS, UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS, WHENEVER THE EXISTENCE OF THESE SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) ACETORPHINE;
- (2) ACETYLDIHYDROCODEINE;
- (3) BENZYL MORPHINE;
- (4) CODEINE METHYLBROMIDE;
- (5) CODEINE-N-OXIDE;
- (6) CYPRENORPHINE;
- (7) DESOMORPHINE;
- (8) DIHYDROMORPHINE;
- (9) DROTEBANOL;
- (10) ETORPHINE (EXCEPT HYDROCHLORIDE SALT);
- (11) HEROIN;
- (12) HYDROMORPHINOL;
- (13) METHYLDESORPHINE;
- (14) METHYLDIHYDROMORPHINE;
- (15) MORPHINE METHYLBROMIDE;
- (16) MORPHINE METHYLSULFONATE;
- (17) MORPHINE-N-OXIDE;
- (18) MYORPHINE;
- (19) NICOCODEINE;
- (20) NICOMORPHINE;
- (21) NORMORPHINE;
- (22) PHOLCODINE;
- (23) THEBACON.

(C) HALLUCINOGENS

ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING HALLUCINOGENIC SUBSTANCES, THEIR SALTS, ISOMERS, AND SALTS OF ISOMERS, UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS, WHENEVER THE EXISTENCE OF THESE SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION. FOR THE PURPOSES OF THIS DIVISION ONLY, THE TERM "ISOMER" INCLUDES THE OPTICAL, POSITION, AND GEOMETRIC ISOMERS:

- (1) 3,4-METHYLENEDIOXY AMPHETAMINE;
- (2) 5-METHOXY-3, 4-METHYLENEDIOXY AMPHETAMINE;
- (3) 3,4,5-TRIMETHOXY AMPHETAMINE;
- (4) BUFOTENINE;
- (5) DIETHYLTRYPTAMINE;
- (6) DIMETHYLTRYPTAMINE;
- (7) 4-METHYL-2, 5-DIMETHOXYAMPHETAMINE;

- (8) IBOGAINE;
- (9) LYSERGIC ACID DIETHYLAMIDE;
- (10) MARIHUANA;
- (11) Mescaline;
- (12) PEYOTE;
- (13) N-ETHYL-3-PIPERIDYL BENZILATE;
- (14) N-METHYL-3-PIPERIDYL BENZILATE;
- (15) PSILOCYBIN;
- (16) PSILOCYN;
- (17) TETRAHYDRACANNABINOLS (SYNTHETIC EQUIVALENTS OF THE PHARMACOLOGICALLY ACTIVE SUBSTANCES CONTAINED IN MARIHUANA, OR SYNTHETIC SUBSTANCES, DERIVATIVES, AND THEIR ISOMERS WITH SIMILAR CHEMICAL STRUCTURE AND PHARMACOLOGICAL ACTIVITY, OR BOTH);
- (18) 2, 5-DIMETHOXYAMPHETAMINE;
- (19) 4, BROMO-2, 5-DIMETHOXYAMPHETAMINE;
- (20) 4, METHOXYAMPHETAMINE.

SCHEDULE II

(A) NARCOTICS-OPIUM AND OPIUM DERIVATIVES UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING SUBSTANCES WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION FROM SUBSTANCES OF VEGETABLE ORIGIN, OR INDEPENDENTLY BY MEANS OF CHEMICAL SYNTHESIS, OR BY A COMBINATION OF EXTRACTION AND CHEMICAL SYNTHESIS:

(1) OPIUM AND OPIATE, AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION OF OPIUM OR OPIATE, EXCLUDING NALOXONE AND ITS SALTS, BUT INCLUDING THE FOLLOWING:

- (a) RAW OPIUM;
- (b) OPIUM EXTRACTS;
- (c) OPIUM FLUID EXTRACTS;
- (d) POWDERED OPIUM;
- (e) GRANULATED OPIUM;
- (f) TINCTURE OF OPIUM;
- (g) APOMORPHINE;
- (h) CODEINE;
- (i) ETHYLMORPHINE;
- (j) ETORPHINE HYDROCHLORIDE;
- (k) HYDROCODONE;
- (l) HYDROMORPHONE;
- (m) METOPON;
- (n) MORPHINE;
- (o) OXYCODONE;

- (p) OXYMORPHONE;
- (q) THEBAINE.

(2) ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THE SUBSTANCES REFERRED TO IN DIVISION (A) OF THIS SCHEDULE, EXCEPT THAT THESE SUBSTANCES SHALL NOT INCLUDE THE ISOQUINOLINE ALKALOIDS OF OPIUM;

(3) OPIUM POPPY AND POPPY STRAW;

(4) COCA LEAVES AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION OF COCA LEAVES, AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THESE SUBSTANCES, EXCEPT THAT THE SUBSTANCES SHALL NOT INCLUDE DECOCAINIZED COCA LEAVES OR EXTRACTION OF COCA LEAVES, WHICH EXTRACTIONS DO NOT CONTAIN COCAINE OR EOGONINE;

(5) CONCENTRATE OF POPPY STRAW.

(B) NARCOTICS-OPIATES

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING OPIATES, INCLUDING ITS ISOMERS, ESTERS, ETHERS, SALTS, AND SALTS OF ISOMERS, ESTERS AND ETHERS WHENEVER THE EXISTENCE OF SUCH ISOMERS, ESTERS, ETHERS, AND SALTS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) ALPHAPRODINE;
- (2) ANILERIDINE;
- (3) BEZITRAMIDE;
- (4) DIHYDROCODEINE;
- (5) DIPHENOXYLATE;
- (6) FENTANYL;
- (7) ISOMETHADONE;
- (8) LEVOMETHORPHAN;
- (9) LEVORPHANOL;
- (10) METAZOCINE;
- (11) METHADONE;
- (12) METHADONE - INTERMEDIATE, 4 - CYANO - 2 - DIMETHYLAMINO-4, 4-DIPHENYL BUTANE;
- (13) MORAMIDE-INTERMEDIATE, 2-METHYL-3-MORPHOLINO-1, 1-DIPHENYLEROPANE-CARBOXYLIC ACID;
- (14) PETHIDINE;
- (15) PETHIDINE - INTERMEDIATE - A, 4 - CYANO - 1 - METHYL-4-PHENYLPYPERIDINE;
- (16) PETHIDINE-INTERMEDIATE-B, ETHYL-4-PHENYLPYPERIDINE-4-CARBOXYLATE;
- (17) PETHIDINE-INTERMEDIATE-C, 1-METHYL-4-PHENYLPYPERIDINE-4-CARBOXYLIC ACID;

- (18) PHENAZOCINE;
- (19) PIMINODINE;
- (20) RACEMETHORPHAN;
- (21) RACEMORPHAN.

(C) STIMULANTS

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM:

- (1) AMPHETAMINE, ITS SALTS, OPTICAL ISOMERS, AND SALTS OF ITS OPTICAL ISOMERS;
- (2) METHAMPHETAMINE, ITS SALTS, ISOMERS, AND SALTS OF ITS ISOMERS;
- (3) METHYLPHENIDATE;
- (4) PHENMETRAZINE AND ITS SALTS.

(D) DEPRESSANTS

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A DEPRESSANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) METHAQUALONE;
- (2) AMOBARBITAL;
- (3) SECOBARBITAL;
- (4) PENTOBARBITAL.

SCHEDULE III

(A) STIMULANTS

UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM INCLUDING ITS SALTS, ISOMERS (WHETHER OPTICAL, POSITION, OR GEOMETRIC), AND SALTS OF SUCH ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) ALL STIMULANT COMPOUNDS, MIXTURES, AND PREPARATIONS INCLUDED IN SCHEDULE IH PURSUANT

TO THE FEDERAL DRUG ABUSE CONTROL LAWS AND REGULATIONS ADOPTED THEREUNDER;

- (2) BENZPHETAMINE;
- (3) CHLORPHENTERMINE;
- (4) CLORTERMINE;
- (5) MAZINDOL;
- (6) PHENDIMETRAZINE.
- (B) DEPRESSANTS

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A DEPRESSANT EFFECT ON THE CENTRAL NERVOUS SYSTEM:

(1) ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING AMOBARBITAL, SECONBARBITAL, PENTOBARBITAL, OR ANY SALT THEREOF, AND ONE OR MORE OTHER ACTIVE MEDICINAL INGREDIENTS WHICH ARE NOT LISTED IN ANY SCHEDULE;

(2) ANY SUPPOSITORY DOSAGE FORM CONTAINING AMOBARBITAL, SECOBARBITAL, PENTOBARBITAL, OR ANY SALT OF ANY OF THESE DRUGS AND APPROVED BY THE FOOD AND DRUG ADMINISTRATION FOR MARKETING ONLY AS A SUPPOSITORY;

(3) ANY SUBSTANCE WHICH CONTAINS ANY QUANTITY OF A DERIVATIVE OF BARBITURIC ACID OR ANY SALT THEREOF;

- (4) CHLORHEXADOL;
- (5) GLUTETHIMIDE;
- (6) LYSERGIC ACID;
- (7) LYSERGIC ACID AMIDE;
- (8) METHYPRYLON;
- (9) PHENCYCLIDINE;
- (10) SULFONDIETHYLMETHANE;
- (11) SULFONETHYLMETHANE;
- (12) SULFONMETHANE.

(C) NARCOTIC ANTIDOTES

(1) NALORPHINE.

(D) NARCOTICS-NARCOTIC PREPARATIONS

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING LIMITED QUANTITIES OF ANY OF THE FOLLOWING NARCOTIC DRUGS, OR ANY SALTS THEREOF:

(1) NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH AN EQUAL OR GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF OPIUM;

(2) NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS;

(3) NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH A FOURFOLD OR GREATER QUANTITY OF ANY ISOQUINOLINE ALKALOID OF OPIUM;

(4) NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS;

(5) NOT MORE THAN 1.8 GRAMS OF DIHYDROCODEINE PER 100 MILLILITERS OR NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS;

(6) NOT MORE THAN 300 MILLIGRAMS OF ETHYLMORPHINE PER 100 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS;

(7) NOT MORE THAN 500 MILLIGRAMS OF OPIUM PER 100 MILLILITERS OR PER 100 GRAMS OR NOT MORE THAN 25 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS;

(8) NOT MORE THAN 50 MILLIGRAMS OF MORPHINE PER 100 MILLILITERS OR PER 100 GRAMS, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS.

SCHEDULE IV

(A) DEPRESSANTS

UNLESS SPECIFICALLY EXCEPTED UNDER FEDERAL DRUG ABUSE CONTROL LAWS OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) BARBITAL;
- (2) CHLORAL BETAINE;
- (3) CHLORAL HYDRATE;

- (4) ETHCLORVYNOL;
- (5) ETHINAMATE;
- (6) MEBUTAMINE;
- (7) METHOHEXITAL;
- (8) MEPROBRAMATE;
- (9) METHYLPHENOBARBITAL;
- (10) PARALDEHYDE;
- (11) PETRICHLORAL;
- (12) PHENOBARBITAL.

(B) FENFLURAMINE

ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, INCLUDING ITS SALTS, ISOMERS (WHETHER OPTICAL, POSITION, OR GEOMETRIC), AND SALTS OF SUCH ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE:

- (1) FENFLURAMINE.

(C) STIMULANTS

UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, INCLUDING ITS SALTS, ISOMERS (WHETHER OPTICAL, POSITION, OR GEOMETRIC), AND SALTS OF SUCH ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- (1) DIETHYLPROPION;
- (2) PHEUTERMINE;
- (3) PEMOLINE, INCLUDING ORGANOMETALIC COMPLEXES AND CHELATES THEREOF.

SCHEDULE V

(A) NARCOTICS-NARCOTIC PREPARATIONS

ANY COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE CONTAINING ANY OF THE FOLLOWING LIMITED QUANTITIES OF NARCOTIC DRUGS OR SALTS THEREOF, WHICH SHALL INCLUDE ONE OR MORE NONNARCOTIC ACTIVE MEDICINAL INGREDIENTS IN SUFFICIENT PROPORTION TO CONFER UPON THE COMPOUND, MIXTURE, PREPARATION OR SUBSTANCE VALUABLE MEDICINAL QUALITIES OTHER THAN THOSE POSSESSED BY THE NARCOTIC DRUG ALONE:

- (1) NOT MORE THAN 200 MILLIGRAMS OF CODEINE PER 100 MILLILITERS OR PER 100 GRAMS;

(2) NOT MORE THAN 100 MILLIGRAMS OF DIHYDRO-CODEINE PER 100 MILLILITERS OR PER 100 GRAMS;

(3) NOT MORE THAN 100 MILLIGRAMS OF ETHYL-MORPHINE PER 100 MILLILITERS OR PER 100 GRAMS;

(4) NOT MORE THAN 2.5 MILLIGRAMS OF DIPHENOXY-LATE AND NOT LESS THAN 25 MICROGRAMS OF ATROPINE SULFATE PER DOSAGE UNIT;

(5) NOT MORE THAN 100 MILLIGRAMS OF OPIUM PER 100 MILLILITERS OR PER 100 GRAMS.

Sec. 3719.42. THE STATE PHARMACY BOARD SHALL MEET IN COLUMBUS AT LEAST ONCE EACH FISCAL YEAR FOR THE PURPOSE OF CARRYING OUT ITS DUTIES PURSUANT TO CHAPTER 3719. OF THE REVISED CODE.

Sec. 3719.43. WHEN PURSUANT TO THE FEDERAL DRUG ABUSE CONTROL LAWS THE ATTORNEY GENERAL OF THE UNITED STATES ADDS A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO A SCHEDULE OF THE LAWS, TRANSFERS ANY OF THE SAME BETWEEN ONE SCHEDULE OF THE LAWS TO ANOTHER, OR REMOVES A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE FROM THE SCHEDULES OF THE LAWS THEN SUCH ADDITION, TRANSFER, OR REMOVAL IS AUTOMATICALLY EFFECTED IN THE CORRESPONDING SCHEDULE OR SCHEDULES IN SECTION 3719.41 OF THE REVISED CODE, SUBJECT TO AMENDMENT PURSUANT TO SECTION 3719.44 OF THE REVISED CODE.

Sec. 3719.44. (A) PURSUANT TO THIS SECTION, AND BY RULE ADOPTED PURSUANT TO CHAPTER 119. OF THE REVISED CODE, THE STATE BOARD OF PHARMACY MAY DO ANY OF THE FOLLOWING WITH RESPECT TO SCHEDULES I, II, III, IV, AND V ESTABLISHED IN SECTION 3719.41 OF THE REVISED CODE:

(1) ADD A PREVIOUSLY UNSCHEDULED COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO ANY SUCH SCHEDULE;

(2) TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE FROM ONE SUCH SCHEDULE TO ANOTHER, PROVIDED SUCH TRANSFER DOES NOT HAVE THE EFFECT UNDER CHAPTER 3719. OF THE REVISED CODE OF PROVIDING LESS STRINGENT CONTROL OF SUCH COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE THAN IS PROVIDED UNDER FEDERAL NARCOTIC LAWS.

(3) REMOVE A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE FROM THE SCHEDULES WHERE THE BOARD HAD PREVIOUSLY ADDED THE COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO THE SCHEDULES, PRO-

VIDED THAT THE REMOVAL SHALL NOT HAVE THE EFFECT UNDER CHAPTER 3719. OF THE REVISED CODE OF PROVIDING LESS STRINGENT CONTROL OF SUCH COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE THAN IS PROVIDED UNDER FEDERAL NARCOTIC LAWS.

(B) IN MAKING A DETERMINATION TO ADD, REMOVE OR TRANSFER PURSUANT TO DIVISION (A) OF THIS SECTION, THE BOARD SHALL CONSIDER THE FOLLOWING:

- (1) THE ACTUAL OR RELATIVE POTENTIAL FOR ABUSE;
- (2) THE SCIENTIFIC EVIDENCE OF ITS PHARMACOLOGICAL EFFECT OF THE SURSTANCE, IF KNOWN;
- (3) THE STATE OF CURRENT SCIENTIFIC KNOWLEDGE REGARDING THE SUBSTANCE;
- (4) THE HISTORY AND CURRENT PATTERN OF ABUSE;
- (5) THE SCOPE, DURATION, AND SIGNIFICANCE OF ABUSE;
- (6) THE RISK TO THE PUBLIC HEALTH;
- (7) THE POTENTIAL OF THE SUBSTANCE TO PRODUCE PSYCHIC OR PHYSIOLOGICAL DEPENDENCE LIABILITY;
- (8) WHETHER THE SUBSTANCE IS AN IMMEDIATE PRECURSOR.

(C) THE BOARD MAY ADD OR TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO SCHEDULE I WHEN IT APPEARS THAT THERE IS A HIGH POTENTIAL FOR ABUSE, THAT IT HAS NO ACCEPTED MEDICAL USE IN TREATMENT IN THIS STATE, OR LACKS ACCEPTED SAFETY FOR USE IN TREATMENT UNDER MEDICAL SUPERVISION.

(D) THE BOARD MAY ADD OR TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO SCHEDULE II WHEN IT APPEARS THAT THERE IS A HIGH POTENTIAL FOR ABUSE, THAT IT HAS A CURRENTLY ACCEPTED MEDICAL USE IN TREATMENT IN THIS STATE, OR CURRENTLY ACCEPTED MEDICAL USE IN TREATMENT WITH SEVERE RESTRICTIONS, AND THAT ITS ABUSE MAY LEAD TO SEVERE PHYSICAL OR SEVERE PSYCHOLOGICAL DEPENDENCE.

(E) THE BOARD MAY ADD OR TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO SCHEDULE III WHEN IT APPEARS THAT THERE IS A POTENTIAL FOR ABUSE LESS THAN THE SUBSTANCES INCLUDED IN SCHEDULES I AND II, THAT IT HAS A CURRENTLY ACCEPTED MEDICAL USE IN TREATMENT IN THIS STATE, AND THAT ITS ABUSE MAY LEAD TO MODERATE OR LOW PHYSICAL OR HIGH PSYCHOLOGICAL DEPENDENCE.

(F) THE BOARD MAY ADD OR TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO SCHEDULE IV WHEN IT APPEARS THAT IT HAS A LOW POTENTIAL FOR ABUSE RELATIVE TO SUBSTANCES INCLUDED IN SCHEDULE III, AND THAT IT HAS A CURRENTLY ACCEPTED MEDICAL USE IN TREATMENT IN THIS STATE, AND THAT ITS ABUSE MAY LEAD TO LIMITED PHYSICAL OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO THE SUBSTANCES INCLUDED IN SCHEDULE III.

(G) THE BOARD MAY ADD OR TRANSFER A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE TO SCHEDULE V WHEN IT APPEARS THAT IT HAS LOW POTENTIAL FOR ABUSE THAN SUBSTANCES INCLUDED IN SCHEDULE IV, AND THAT IT HAS CURRENTLY ACCEPTED MEDICAL USE IN TREATMENT IN THIS STATE, AND THAT ITS ABUSE MAY LEAD TO LIMITED PHYSICAL OR PSYCHOLOGICAL DEPENDENCE RELATIVE TO SUBSTANCES INCLUDED IN SCHEDULE IV.

(H) EVEN THOUGH A COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE DOES NOT OTHERWISE MEET THE CRITERIA IN THIS SECTION FOR ADDING OR TRANSFERRING IT TO A SCHEDULE, THE BOARD MAY NEVERTHELESS ADD OR TRANSFER IT TO A SCHEDULE AS AN IMMEDIATE PRECURSOR WHEN ALL OF THE FOLLOWING APPLY:

(1) IT IS THE PRINCIPAL COMPOUND USED, OR PRODUCED PRIMARILY FOR USE, IN THE MANUFACTURE OF A CONTROLLED SUBSTANCE;

(2) IT IS AN IMMEDIATE CHEMICAL INTERMEDIARY USED OR LIKELY TO BE USED IN THE MANUFACTURE OF SUCH A CONTROLLED SUBSTANCE;

(3) ITS CONTROL IS NECESSARY TO PREVENT, CURTAIL, OR LIMIT THE MANUFACTURE OF THE SCHEDULED COMPOUND, MIXTURE, PREPARATION, OR SUBSTANCE OF WHICH IT IS THE IMMEDIATE PRECURSOR.

(I) AUTHORITY TO CONTROL UNDER THIS SECTION DOES NOT EXTEND TO DISTILLED SPIRITS, WINE, OR MALT BEVERAGES, AS THOSE TERMS ARE DEFINED OR USED IN CHAPTER 4301. OF THE REVISED CODE.

(J) AUTHORITY TO CONTROL UNDER THIS SECTION DOES NOT EXTEND TO ANY NONNARCOTIC SUBSTANCE IF SUCH SUBSTANCE MAY, UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AS DEFINED IN SECTION 4729.02 OF THE REVISED CODE AND THE LAWS OF THIS STATE, BE LAWFULLY SOLD OVER THE COUNTER WITHOUT A PRESCRIPTION. SHOULD A PATTERN OF ABUSE DEVELOP FOR ANY NONNARCOTIC DRUG SOLD OVER THE COUNTER, THE BOARD MAY, BY RULE IN ACCORDANCE WITH CHAP-

TER 119. OF THE REVISED CODE, AFTER A PUBLIC HEARING AND A DOCUMENTED STUDY TO DETERMINE THAT THE SUBSTANCE ACTUALLY MEETS THE CRITERIA LISTED IN DIVISION (B) OF THIS SECTION, PLACE SUCH ABUSED SUBSTANCE ON A PRESCRIPTION BASIS.

Sec. 3719.61. Nothing in the laws dealing with drugs of abuse shall be construed to prohibit treatment of narcotic drug dependent persons by the continuing maintenance of their dependence through the administration of methadone PURSUANT TO THE REGULATION OF THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION PURSUANT TO SECTION 5122.50 OF THE REVISED CODE, when all of the following apply:

(A) The likelihood that any person undergoing maintenance treatment will be cured of his dependence on narcotic drugs is remote, the treatment is prescribed by a practitioner for the purpose of alleviating or controlling the patient's drug dependence, and the patient's prognosis while undergoing such treatment is at least a partial improvement in his asocial or antisocial behavior patterns;

(B) In the case of an in-patient in a hospital or clinic, the amount of the maintenance drug dispensed at any one time does not exceed the quantity necessary for a single dose, and such dose is administered to the patient immediately;

(C) In the case of an out-patient, the amount of the maintenance drug dispensed at any one time does not exceed the quantity necessary to maintain the patient's daily dosage, the drug is dispensed daily or oftener, and a single dose is administered to the patient immediately and the balance of his daily or partial daily dosage is supplied to him in containers holding no more than a single dose each SHALL BE DETERMINED BY A PRACTITIONER WITH REGARD TO THE PATIENT'S PROGRESS IN THE TREATMENT PROGRAM, AND THE PATIENT'S NEEDS FOR GAINFUL EMPLOYMENT, EDUCATION, AND RESPONSIBLE HOMEMAKING, PROVIDED, THAT IN NO EVENT SHALL THE DOSAGE BE GREATER THAN THE AMOUNT PERMITTED BY FEDERAL LAW AND RULES ISSUED BY THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION PURSUANT TO SECTION 5122.50 OF THE REVISED CODE;

(D) The drug is not dispensed in any case to replace or supplement any part of a supply of the drug previously dispensed, or when there is reasonable cause to believe it will be used or disposed of unlawfully;

(E) The drug is dispensed through a hospital or clinic under the jurisdiction of the department of mental health and mental retardation or a community mental health and mental retardation board, or through a public or private hospital or clinic, pursuant to a treatment program authorized by the department of mental health and mental retardation pursuant to section 5122.51 PROGRAM LICENSED AND OPERATED IN ACCORDANCE WITH SECTION 5122.50 of the Revised Code.

Sec. 3719.70. (A) When testimony, information, or other evidence in the possession of a person who uses, possesses, or trafficks in any drug of abuse appears necessary to an investigation by law enforcement authorities into illicit sources of any drug of abuse, or appears necessary to successfully institute, maintain, or conclude a prosecution for any DRUG ABUSE offense involving the cultivation, manufacture, sale, distribution, dispensation, administration, acquisition, possession, or use of any drug of abuse, AS DEFINED IN SECTION 2925.01 OF THE REVISED CODE, a judge of the court of common pleas may grant to such person immunity from prosecution for any offense based upon the testimony, information, or other evidence furnished by him, other than a prosecution of such person for giving false testimony, information, or other evidence.

(B) When a person is convicted of any DRUG ABUSE offense involving the cultivation, manufacture, sale, distribution, dispensation, administration, acquisition, possession, or use of any drug of abuse, the court shall, in determining whether to suspend sentence or place the person on probation, take into consideration whether such person has truthfully revealed all information within his knowledge concerning illicit traffic in or use of drugs of abuse and, when required, has testified as to such information in any proceeding to obtain a search or arrest warrant against another or to prosecute another for any offense involving a drug of abuse. Such information shall include, without limitation, the identity and whereabouts of accomplices, accessories, aiders, and abettors, if any, and of the person or persons from whom any drug of abuse was obtained or to whom any such drug was distributed, and of persons known or believed to be drug dependent persons, together with the location of any place or places where, and the manner in which any drug of abuse is illegally cultivated, manufactured, transported, kept, sold, distributed, acquired, possessed, or used. Such information shall also include all facts and circumstances surrounding any such illicit traffic in or use of drugs of abuse. If the person is eligible for probation for treatment pursuant to section ~~2719.51~~ 2951.04 OR 2951.041 of the Revised Code, as an offender who is drug dependent or in danger of becoming drug dependent, but fails to cooperate with law enforcement authorities under this division, his lack of cooperation may be considered by the court in determining whether to grant him probation for treatment pursuant to such ~~section~~ SECTIONS.

(C) In the absence of a competent and voluntary waiver of the right against self-incrimination, no information or testimony furnished pursuant to division (B) of this section shall be used in a prosecution of the person furnishing it for any offense other than a prosecution of such person for giving false testimony, information, or other evidence.

Sec. 3719.81. (A) ~~No~~ A person shall MAY furnish another a sample of any drug of abuse, or of any drug or pharmaceutical

preparation which would be hazardous to health or safety if used without the supervision of a practitioner, ~~unless~~ IF all of the following apply:

(1) The sample is furnished by a manufacturer, manufacturer's representative, or wholesale dealer in pharmaceuticals to a practitioner, or is furnished by a practitioner to a patient for use as medication;

(2) The drug is in the original container in which it was placed by the manufacturer, and such container is plainly marked as a sample;

(3) Prior to its being furnished, the drug sample has been stored under the proper conditions to prevent its deterioration or contamination;

(4) If the drug is of a type which deteriorates with time, the sample container is plainly marked with the date beyond which the drug sample is unsafe to use, and such date has not expired on the sample furnished. Compliance with the labeling requirements of the Federal Food, Drug, and Cosmetics Act shall be deemed compliance with this section.;

~~(B) No person shall negligently distribute, store, or discard a sample of any drug of abuse or of any drug or pharmaceutical preparation which would be hazardous to health or safety if used without the supervision of a practitioner,~~

(5) THE DRUG IS DISTRIBUTED, STORED, OR DISCARDED in such a way that the drug sample may NOT be acquired or used by any unauthorized person, or by any person, including a child, for whom it may present a health or safety hazard.

(B) DIVISION (A) OF THIS SECTION DOES NOT APPLY TO RESTRICT THE FURNISHING OF ANY SAMPLE OF A NONNARCOTIC SUBSTANCE IF SUCH SUBSTANCE MAY, UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", AS DEFINED IN DIVISION (D) (1) OF SECTION 4729.02 OF THE REVISED CODE, AND UNDER THE LAWS OF THIS STATE, OTHERWISE BE LAWFULLY SOLD OVER THE COUNTER WITHOUT A PRESCRIPTION.

(C) The state board of pharmacy shall, pursuant to sections 119.01 to 119.13, ~~inclusive~~, of the Revised Code, adopt regulations necessary to give effect to this section.

Sec. 3719.99. (A) WHOEVER VIOLATES SECTION 3719.16 OR 3719.161 OF THE REVISED CODE IS GUILTY OF A FELONY OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SECTION 3719.16 OR 3719.161 OF THE REVISED CODE OR A DRUG ABUSE OFFENSE, A VIOLATION IS A FELONY OF THE THIRD DEGREE.

(B) WHOEVER VIOLATES DIVISION (C) OR (D) OF SECTION 3719.172 OF THE REVISED CODE IS GUILTY OF

A FELONY OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF DIVISION (C) OR (D) OF SECTION 3719.172 OF THE REVISED CODE OR A DRUG ABUSE OFFENSE, A VIOLATION IS A FELONY OF THE THIRD DEGREE.

(C) WHOEVER VIOLATES SECTION 3719.07 OR 3719.08 OF THE REVISED CODE IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SECTION 3719.07 OR 3719.08 OF THE REVISED CODE OR A DRUG ABUSE OFFENSE, A VIOLATION IS A FELONY OF THE FOURTH DEGREE.

(D) WHOEVER VIOLATES SECTION 3719.05, 3719.06, 3719.13, 3719.31, OR DIVISION (B) OR (E) OF SECTION 3719.172 OF THE REVISED CODE IS GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SECTION 3719.05, 3719.06, 3719.13, 3719.31, OR DIVISION (B) OR (E) OF SECTION 3719.172 OF THE REVISED CODE OR A DRUG ABUSE OFFENSE, A VIOLATION IS A MISDEMEANOR OF THE FIRST DEGREE.

(E) WHOEVER VIOLATES SECTION 3719.30 OF THE REVISED CODE IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SECTION 3719.30 OF THE REVISED CODE OR A DRUG ABUSE OFFENSE, A VIOLATION IS A MISDEMEANOR OF THE THIRD DEGREE.

(F) WHOEVER VIOLATES SECTION 3719.32 OR 3719.33 OF THE REVISED CODE IS GUILTY OF A MINOR MISDEMEANOR.

Sec. 3743.19. No person shall enter or attempt to enter any explosive plant with matches or other flame-producing devices, except electric incandescent flashlights, nor shall any person enter or attempt to enter such premises with ~~narcotics~~ CONTROLLED SUBSTANCES in his possession or control, or while under the influence of liquor or ~~narcotics~~ CONTROLLED SUBSTANCES, nor shall any person partake of intoxicants or ~~narcotics~~ CONTROLLED SUBSTANCES while within the plant, nor shall any person smoke in a factory building or upon the premises thereof except at such places as shall be designated by the owner.

The superintendent of such plant may authorize, in writing, any person to have approved safety matches in his possession or to depart from the other provisions of this section.

Such superintendent or other person in charge of all plants included under sections 3743.01 to 3743.26, ~~inclusive~~, of the Revised Code, shall provide safety containers for matches at all entrances to said plants.

Sec. 3743.41. Every vehicle carrying fireworks upon the public highway shall display signs on both sides and on the rear of said vehicle reading: "FIREWORKS - DANGER - KEEP FIRE AWAY." The lettering on these signs shall not be less than three inches in height.

(A) No person in charge of a vehicle containing fireworks shall:

- (1) Smoke in, upon, or near such vehicle;
- (2) Drive the vehicle while intoxicated or under the influence of narcotic drugs CONTROLLED SUBSTANCES;
- (3) Drive the vehicle in a reckless manner;
- (4) Load or unload such vehicle in a reckless manner;
- (5) Make unnecessary stops.

(B) No person shall place or carry or cause to be placed or carried, any metal tool or other similar piece of metal in the bed or body of a vehicle containing fireworks, unless contained in a box or other container approved by the department of industrial relations.

(C) No person shall:

- (1) Place or carry, or cause to be placed or carried, in the bed or body of any vehicle containing fireworks, any exploders, detonators, blasting caps, or other similar explosive material;
- (2) Carry in or upon such vehicle any matches or any other flame-producing device, except safety matches carried in a container approved by the department.

(D) This section does not apply to:

- (1) The transportation of any article or thing shipped in conformity with regulations prescribed by the interstate commerce commission;
- (2) The military or naval forces of the United States;
- (3) The authorized militia of the state;
- (4) The use of signals necessary for the safe operation of railroads, steamboats, or aircrafts.

Sec. 4507.08. No chauffeur's license shall be issued to any person under eighteen years of age. No operator's license shall be issued to any person under eighteen years of age, except a probationary license which may be issued to a person over sixteen years of age and a restricted license which the registrar may issue to a person who is fourteen or fifteen years of age upon proof of hardship satisfactory to the registrar of motor vehicles.

No temporary instruction permit, operator's or chauffeur's license shall be issued to any person whose license, whether as operator or chauffeur, has been suspended, during the period for which such license was suspended, nor to any person whose license, whether as operator or chauffeur, has been revoked, under

sections 4507.01 to 4507.39 of the Revised Code, until the expiration of one year after such license was revoked.

No temporary instruction permit, operator's or chauffeur's license shall be issued to, or retained by:

(A) Any person who is an habitual drunkard, or is addicted to the use of drugs of abuse, or is a user of drugs of abuse CONTROLLED SUBSTANCES to the extent that such use constitutes an impairment to such person's ability to operate a motor vehicle with the required degree of safety.

(B) Any applicant who has been adjudged insane or feeble-minded, or an idiot or imbecile, and who has not at the time of such application been declared restored to competency by judicial decree.

(C) Any person when in the opinion of the registrar such person is afflicted with or suffering from such physical or mental disability or disease that prevents him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, provided that:

(1) A restricted license effective for six months may be issued to any person otherwise qualified who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that he is capable of exercising reasonable and ordinary control over a motor vehicle. A restrictive license, effective for six months, shall be issued to any person who is otherwise qualified who is subject to any condition which causes episodic impairment of consciousness or a loss of muscular control if such person presents a statement from a licensed physician that his condition is under effective medical control and the period of time for which such control has been continuously maintained, unless, thereafter, a medical examination is ordered and, pursuant thereto, cause for denial is found. If cause for denial because of such condition is found and the period during which such condition was stated by a physician to have been under effective medical control was at least one year, the applicant has the right to a hearing before a review board constituted pursuant to division (C) (2) of this section and shall be notified thereof in accordance with the provisions of section 119.07 of the Revised Code.

(2) The governor shall appoint members to one or more review boards which shall conduct hearings authorized by division (C) (1) of this section. Each such board shall consist of three members and one or more of the members of each board shall be a physician qualified in the diagnosis and treatment of episodic disorders of consciousness or muscular control. The registrar shall immediately assign for hearing to a review board appointed pursuant to this paragraph DIVISION appeals taken pursuant to division (C) (1) of this section.

(3) Appeal to review boards constituted pursuant to division (C) (2) of this section shall be conducted in accordance with and subject to applicable procedures and provisions of Chapter 119. of the Revised Code. In determining whether a person's condition is such that he can exercise reasonable and ordinary control over a motor vehicle while operating it upon the highways, due consideration shall be given to the extent and duration of medical control of the condition, whether the person may be depended upon to continue medication if continued medication is prescribed and all other relevant, competent, and material evidence.

(4) The review board, after a hearing pursuant to division (C) (3) of this section, shall approve, modify, or reverse the decision of the registrar of motor vehicles and may order the issuance of a regular license or a restricted license effective for six months. The registrar shall comply with such order.

(5) After a restricted license, effective for six months has been issued pursuant to the order of a review board, successive restricted six months' licenses may be issued by the registrar of motor vehicles upon receipt of a written statement of the applicant's attending physician that the applicant's condition has been continuously under medical control during the preceding six months and that he recommends a six months' extension of the license subject to continuation of treatment and re-examination by a physician within six months. If the applicant presents such statement, a license shall not be denied because of such condition unless a medical examination is undertaken and cause for denial of the license is found. If cause for denial because of such condition is found, the provisions of this section for notice and hearing before a review board shall apply.

(D) Any person who is unable to understand highway warnings or traffic signs or directions given in the English language;

(E) Any person making an application who holds or has held a current operator's or a chauffeur's license issued to him by another jurisdiction and such license is under revocation or suspension in the jurisdiction where issued, until the expiration of one year after such license was revoked or until period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court or county court in whose jurisdiction such person resides agreeing to pay the cost of the proceedings and alleging that the conduct involved in the offense which resulted in suspension or revocation in the foreign jurisdiction would not have resulted in such had the offense occurred in this state. If the petition is granted, petitioner shall notify the registrar of motor vehicles by a certified copy of the court's findings and a license shall not be denied under this division.

Sec. 4507.16. The trial judge of any court of record shall, in addition to, or independent of all other penalties provided by law or by ordinance, suspend for not less than thirty days nor

more than three years or revoke the license of any person who is convicted of or pleads guilty to any of the following:

- (A) Homicide by vehicle;
- (B) Operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug CONTROLLED SUBSTANCE;
- (C) Perjury or the making of a false affidavit under sections 4507.01 to 4507.39, inclusive, of the Revised Code, or any other law of this state requiring the registration of motor vehicles or regulating their operation on the highway;
- (D) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
- (E) Failing to stop and disclose identity at the scene of the accident when required by law to do so;
- (F) Drag racing as defined in division (A) of section 4511.251 of the Revised Code;
- (G) Willfully eluding or fleeing a police officer.

The trial judge of any court of record shall, in addition to suspensions or revocations of licenses for periods of time not exceeding three years, and in addition to, or independent of, all other penalties provided by law or by ordinance, impose a suspended jail sentence not to exceed six months, providing that imprisonment was not imposed for the offense for which the person was convicted.

After an operator's or chauffeur's license has been suspended or revoked, the trial court shall cause the offender to deliver to the court such license, and the court or clerk of such court shall, if such license has been suspended, or revoked in connection with any of the hereinbefore mentioned crimes, forthwith forward to the registrar such license together with notice of the action of the court.

No court shall suspend the first thirty days of suspension of license provided for under this section.

Sec. 4561.15. No person shall commit any of the following acts:

- (A) Carry passengers in an aircraft unless the person piloting the aircraft is a holder of a valid airman's certificate of competency in the grade of private pilot or higher issued by the United States; this division of this section is inapplicable to the operation of military aircraft of the United States, aircraft of a state, territory, or possession of the United States, or aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such aircraft.
- (B) Operate an aircraft on the land or water or in the air space over this state in a careless or reckless manner that endangers any person or property, or with willful or wanton disregard for the rights or safety of others.
- (C) Operate an aircraft on the land or water or in the air

space over this state while under the influence of intoxicating liquor, ~~narcotics~~ CONTROLLED SUBSTANCES, or other habit-forming drugs.

(D) Tamper with, alter, destroy, remove, carry away, or cause to be carried away any object used for the marking of airports, landing fields, or other aeronautical facilities in this state, or in any way change the position or location of such markings, except by the direction of the proper authorities charged with the maintenance and operation of such facilities, or illegally possess any object used for such markings.

Jurisdiction over any proceedings charging violation of this section and section 4561.16 of the Revised Code, is limited to courts of record.

Sec. 4723.28. The board of nursing education and nurse registration may deny, revoke, or suspend a certificate or license issued by the board or applied for in accordance with Chapter 4723. of the Revised Code, or otherwise discipline a certificate holder or licensee upon proof that the person is guilty of fraud or deceit in procuring or attempting to procure a certificate or license, or upon proof of: conviction of a felony or a crime involving moral turpitude; conviction for violating any municipal, state, or federal narcotics law; habitual indulgence in the use of ~~narcotics~~ CONTROLLED SUBSTANCES or other habit-forming drugs or in the use of alcoholic liquors to an extent which affects his professional competency; finding by a court of competent jurisdiction that the licensee is a mentally ill person and has not thereafter been restored to legal capacity. The certificate or license may also be denied, revoked, or suspended, on proof of a violation by the holder of the rules and requirements established by the board regulating the practice of nursing by registered nurses or by licensed practical nurses.

Before the board may revoke, deny, or suspend the certificate or license, or otherwise discipline the holder of a certificate or license, written charges shall be filed with the board by the executive secretary and a hearing shall be had thereon as provided in Chapter 119. of the Revised Code.

Sec. 4729.02. As used in Chapter 4729. of the Revised Code:

(A) "Pharmacy" means any area, room, rooms, place of business, department, or portion of any of the foregoing, where prescriptions are filled or where drugs, dangerous drugs, or poisons are compounded, sold, offered, or displayed for sale, dispensed, or distributed to the public.

(B) To "practice pharmacy" means to compound or dispense drugs, dangerous drugs, and poisons.

(C) "Drug" means:

(1) ~~any~~ ANY article recognized in the official United States pharmacopeia, or official national formulary, or any supplement to

either of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(2) ~~any~~ ANY other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(3) ~~any~~ ANY article, other than food, intended to affect the structure or any function of the body of man or other animals;

(4) ~~any~~ ANY article intended for use as a component of any article specified in ~~subdivisions~~ DIVISION (C) (1), (2), or (3) OF THIS SECTION; but does not include devices or their components, parts, or accessories, unless the label bears the statement required under federal regulations adopted pursuant to the "Federal Food, Drug, and Cosmetic Act," to restrict the device, component, part, or accessory to sale by order of a practitioner.

(D) "Dangerous drug" means:

(1) Any drug which, under the "Federal Food, Drug, and Cosmetic Act," federal narcotic law, sections 3715.01 to 3715.72, inclusive, sections 3719.01 to 3719.22, inclusive, or sections 3719.23 to 3719.29, inclusive, OR CHAPTER 3719. of the Revised Code, may be dispensed only upon a prescription;

(2) Any drug which contains a SCHEDULE V narcotic drug and which is exempt from sections 3719.01 to 3719.22, inclusive, CHAPTER 3719. of the Revised Code, or to which such sections do CHAPTER DOES not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.

(E) "Federal narcotic law" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs, AND INCLUDES THE FEDERAL DRUG ABUSE CONTROL LAWS DEFINED IN SECTION 3719.01 OF THE REVISED CODE.

(F) "Federal Food, Drug, and Cosmetic Act," means the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, (1938), 21 U.S.C. 301, as amended.

(G) "Prescription" means an order for drugs or combinations or mixtures thereof, written or signed by a practitioner or transmitted by a practitioner to a pharmacist by word of mouth, telephone, telegraph, or other means of communication and recorded in writing by the pharmacist.

(H) "Practitioner" means a person licensed pursuant to Chapter 4731., 4715., or 4741. of the Revised Code and authorized by law to write prescriptions for drugs or dangerous drugs.

(I) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of sixty grains or less.

(J) "Sale" and "sell" include delivery, transfer, barter, ex-

change, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.

(K) "Wholesale sale" and "sale at wholesale" means any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" means any sale other than a wholesale sale or sale at wholesale.

(M) "Wholesale distributor of dangerous drugs" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such person authorized by such person to engage in the sale of dangerous drugs at wholesale.

(N) "Manufacturer of dangerous drugs" means a person other than a pharmacist who manufactures dangerous drugs and who is engaged in the sale of such drugs within this state.

(O) "Terminal distributor of dangerous drugs" means a person other than a practitioner who is engaged in the sale of dangerous drugs at retail, or any person other than a wholesale distributor or a pharmacist who has in his possession, custody, or control dangerous drugs for any purpose other than for his own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories, and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or medical practitioner.

(P) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(Q) "Person" includes any individual, partnership, association, corporation, the state, or any political or civil subdivision, district, department, or agency of the state or its political subdivisions.

Sec. 4729.16. The state board of pharmacy, after notice and hearing in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code, may revoke, suspend, or refuse to grant an identification card or renewal identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, if a majority of the members of the board find a pharmacist or pharmacy intern:

(A) Guilty of a felony or gross immorality;

(B) Addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;

(C) Guilty of willfully violating more than one time any of the provisions of sections 4729.01 to 4729.34, inclusive, sections 3719.01 to 3719.36, inclusive, and sections 3715.52 to 3715.72, inclusive,

OR CHAPTER 2925., 3719., OR 4729. of the Revised Code;

(D) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(E) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or

(F) Guilty of dividing or agreeing to divide any fees or charges made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of an extended care facility, rest home, or nursing home.

Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

Sec. 4729.53. A wholesale distributor of dangerous drugs shall not be registered unless and until the applicant for such registration has furnished satisfactory proof to the board of pharmacy that:

(A) The applicant has agreed that he will on behalf of himself, his agents, and employees, submit to the jurisdiction of the board and to the laws of this state for the purposes of the enforcement of sections 4729.51 to 4729.61, inclusive, of the Revised Code.

(B) The applicant has designated the name and address of a person to whom communications from the board may be directed and upon whom the notices and citations provided for in section 4729.56 of the Revised Code may be served and has agreed that any such communication, notice, or citation, sent by the board postpaid, registered mail, addressed to such person at such address shall constitute proper service upon and notice to such registered wholesale distributor of dangerous drugs for all purposes under sections 4729.51 to 4729.61, inclusive, of the Revised Code.

(C) Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs to any person other than those named in division (B) of section 4729.51 of the Revised Code.

(D) If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal narcotic law, sections 3715.01 to 3715.72, inclusive, sections 3719.01 to 3719.22, inclusive, sections 3719.23 to 3719.23, inclusive, or sections 4729.01 to 4729.36, inclusive, OR CHAPTER 3719. OR 4729. of the Revised Code, adequate safeguards are assured to prevent the recurrence of such violation.

Sec. 4729.55. No license shall be issued to a terminal dis-

tributor of dangerous drugs unless and until the applicant therefor has furnished satisfactory proof to the board of pharmacy that:

(A) The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs.

(B) A pharmacist or practitioner shall maintain supervision and control over the possession and custody of such dangerous drugs that may be acquired by or on behalf of the applicant.

(C) Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or practitioner.

(D) If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal narcotic law, sections 3715.01 to 3715.72, inclusive; sections 3719.01 to 3719.22, inclusive; sections 3719.23 to 3719.29, inclusive; sections 4729.01 to 4729.35, inclusive; OR CHAPTER 3719, OR 4729, of the Revised Code, or any rule or regulation of the board, adequate safeguards are assured to prevent the recurrence of such violation.

Sec. 4729.57. The board of pharmacy may suspend, revoke, or refuse to renew any license issued to a terminal distributor of dangerous drugs pursuant to section 4729.54 of the Revised Code for any of the following causes:

(A) For making any false material statements in an application for a license as a terminal distributor of dangerous drugs;

(B) For violating more than once any rule or regulation of the board;

(C) For violating more than once any of the provisions of section 4729.51 of the Revised Code;

(D) For violating more than once any of the provisions of the "Federal Food, Drug, and Cosmetic Act" or sections 3715.01 to 3715.72, inclusive, of the Revised Code;

(E) For violating more than once any of the provisions of the federal narcotic law; sections 3719.01 to 3719.22, inclusive, or sections 3719.23 to 3719.29, inclusive; OR CHAPTER 2925, OR 3719, of the Revised Code;

(F) For violating more than once any of the provisions of sections 4729.01 to 4729.35, inclusive, of the Revised Code;

(G) For falsely or fraudulently promoting to the public a dangerous drug; provided, that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a practitioner or another licensed terminal distributor.

Upon the suspension or revocation of a license issued to a

terminal distributor of dangerous drugs, such distributor shall immediately surrender his license to the board.

Sec. 4729.61. (A) No person shall make or cause to be made, or furnish or cause to be furnished to a wholesale distributor of dangerous drugs, a false or fraudulent certificate required to be furnished to a wholesale distributor of dangerous drugs by section 4729.60 of the Revised Code for the purchase of dangerous drugs at wholesale.

(B) No person shall make or cause to be made a false or fraudulent registration certificate of a wholesale distributor of dangerous drugs or a false or fraudulent license of a terminal distributor of dangerous drugs.

(C) No person shall obtain or attempt to obtain a dangerous drug by fraud, deceit, misrepresentation, or subterfuge, nor shall any person make or utter a false or forged prescription for a dangerous drug.

Sec. 4729.65. All receipts of the state board of pharmacy, from any source, shall be deposited in the state treasury to the credit of the general revenue fund. All expenditures shall be paid from the board's general revenue fund appropriation by the treasurer of state upon the warrant of the auditor of state. The auditor shall issue his warrant upon the presentation of itemized vouchers, signed by the board president or executive director, or both, as authorized by the board. All initial issuance fees and renewal fees required by sections 4729.01 to 4729.54, inclusive, of the Revised Code shall be payable by the applicant at the time of making application, and shall be payable to the treasurer of state, and entered by the treasurer on the records of the state board of pharmacy.

All fines, penalties, or AND forfeited bonds assessed and collected under prosecution or prosecution commenced in the enforcement of sections 4729.01 to 4729.66, inclusive, of the Revised Code shall be paid to the executive director of the board within thirty days and by him paid into the state treasury. THE TREASURER OF STATE SHALL ENTER TWENTY-FIVE PER CENT OF THE FINES AND FORFEITED BONDS ON THE RECORDS OF THE STATE BOARD OF PHARMACY. SUCH FUNDS SHALL BE USED BY THE BOARD IN CARRYING OUT ITS DUTIES UNDER CHAPTER 4729. OF THE REVISED CODE. The state board of pharmacy, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by sections 4729.01 to 4729.99, inclusive, of the Revised Code, provided that such fees do not exceed the amounts permitted by these sections by more than fifty per cent.

Sec. 4729.99. (A) WHOEVER VIOLATES SECTION 4729.16 OR 4729.57 OF THE REVISED CODE IS GUILTY OF A MINOR

MISDEMEANOR. EACH DAY'S VIOLATION CONSTITUTES A SEPARATE OFFENSE.

~~(A)~~ (B) Whoever violates section 4729.27, 4729.28, or 4729.36 of the Revised Code shall be fined not less than one hundred nor more than three hundred dollars; for each subsequent offense such person shall be fined not less than three hundred nor more than five hundred dollars IS GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE. Each day's violation constitutes a separate offense. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF CHAPTER 4729. OF THE REVISED CODE, THAT PERSON IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE.

~~(B)~~ (C) Whoever violates sections SECTION 4729.32, 4729.33, 4729.34, and OR 4729.37 of the Revised Code shall be fined not less than ten nor more than fifty dollars IS GUILTY OF A MISDEMEANOR.

~~(C)~~ (D) Whoever violates division (A), (B), (D), or (E) of section 4729.51 of the Revised Code shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

~~(D)~~ (E) Whoever violates section 4729.281, division (C) of section 4729.51, or section 4729.61 of the Revised Code shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both, for a first offense; for each subsequent offense such person shall be fined not more than one thousand dollars and imprisoned not less than one nor more than ten years IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF CHAPTER 4729. OF THE REVISED CODE THAT PERSON IS GUILTY OF A FELONY OF THE FOURTH DEGREE.

Sec. 4731.70. The state medical board may refuse to grant a license to an applicant for a license to practice physical therapy or may suspend or revoke the license of any physical therapist licensed by it, for any of the following grounds:

(A) Applying or offering to apply physical therapy independent of the prescription and direction of a person licensed in this state to practice medicine and surgery;

(B) Habitual indulgence in the use of narcotic drugs CONTROLLED SUBSTANCES or other habit-forming drugs, or in the use of alcoholic liquors to an extent which affects his professional competency;

(C) Conviction of a felony or a crime involving moral turpitude;

(D) Conviction for violating any municipal, state, or federal narcotic law;

(E) Obtaining or attempting to obtain a license by fraud or deception;

(F) Finding by a court of competent jurisdiction that the licensee is a mentally ill person and has not thereafter been restored to legal capacity;

(G) Conduct unbecoming a person licensed as a physical therapist or detrimental to the best interests of the public;

(H) The treatment or attempt to treat ailments or other health conditions of human beings by means other than by physical therapy and as authorized in section 4731.62 of the Revised Code.

Sec. 4732.17. The state board of psychology may refuse to issue a license to any applicant, may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the following grounds:

(A) Conviction of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(B) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(C) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(D) Willful, unauthorized communication of information received in professional confidence;

(E) Being negligent in the practice of psychology or school psychology;

(F) Using any narcotic CONTROLLED SUBSTANCE or alcoholic beverage to an extent that such use impairs his ability to perform the work of a psychologist or school psychologist with safety to the public;

(G) Violating any rule of professional conduct promulgated by the board;

(H) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(I) A decree by any court establishing that the person is mentally ill. Such person may have his license issued or restored only upon determination by a court that he is recovered from mental illness and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

Before the board may deny, suspend or revoke a license under this section, or otherwise discipline the holder of a license, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

Sec. 4741.22. The state veterinary medical board may refuse to issue a license or a temporary permit to any applicant,

may issue a reprimand, or suspend or revoke the license or the temporary permit of any person licensed to practice veterinary medicine who:

(A) In the conduct of his practice does not conform to the rules prescribed by the board for proper sanitary and hygienic methods to be used in the care and treatment of animals;

(B) Is found guilty of fraud in completing the examination conducted by the board;

(C) Is found to be physically or psychologically addicted to the alcohol or drug habit to such a degree as to render him unfit to practice veterinary medicine;

(D) Directly or indirectly employs or lends his services to a solicitor for the purpose of obtaining patients;

(E) Obtains a fee on the assurance that an incurable disease can be cured;

(F) Advertises in a manner which violates section 4741.21 of the Revised Code;

(G) Has professional association with or lends his name to any unlicensed person association, or organization for the purpose of obtaining OBTAINING patients;

(H) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;

(I) Sells any biologic containing living, dead, or sensitized organisms or products of such organisms, except in a manner which the board by rule has prescribed;

(J) Is convicted of any felony or crime involving moral turpitude;

(K) Is convicted of any violation of section 959.13 of the Revised Code;

(L) Is convicted of sale of narcotics in violation of law or violation of the "Controlled Substances Act," 84 Stat. 1242 (1970), 21 U.S.C.A. 801 A FELONY DRUG ABUSE OFFENSE;

(M) Swears falsely in any affidavit required to be made by him in the course of his practice of veterinary medicine;

(N) Fails to report promptly to the proper official any dangerous, infectious, or contagious disease;

(O) Fails to report promptly vaccinations or the results of tests when required to do so by law or regulation;

(P) Has been adjudged mentally incompetent by a court of competent jurisdiction;

(Q) Permits a person not a licensed veterinarian, a veterinary student extern, or a graduate animal technician to engage in work or perform duties in violation of sections 4741.01 to 4741.29 of the Revised Code;

(R) Is guilty of gross incompetence.

Before the board may revoke, deny, or suspend a license, or otherwise discipline the holder of a license, written charges shall be filed with the board by the executive secretary and a hearing shall be had thereon as provided in sections 119.01 to 119.13 of the Revised Code.

Sec. 5122.50. (A) NO DRUG TREATMENT PROGRAM SHALL EMPLOY METHADONE TREATMENT OR PRESCRIBE, DISPENSE, OR ADMINISTER METHADONE IN ANY MANNER, UNLESS SUCH PROGRAM IS LICENSED UNDER THIS SECTION. FOR PURPOSES OF THIS SECTION, A "DRUG TREATMENT PROGRAM" INCLUDES ANY PERSON, COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION BOARD, FACILITY, HOSPITAL, CLINIC, AGENCY, OR ORGANIZATION.

(B) UPON APPLICATION BY A DRUG TREATMENT PROGRAM, THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION MAY LICENSE SUCH PROGRAM TO MAINTAIN METHADONE TREATMENT. NO LICENSES SHALL BE GIVEN, UNLESS UPON INVESTIGATION, IT ADEQUATELY APPEARS THAT THE PROGRAM IS ADEQUATELY STAFFED AND EQUIPPED TO MAINTAIN SUCH TREATMENT PROGRAM, AND WILL CONDUCT IT IN STRICT COMPLIANCE WITH SECTION 3719.61 OF THE REVISED CODE, ALL OTHER LAWS RELATING TO DRUG ABUSE, AND THE RULES ISSUED BY THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION. A LICENSE TO MAINTAIN A METHADONE TREATMENT PROGRAM MAY BE WITHDRAWN BY THE DIRECTOR AT ANY TIME THE DRUG TREATMENT PROGRAM FAILS TO MEET THE STANDARDS FOR ISSUING SUCH LICENSE.

THE DIRECTOR SHALL ESTABLISH PROCEDURES AND ISSUE RULES FOR INSPECTING AND LICENSING METHADONE TREATMENT PROGRAMS. SUCH RULES SHALL ESTABLISH STANDARDS FOR THE CONTROL, STORAGE, FURNISHING, USE, AND DISPENSING OF METHADONE, PRESCRIBE MINIMUM STANDARDS FOR THE OPERATION OF A METHADONE TREATMENT PROGRAM, AND COMPLY WITH FEDERAL LAWS AND REGULATIONS.

ALL LICENSES ISSUED UNDER THIS SECTION SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE AND MAY BE RENEWED. EXCEPT AS PROVIDED FOR IN DIVISION (D) OF THIS SECTION, ALL ACTIONS OF THE DIRECTOR WITH RESPECT TO ISSUING RULES, LICENSING METHADONE TREATMENT PROGRAMS, AND REFUSING TO LICENSE, SHALL BE IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE.

(C) THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION SHALL SUPERVISE AND INSPECT AN-

NUALLY, OR MORE OFTEN, ALL LICENSED METHADONE TREATMENT PROGRAMS. THE DIRECTOR MAY ISSUE ORDERS TO ASSURE COMPLIANCE WITH SECTION 3719.61 OF THE REVISED CODE, ALL OTHER LAWS RELATING TO DRUG ABUSE, AND THE RULES ISSUED PURSUANT TO THIS SECTION, SUBJECT TO SECTION 5122.53 OF THE REVISED CODE, THE DIRECTOR MAY HOLD HEARINGS, REQUIRE THE PRODUCTION OF RELEVANT MATTER, COMPEL TESTIMONY, ISSUE SUBPOENAS, AND MAKE ADJUDICATIONS. UPON FAILURE OF A PERSON WITHOUT LAWFUL EXCUSE TO OBEY A SUBPOENA, OR TO PRODUCE RELEVANT MATTER, THE DIRECTOR MAY APPLY TO A COURT OF COMMON PLEAS FOR AN ORDER COMPELLING COMPLIANCE.

NO PERSON, FIRM, ORGANIZATION, CORPORATION, OR AGENCY SHALL INTERFERE WITH THE INSPECTION OF A METHADONE DRUG TREATMENT PROGRAM BY ANY STATE OR LOCAL OFFICIAL WHEN HE IS PERFORMING DUTIES REQUIRED OF HIM BY THIS SECTION.

(D) IN THE EVENT THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION FINDS REASONABLE CAUSE TO BELIEVE THAT ANY METHADONE DRUG TREATMENT PROGRAM LICENSED UNDER THIS SECTION IS IN VIOLATION OF ANY PROVISION OF SECTION 3719.61 OF THE REVISED CODE, OR OF ANY OTHER STATE OR FEDERAL LAW OR RULE RELATING TO DRUG ABUSE, THE DIRECTOR MAY ISSUE AN ORDER IMMEDIATELY REVOKING THE LICENSE PREVIOUSLY ISSUED. THE DIRECTOR SHALL SET A DATE NOT MORE THAN FIFTEEN DAYS LATER THAN THE DATE OF THE ORDER OF REVOCATION FOR A HEARING ON THE CONTINUATION OR CANCELLATION OF SAID REVOCATION. FOR GOOD CAUSE, THE DIRECTOR MAY CONTINUE SUCH HEARING ON APPLICATION OF ANY INTERESTED PARTY. IN CONDUCTING SUCH HEARINGS, THE DIRECTOR HAS ALL THE AUTHORITY AND POWER SET FORTH IN DIVISION (C) OF THIS SECTION. FOLLOWING SUCH HEARING, THE DIRECTOR SHALL EITHER CONFIRM OR CANCEL SUCH REVOCATION. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE, EXCEPT THAT THE METHADONE TREATMENT PROGRAM WHOSE LICENSE HAS BEEN REVOKED SHALL NOT BE PERMITTED TO OPERATE PENDING SUCH HEARING NOR PENDING ANY APPEAL FROM AN ADJUDICATION MADE AS A RESULT OF SUCH HEARING. NOTWITHSTANDING ANY PROVISION OF CHAPTER 119. OF THE REVISED CODE TO THE CONTRARY, A COURT SHALL NOT STAY OR SUSPEND ANY ORDER OF REVOCATION ISSUED BY THE DIRECTOR UNDER THIS DIVISION PENDING JUDICIAL APPEAL.

(E) NO REVOCATION REFERRED TO IN DIVISION (D) OF THIS SECTION SHALL BE MADE UNLESS ALL PATIENTS RECEIVING TREATMENT FROM THE PROGRAM ARE PROVIDED ADEQUATE SUBSTITUTE TREATMENT. FOR PURPOSES OF THIS SECTION, THE DIRECTOR MAY TRANSFER SUCH PATIENTS TO OTHER LICENSED METHADONE TREATMENT PROGRAMS OR REPLACE ANY OR ALL OF THE ADMINISTRATORS AND STAFF OF THE REVOKED PROGRAMS WITH THE REPRESENTATIVES OF THE DIRECTOR WHO SHALL CONTINUE OPERATIONS AS A PROVISIONAL METHADONE TREATMENT PROGRAM.

(F) WHENEVER IT APPEARS TO THE DIRECTOR FROM FILES, UPON COMPLAINT, OR OTHERWISE, THAT ANY METHADONE TREATMENT PROGRAM HAS ENGAGED IN, IS ENGAGED IN, OR ABOUT TO ENGAGE IN, ANY PRACTICE DECLARED TO BE ILLEGAL OR PROHIBITED BY SECTION 3719.61 OF THE REVISED CODE, OR ANY OTHER STATE OR FEDERAL LAWS OR REGULATIONS RELATING TO DRUG ABUSE, OR WHEN THE DIRECTOR BELIEVES IT TO BE IN THE BEST INTEREST OF THE PUBLIC AND NECESSARY FOR THE PROTECTION OF THE CITIZENS OF THE STATE, THE DIRECTOR MAY REQUEST CRIMINAL PROCEEDINGS BY LAYING BEFORE THE PROSECUTING ATTORNEY OF THE PROPER COUNTY ANY EVIDENCE OF CRIMINALITY WHICH MAY COME TO HIS KNOWLEDGE.

Sec. 5122.51. ~~(A)~~ Upon application by a community mental health and mental retardation board, or by a public or private hospital or clinic, the director of mental health and mental retardation may authorize such board, hospital, or clinic to maintain a methadone treatment program. No such authorization shall be given, unless upon investigation it affirmatively appears that the board, hospital, or clinic is adequately staffed and equipped to maintain such treatment program, and will conduct it in strict compliance with section 3719.61 of the Revised Code and other laws relating to drug abuse. Authority to maintain a methadone treatment program may be withdrawn by the director at any time the board, hospital, or clinic fails to meet the standards for issuing such authority.

~~(B)~~ (A) The department of mental health and mental retardation shall maintain a current registry of the following:

(1) Hospitals and clinics authorized to maintain, and maintaining, methadone treatment programs pursuant to sections SECTIONS 3719.61 AND 5122.50 of the Revised Code, including hospitals and clinics under the jurisdiction of the department or the jurisdiction of community mental health and mental retardation boards, and public and private hospitals and clinics;

(2) Persons, agencies, and organizations, public or private, charitable or for profit, that maintain or conduct a special program for the reception, treatment, care, housing, counselling, rehabilita-

tion, or other service aiding or purporting to aid drug dependent persons or persons in danger of drug dependence.

~~(C)~~ (B) On or before the thirtieth day of June in each year, all persons, agencies, and organizations that maintain or conduct a special program described in division ~~(B)~~ (A) (2) of this section shall register with the department of mental health and mental retardation, describing the program or programs maintained or conducted, and giving such further information as the department may require. If an agency or organization registers as required by this division, no member of the staff of such agency or organization is required to register.

~~(D)~~ No person, agency, or organization shall maintain or conduct, or hold itself out as maintaining or conducting, a program for the reception, treatment, care, housing, counselling, rehabilitation, or other service purporting to aid drug dependent persons or persons in danger of drug dependence, unless such person, agency, or organization is registered as required by division ~~(C)~~ of this section.

~~(E)~~ No person shall prescribe, dispense, or administer methadone or other drug of abuse to a drug dependent person for the purpose of maintaining his drug dependence, unless the person prescribing, dispensing, or administering the treatment is authorized to do so pursuant to division ~~(A)~~ of this section, and the drug is prescribed, dispensed, and administered pursuant to section 3710.61 of the Revised Code.

(C) UPON VOLUNTARY APPLICATION OF ANY DRUG TREATMENT PROGRAM DESCRIBED IN DIVISION (A) (2) OF THIS SECTION, THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION MAY CERTIFY SUCH PROGRAM AS AN APPROVED DRUG TREATMENT PROGRAM. THE DIRECTOR MAY ADOPT RULES ESTABLISHING STANDARDS AND PROCEDURES FOR CERTIFICATION, AND SUCH RULES SHALL BE PUBLISHED AND MADE AVAILABLE TO THE PUBLIC. A CERTIFICATION UNDER THIS DIVISION MAY BE WITHDRAWN BY THE DIRECTOR AT ANY TIME THE DRUG TREATMENT PROGRAM FAILS TO MEET THE STANDARDS FOR ISSUING SUCH CERTIFICATION. NO PROGRAM DESCRIBED IN DIVISION (A) (2) OF THIS SECTION SHALL REPRESENT IN ANY MANNER THAT IT HAS BEEN CERTIFIED BY THE DIRECTOR IF SUCH PROGRAM IS NOT PRESENTLY CERTIFIED. PROCEEDINGS UNDER THIS DIVISION ARE NOT SUBJECT TO CHAPTER 119. OF THE REVISED CODE.

Sec. 5122.53. (A) RECORDS OR INFORMATION, OTHER THAN COURT JOURNAL ENTRIES OR COURT DOCKET ENTRIES, PERTAINING TO THE IDENTITY, DIAGNOSIS, OR TREATMENT OF ANY PATIENT WHICH ARE MAINTAINED IN CONNECTION WITH THE PERFORMANCE OF ANY DRUG TREATMENT PROGRAM LICENSED BY, OR CERTIFIED BY, THE DIRECTOR OF MENTAL HEALTH AND MENTAL RE-

TARDATION, UNDER SECTIONS 5122.50 AND 5122.51 OF THE REVISED CODE, SHALL BE KEPT CONFIDENTIAL, MAY BE DISCLOSED ONLY FOR THE PURPOSES AND UNDER THE CIRCUMSTANCES EXPRESSLY AUTHORIZED UNDER THIS SECTION, AND MAY NOT OTHERWISE BE DIVULGED IN ANY CIVIL, CRIMINAL, ADMINISTRATIVE, OR LEGISLATIVE PROCEEDING.

(B) WHEN THE PATIENT, WITH RESPECT TO WHOM ANY RECORD OR INFORMATION REFERRED TO IN DIVISION (A) OF THIS SECTION IS MAINTAINED, GIVES HIS CONSENT IN THE FORM OF A WRITTEN RELEASE SIGNED BY THE PATIENT, THE CONTENT OF SUCH RECORD OR SUCH INFORMATION MAY BE DISCLOSED IF SAID WRITTEN RELEASE:

(1) SPECIFICALLY IDENTIFIES THE PERSON, OFFICIAL, OR ENTITY TO WHOM THE INFORMATION IS TO BE PROVIDED;

(2) DESCRIBES WITH REASONABLE SPECIFICITY THE RECORD, RECORDS, OR INFORMATION TO BE DISCLOSED; AND

(3) DESCRIBES WITH REASONABLE SPECIFICITY THE PURPOSES OF THE DISCLOSURE AND THE INTENDED USE OF THE DISCLOSED INFORMATION.

(C) A PATIENT WHO IS SUBJECT TO PAROLE, PROBATION, OR WHO IS ORDERED TO REHABILITATION IN LIEU OF CONVICTION, AND WHO HAS AGREED TO PARTICIPATE IN A DRUG TREATMENT OR REHABILITATION PROGRAM AS A CONDITION OF PAROLE, PROBATION, OR ORDER TO REHABILITATION, SHALL BE DEEMED TO HAVE CONSENTED TO THE RELEASE OF RECORDS AND INFORMATION RELATING TO THE PROGRESS OF TREATMENT, FREQUENCY OF TREATMENT, ADHERENCE TO TREATMENT REQUIREMENTS, AND PROBABLE OUTCOME OF TREATMENT. RELEASE OF INFORMATION AND RECORDS UNDER THIS DIVISION SHALL BE LIMITED TO THE COURT OR GOVERNMENTAL PERSONNEL HAVING THE RESPONSIBILITY FOR SUPERVISING HIS PROBATION, PAROLE, OR ORDER TO REHABILITATION. A PATIENT, DESCRIBED IN THIS DIVISION, WHO REFUSES TO ALLOW DISCLOSURE MAY BE CONSIDERED IN VIOLATION OF THE CONDITIONS OF HIS PAROLE, PROBATION, OR ORDER TO REHABILITATION.

(D) DISCLOSURE OF A PATIENT'S RECORD MAY BE MADE WITHOUT HIS CONSENT TO QUALIFIED PERSONNEL FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH, MANAGEMENT, FINANCIAL AUDITS, OR PROGRAM EVALUATION, BUT SUCH PERSONNEL MAY NOT IDENTIFY, DIRECTLY OR INDIRECTLY, ANY INDIVIDUAL PATIENT IN ANY REPORT OF SUCH RESEARCH, AUDIT, OR

EVALUATION, OR OTHERWISE DISCLOSE A PATIENT'S IDENTITY IN ANY MANNER.

(E) UPON THE REQUEST OF A PROSECUTING ATTORNEY OR THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION, A COURT OF COMPETENT JURISDICTION MAY ORDER THE DISCLOSURE OF RECORDS OR INFORMATION REFERRED TO IN DIVISION (A) OF THIS SECTION IF THE COURT HAS REASON TO BELIEVE THAT A TREATMENT PROGRAM OR FACILITY IS BEING OPERATED OR USED IN A MANNER CONTRARY TO LAW. THE USE OF ANY INFORMATION OR RECORD SO DISCLOSED SHALL BE LIMITED TO THE PROSECUTION OF PERSONS WHO ARE OR MAY BE CHARGED WITH ANY OFFENSE RELATED TO THE ILLEGAL OPERATION OR USE OF THE DRUG TREATMENT PROGRAM OR FACILITY, OR TO THE DECISION TO WITHDRAW THE AUTHORITY OF A DRUG TREATMENT PROGRAM OR FACILITY TO CONTINUE OPERATION. FOR PURPOSES OF THIS DIVISION THE COURT SHALL:

(1) LIMIT DISCLOSURE TO THOSE PARTS OF PATIENT'S RECORD DEEMED ESSENTIAL TO FULFILL THE OBJECTIVE FOR WHICH THE ORDER WAS GRANTED;

(2) REQUIRE, WHERE APPROPRIATE, THAT ALL INFORMATION BE DISCLOSED IN CHAMBERS;

(3) INCLUDE ANY OTHER APPROPRIATE MEASURES TO KEEP DISCLOSURE TO A MINIMUM, CONSISTENT WITH THE PROTECTION OF THE PATIENTS, THE PHYSICIAN-PATIENT RELATIONSHIP, AND THE ADMINISTRATION OF THE DRUG TREATMENT AND REHABILITATION PROGRAM.

Sec. 5122.54. THERE IS HEREBY CREATED THE OHIO DRUG TREATMENT ADVISORY COUNCIL, CONSISTING OF TWENTY-FOUR MEMBERS TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE COUNCIL. OF THE INITIAL APPOINTMENTS MADE TO THE COUNCIL, SIX SHALL BE FOR TERMS ENDING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, SIX SHALL BE FOR TERMS ENDING TWO YEARS AFTER THAT DATE, SIX SHALL BE FOR TERMS ENDING THREE YEARS AFTER THAT DATE, AND SIX SHALL BE FOR TERMS ENDING FOUR YEARS AFTER THAT DATE. THEREAFTER, TERMS OF OFFICE SHALL BE FOR FOUR YEARS, EACH TERM ENDING ON THE SAME DAY OF THE SAME MONTH OF THE YEAR AS DID THE TERM WHICH IT SUCCEEDS. EACH MEMBER SHALL HOLD OFFICE FROM THE DATE OF HIS APPOINTMENT UNTIL THE END OF THE TERM FOR WHICH HE WAS APPOINTED. ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF THE TERM FOR WHICH HIS PREDECESSOR WAS AP-

POINTED SHALL HOLD OFFICE FOR THE REMAINDER OF SUCH TERM. ANY MEMBER SHALL CONTINUE IN OFFICE SUBSEQUENT TO THE EXPIRATION DATE OF HIS TERM UNTIL HIS SUCCESSOR TAKES OFFICE, OR UNTIL A PERIOD OF SIXTY DAYS HAS ELAPSED, WHICHEVER OCCURS FIRST.

THE COUNCIL SHALL BE COMPRISED OF REPRESENTATIVES OF THE FOLLOWING STATE AGENCIES, POLITICAL OFFICES, OTHER ORGANIZATIONS AND PERSONS, SELECTED INsofar AS POSSIBLE FROM DIFFERENT GEOGRAPHICAL AREAS OF THE STATE:

- (A) A REPRESENTATIVE OF THE:
 - (1) DEPARTMENT OF HEALTH;
 - (2) ATTORNEY GENERAL;
 - (3) DEPARTMENT OF REHABILITATION AND CORRECTION;
 - (4) DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT;
 - (5) BUREAU OF EMPLOYMENT SERVICES;
 - (6) DEPARTMENT OF EDUCATION;
 - (7) STATE BOARD OF PHARMACY;
 - (8) YOUTH COMMISSION;
 - (9) DEPARTMENT OF PUBLIC WELFARE;
 - (10) DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION;
 - (11) STATE MEDICAL BOARD;
 - (12) STATE BOARD OF PSYCHOLOGY.
 - (B) A REPRESENTATIVE OF THE FOLLOWING ORGANIZATIONS:
 - (1) COMMUNITY MENTAL HEALTH AND RETARDATION BOARDS;
 - (2) METHADONE PROGRAMS LICENSED UNDER SECTION 5122.50 OF THE REVISED CODE;
 - (3) DRUG TREATMENT PROGRAMS CERTIFIED UNDER SECTION 5122.51 OF THE REVISED CODE.
 - (C) THE FOLLOWING OFFICEHOLDERS:
 - (1) A PROSECUTING ATTORNEY;
 - (2) A SHERIFF;
 - (3) A MUNICIPAL CHIEF OF POLICE;
 - (4) A JUDGE OF A MUNICIPAL COURT OR COURT OF COMMON PLEAS.
 - (D) FIVE PERSONS REPRESENTING NONGOVERNMENTAL INTERESTS, ORGANIZATIONS, OR OFFICES, BUT WHO ARE EXPERIENCED IN DRUG ABUSE RELATED PROBLEMS.
- EACH MEMBER OF THE COUNCIL SHALL SERVE WITH-

OUT COMPENSATION BUT SHALL BE PAID NECESSARY AND REASONABLE EXPENSES WHICH HE INCURS WHILE ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES AS A MEMBER OF THE COUNCIL. EACH YEAR THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS OF THE COUNCIL TO SERVE AS CHAIRMAN.

Sec. 5122.55. THE OHIO DRUG TREATMENT ADVISORY COUNCIL:

(A) SHALL MEET AT LEAST SIX TIMES A YEAR, AND AT SUCH OTHER ADDITIONAL TIMES AS THE CHAIRMAN DETERMINES NECESSARY FOR THE COUNCIL TO CARRY OUT ITS DUTIES;

(B) SHALL STUDY PRIVATE AND PUBLIC DRUG TREATMENT OR REHABILITATION PROGRAMS AND FACILITIES OPERATING WITHIN THIS STATE;

(C) SHALL INVESTIGATE ALL COMPLAINTS REGISTERED WITH THE COUNCIL CONCERNING THE FUNCTIONING OF SUCH PROGRAMS AND FACILITIES;

(D) SHALL REPORT TO AND CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, AT SUCH TIMES AS IT CONSIDERS APPROPRIATE, CONCERNING THE EFFECTIVENESS OF ANY PUBLIC OR PRIVATE DRUG TREATMENT OR REHABILITATION PROGRAM OR FACILITY OPERATING WITHIN THIS STATE;

(E) SHALL REPORT ANNUALLY TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE OVERALL EFFECTIVENESS OF DRUG TREATMENT OR REHABILITATION PROGRAMS AND FACILITIES OPERATING WITHIN THIS STATE, SETTING FORTH SUCH RECOMMENDATIONS FOR EXECUTIVE AND LEGISLATIVE ACTIONS AS IT CONSIDERS APPROPRIATE;

(F) MAY, SUBJECT TO SECTION 5122.53 OF THE REVISED CODE, REQUEST THE DIRECTOR OF MENTAL HEALTH AND MENTAL RETARDATION TO EXAMINE THE FILES OR RECORDS OF ANY PUBLIC OR PRIVATE DRUG TREATMENT OR REHABILITATION PROGRAM OR FACILITY OPERATING WITHIN THIS STATE IN ORDER TO CARRY OUT THE DUTIES IMPOSED UPON IT BY THIS SECTION, AND UPON SUCH A REQUEST, THE DIRECTOR SHALL EXAMINE THE FILES AND RECORDS INDICATED BY THE BOARD IN ITS REQUEST, AND REPORT HIS FINDINGS TO THE BOARD, SUBJECT TO SECTION 5122.53 OF THE REVISED CODE;

(G) MAY EMPLOY SUCH CONSULTANTS OR STAFF AS IT CONSIDERS NECESSARY TO CARRY OUT THE DUTIES IMPOSED UPON IT BY THIS SECTION.

Sec. 5122.99. (A) Whoever violates division ~~(D)~~ (A) of section ~~5122.51~~ 5122.50 of the Revised Code shall be fined not more than one thousand dollars IS GUILTY OF A FELONY OF THE FOURTH DEGREE.

(B) Whoever violates division ~~(E)~~ (C) of section 5122.51 of the Revised Code shall be fined not more than five thousand dollars, or imprisoned not less than one, nor more than ten years, or both IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

(C) Whoever violates division (C) of section 5122.52 of the Revised Code shall be fined not more than five hundred dollars IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE.

(D) WHOEVER VIOLATES SECTION 5122.53 OF THE REVISED CODE IS GUILTY OF A FELONY OF THE FOURTH DEGREE.

Sec. 5145.07. The branches of education which shall be taught in the elementary day school for uneducated prisoners in the penitentiary shall be reading, spelling, writing, arithmetic, and English grammar.

The department of rehabilitation and correction may establish and maintain manual training, domestic science, and commercial departments. The nature of alcoholic drinks and narcotics CONTROLLED SUBSTANCES, and their effects on the human system, may be included in the branches of learning to be regularly taught in such school. Instruction and training may be given in such other branches as may be directed by the department.

SECTION 2. That existing sections 2923.01, 2929.01, 2935.03, 2937.281, 3101.06, 3332.09, 3719.011, 3719.02, 3719.021, 3719.03, 3719.05, 3719.06, 3719.07, 3719.08, 3719.09, 3719.11, 3719.12, 3719.121, 3719.13, 3719.15, 3719.161, 3719.172, 3719.18, 3719.19, 3719.21, 3719.27, 3719.32, 3719.61, 3719.70, 3719.81, 3743.19, 3743.41, 4507.08, 4507.16, 4561.15, 4723.28, 4729.02, 4729.16, 4729.53, 4729.55, 4729.57, 4729.61, 4729.65, 4729.99, 4731.70, 4732.17, 4741.22, 5122.51, 5122.99, and 5145.07, and sections 3719.01, 3719.10, 3719.101, 3719.111, 3719.14, 3719.17, 3719.171, 3719.20, 3719.22, 3719.23, 3719.24, 3719.25, 3719.26, 3719.28, 3719.29, 3719.40, 3719.41, 3719.42, 3719.43, 3719.44, 3719.45, 3719.46, 3719.47, 3719.48, 3719.49, 3719.50, 3719.51, 3719.99, and 4729.281 of the Revised Code are hereby repealed.

SECTION 3. Notwithstanding Section 4 of this act, this section of this act shall become effective at the earliest time permitted by law. Any person charged, convicted, or serving a sentence of imprisonment for an offense under existing law that would not be an offense on the effective date specified in Section 4 of this act shall have the charge dismissed and the conviction abrogated, shall be finally released from imprisonment, and shall have his records expunged of all information concerning that offense. Any person

charged with an offense committed prior to the effective date specified in Section 4 of this act that shall be an offense under this act shall be prosecuted under the law as it existed at the time the offense was committed and any person convicted or serving a sentence of imprisonment for an offense under existing law that would be an offense on the effective date specified in Section 4 of this act but would entail a lesser penalty than the penalty provided for the offense under existing law shall be sentenced according to the penalties provided in this act or have his existing sentence modified in conformity with the penalties provided in this act. Such modification shall grant him a final release from imprisonment if he has already completed the period of imprisonment provided under this act or shall render him eligible for parole release from imprisonment if he has completed a period of imprisonment that would render him eligible for parole under the provisions of this act.

Courts, the Department of Rehabilitation and Correction, persons responsible for the superintendence of municipal and county jails and workhouses, the Adult Parole Authority, county departments of probation, and any other state or local governmental officer or agency having responsibility for prisoners or parolees shall provide reasonable notice, by publication or otherwise, of the provisions of this section and shall, upon written request from any person so affected by this section, or his attorney, take all action necessary to accomplish the release, modification of sentence, or modification of record required by this section. Such officers and agencies may make further modifications of such records as in their opinion are made necessary by this section.

SECTION 4. Except as provided in Section 3 of this act, Sections 1 and 2 of this act shall take effect on July 1, 1976.

Kernan H. Rippe Jr.
Speaker _____ of the House of Representatives.

Richard F. Celeste
President _____ of the Senate.

Passed July 31, 1975

Approved August 22, 1975
James A. Rhodes
Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

David A. Johnston
Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 22nd day of August, A. D. 1975.

Ted W. Brown
Secretary of State.

File No. 105

Effective Date November 21, 1975
(Certain provisions of Act effective July 1, 1976)