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H.B. 456*
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsor: Rep. Boggs

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SUMMARY

- Provides that the offense of “illegal use or possession of drug paraphernalia” does not apply to a person’s use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.

DETAILED ANALYSIS

Illegal use or possession of drug paraphernalia

Offense

Under continuing law, the offense of “illegal use or possession of drug paraphernalia” prohibits a person from knowingly using, or possessing with purpose to use, drug paraphernalia.¹

The penalty for a violation of the offense is a fourth degree misdemeanor.²

Exemption

The bill provides that the offense does not apply to a person’s use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.³

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 2925.14(C)(1).

² R.C. 2925.14(F)(1).

³ R.C. 2925.14(D)(3).

Definition of drug paraphernalia

The bill modifies the definition of “drug paraphernalia” to include the above exemption. “Drug paraphernalia” means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of the Drug Offense Law. “Drug paraphernalia” includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:⁴

1. A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
2. A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
3. Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
4. An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
5. Under the bill, testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, except for those exempted above (see, “**Exemption**,” above);
6. A scale or balance for weighing or measuring a controlled substance;
7. A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;
8. A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
9. A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;
10. A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;
11. A container or device for storing or concealing a controlled substance;
12. A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;

⁴ R.C. 2925.14(A).

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

HISTORY

Action	Date
Introduced	10-19-21
Reported, H. Criminal Justice	--
