



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of House Committee Amendments\*

Jeff Hobday

### **Sub. S.B. 1**

132nd General Assembly  
(H. Criminal Justice)

Modifies a provision in the Senate-passed version of the bill regarding the offense of "possession of a fentanyl-related compound" when the drug involved is a combination of a fentanyl-related compound and marihuana to provide as follows:

- Regardless of the amount, the offender is guilty of possession of marihuana, and not of possession of a fentanyl-related compound, unless the offender knows or has reason to know that the drug contains a fentanyl-related compound.
- If the offender knows or has reason to know of the fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound.

Adds a similar provision to the drug trafficking statute regarding any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana.

Removes special penalties in the Senate-passed version of the bill that applied to possession of a fentanyl-related compound when the offense involved a combination of a fentanyl-related compound and marihuana or a schedule III, IV, or V drug in an amount less than 40 unit doses or 4 grams.

Provides an affirmative defense to a charge of possession of a fentanyl-related compound if (1) the drug involved is a combination of a fentanyl-related compound and a schedule III, IV, or V controlled substance and (2) the offender did not know or have reason to know that the drug involved contained a fentanyl-related compound. If the accused establishes the two elements of the defense by a preponderance of the evidence, the accused may be prosecuted for and convicted of possession of drugs, rather than possession of a fentanyl-related compound.