



OHIO LEGISLATIVE SERVICE COMMISSION

Conference Committee Synopsis

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Am. Sub. S.B. 1 132nd General Assembly

The Conference Committee recommends the bill as passed by the House of Representatives with the following changes:

Topic	Senate Version	House Version	Conference Committee Recommendation
<p>Combinations of a fentanyl-related compound and other controlled substances</p>	<p>Provides that an offender is guilty of possession of marihuana or possession of drugs, and not of possession of a fentanyl-related compound, when all of the following apply (R.C. 2925.11(C)(9)):</p> <ul style="list-style-type: none"> • The drug involved is a fentanyl-related compound mixed with marihuana or a Schedule III, IV, or V controlled substance; • The total amount of the combination of the fentanyl-related compound and the other controlled substance is less than 40 unit doses or 4 grams; 	<p>Provides that an offender is guilty of possession of marihuana, and not of possession of a fentanyl-related compound, when both of the following apply (R.C. 2925.11(C)(9)):</p> <ul style="list-style-type: none"> • The drug involved is a fentanyl-related compound mixed with marihuana; • The offender does not know or have reason to know that the combination involved contains a fentanyl-related compound. <p>Includes a similar provision regarding drug trafficking when the drug involved is a fentanyl-</p>	<p>Regarding possession of a combination of a fentanyl-related compound and a Schedule III, IV, or V controlled substance, eliminates the affirmative defense and provides that the offender is guilty of possession of drugs, and not of possession of a fentanyl-related compound, unless the offender knows or has reason to know that the drug involved contains a fentanyl-related compound (R.C. 2925.11(C)(10)).</p>

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	<ul style="list-style-type: none"> The offender does not know that the combination involved contains a fentanyl-related compound. <p>If the offender knows that the drug involved contains a fentanyl-related compound but the total amount is less than 40 unit doses or 4 grams, the person is guilty of possession of a fentanyl-related compound. If the amount of the drug equals or exceeds 40 unit doses or 4 grams, the person is guilty of aggravated possession of a fentanyl-related compound (R.C. 2925.11(C)(9) and (10)).</p>	<p>related compound mixed with marihuana (R.C. 2925.03(C)(10)).</p> <p>If the drug involved includes a fentanyl-related compound and the provision above does not apply, the offense of possession of a fentanyl-related compound applies. Provides an affirmative defense to a charge of possession of a fentanyl-related compound that reduces the charge to possession of drugs if the defendant establishes both of the following by a preponderance of the evidence (R.C. 2925.11(C)(10) and (F)(2)):</p> <ul style="list-style-type: none"> The drug involved is a combination of a fentanyl-related compound and a Schedule III, IV, or V controlled substance; The offender did not know or have reason to know that the combination involved contained a fentanyl-related compound. 	

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		Eliminates the distinction between "possession of a fentanyl-related compound" and "aggravated possession of a fentanyl-related compound" (R.C. 2925.11(C)(10)).	

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