

## 6.27 CONTROLLED AND COUNTERFEIT OR LOOK-ALIKE SUBSTANCES

It is the policy of the Franklin Local Board of Education to require that students in all schools be informed of the Counterfeit Drug Law as set forth below.

A counterfeit controlled substance is defined in the following ways:

- A. Any drug or drug container or label that bears a trademark, trade name, or other identifying mark used without the owner of the rights to such trademark's authorization;
- B. Any unmarked or unlabeled substance that is represented to be a controlled substance that is manufactured, processed, packed or distributed by a person other than the person with legal rights to manufacture, process, pack or distribute it;
- C. Any substance that is represented to be a controlled substance or is a different substance; or
- D. Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

The following penalties relate to the making, selling, and possession of counterfeit drugs:

- A. Possession of counterfeit controlled substance - misdemeanor of the first degree, if second offense a felony of the fourth degree.
- B. Making, selling, offering to sell or delivering any known counterfeit controlled substance; making possessing, selling, offering to sell or delivering any device that is known to be used to print or reproduce a trademark upon a counterfeit drug (trafficking in counterfeit controlled substances) - a felony of the fourth degree if committed in the vicinity of a school.
- C. Selling, offering to sell, giving or delivering any counterfeit controlled substance to a person under eighteen (aggravated trafficking) - a felony of the fourth degree.
- D. Representing a counterfeit controlled substance as a controlled substance by describing its effects as if it were a controlled substance (promoting and encouraging drug abuse) - a felony of the fourth degree if committed in the vicinity of a school.
- E. Falsely representing or advertising a counterfeit controlled substance as a controlled substance (fraudulent drug advertising) - a felony of the fourth degree if committed in the vicinity of a school.

A controlled substance is defined as a drug, compound, mixture or substance included in Schedule I, II,

III, IV, or V (Ohio Administrative Code 4729-11). Included in these schedules are narcotics such as amphetamines, depressants and hallucinogens, as well as many other types of drugs.