As Introduced

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H. B. No. 131

Representative Roemer
Cosponsors: Representatives Brinkman, Wiggam, Carruthers, Seitz, Plummer

A B I L L

To amend sections 9.45, 2925.01, 4710.01, 4710.03, 4710.04, 4712.01, and 4712.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 4710.04 (4712.53); to enact section 4712.54; and to repeal section 4710.99 of the Revised Code regarding debt adjusting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.45, 2925.01, 4710.01, 4710.03, 4710.04, 4712.01, and 4712.99 be amended; sections 4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 4710.04 (4712.53) be amended for the purpose of adopting new section numbers as indicated in parentheses; and section 4712.54 of the Revised Code be enacted to read as follows:

Sec. 9.45. Notwithstanding section 1321.32 of the Revised Code, the state and any of its political subdivisions or instrumentalities may deduct from the wages or salaries of a public employee, as defined in section 9.40 of the Revised Code,
such amounts as are authorized in writing by the employee to a nonprofit debt pooling company operating pursuant to Chapter 4710. sections 4712.50 to 4712.54 of the Revised Code, or a nonprofit budget and debt counseling service, for payment or compromise of any account, note, or other indebtedness. Such authorization may be revoked at any time prior to final payment by written notice from the employee to the employer.

Sec. 2925.01. As used in this chapter:


(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) 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 that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) 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 that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is
or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) 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 that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) 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 that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance
that is a combination of a fentanyl-related compound and any
other compound, mixture, preparation, or substance included in
schedule III, schedule IV, or schedule V, if the defendant is
charged with a violation of section 2925.11 of the Revised Code
and the sentencing provisions set forth in divisions (C)(10)(b)
and (C)(11) of that section will not apply regarding the
defendant and the violation, the bulk amount of the controlled
substance for purposes of the violation is the amount specified
in division (D)(1), (2), (3), (4), or (5) of this section for
the other schedule III, IV, or V controlled substance that is
combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound,
mixture, or preparation containing a controlled substance that
is separately identifiable and in a form that indicates that it
is the amount or unit by which the controlled substance is
separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing,
or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that
constitutes theft of drugs, or a violation of section 2925.02,
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,
or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or
any other state or of the United States that is substantially
equivalent to any section listed in division (G)(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, producing, 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 to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) 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, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;
(3) 1,4 Butanediol.

(J) "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.

(K) "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.

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is
represented to be a controlled substance manufactured,
processed, packed, or distributed by a person other than the
person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled
substance but is not a controlled substance or is a different
controlled substance;

(4) 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.

(P) An offense is "committed in the vicinity of a school"
if the offender commits the offense on school premises, in a
school building, or within one thousand feet of the boundaries
of any school premises, regardless of whether the offender knows
the offense is being committed on school premises, in a school
building, or within one thousand feet of the boundaries of any
school premises.

(Q) "School" means any school operated by a board of
education, any community school established under Chapter 3314.
of the Revised Code, or any nonpublic school for which the state
board of education prescribes minimum standards under section
3301.07 of the Revised Code, whether or not any instruction,
extracurricular activities, or training provided by the school
is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is
situated, whether or not any instruction, extracurricular
activities, or training provided by the school is being
conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314 of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit,
certificate, registration, qualification, admission, temporary
license, temporary permit, temporary certificate, or temporary
registration that is described in divisions (W)(1) to (37) of
this section and that qualifies a person as a professionally
licensed person.

(W) "Professionally licensed person" means any of the
following:

(1) A person who has received a certificate or temporary
certificate as a certified public accountant or who has
registered as a public accountant under Chapter 4701. of the
Revised Code and who holds an Ohio permit issued under that
chapter;

(2) A person who holds a certificate of qualification to
practice architecture issued or renewed and registered under
Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect
under Chapter 4703. of the Revised Code or who holds a permit as
a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised
Code;

(5) A person who has been issued a certificate of
registration as a registered barber under Chapter 4709. of the
Revised Code;

(6) A person licensed and regulated to engage in the
business of a debt pooling company by a legislative authority,
under authority of Chapter 4710. sections 4712.50 to 4712.54 of
the Revised Code;

(7) A person who has been issued a cosmetologist's
license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered sanitarian under
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional
clinical counselor, licensed professional counselor, social
worker, independent social worker, independent marriage and
family therapist, or marriage and family therapist, or
registered as a social work assistant under Chapter 4757. of the
Revised Code;

(33) A person issued a license to practice dietetics under
Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited
permit to practice respiratory therapy under Chapter 4761. of
the Revised Code;

(35) A person who has been issued a real estate appraiser
certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license
under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of
the supreme court in compliance with its prescribed and
published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a
cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or
preparation of coca leaves, including ecgonine, a salt, isomer,
or derivative of ecgonine, or a salt of an isomer or derivative
of ecgonine;

(3) A salt, compound, derivative, or preparation of a
substance identified in division (X)(1) or (2) of this section
that is chemically equivalent to or identical with any of those
substances, except that the substances shall not include
As Introduced
decocainized coca leaves or extraction of coca leaves if the
extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the
resin contained in marihuana, whether in solid form or in a
liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section
3719.01 of the Revised Code, except that it does not include
hashish.

(BB) An offense is "committed in the vicinity of a
juvenile" if the offender commits the offense within one hundred
feet of a juvenile or within the view of a juvenile, regardless
of whether the offender knows the age of the juvenile, whether
the offender knows the offense is being committed within one
hundred feet of or within view of the juvenile, or whether the
juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that
a prison term shall be imposed" means a presumption, as
described in division (D) of section 2929.13 of the Revised
Code, that a prison term is a necessary sanction for a felony in
order to comply with the purposes and principles of sentencing
under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in
section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the
following:

(1) A violation of section 2925.11 of the Revised Code as
it existed prior to July 1, 1996;
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl)] propionilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-
phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-
thienyl]ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
phenethyl)-4-piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl
pharmacophore requirements to bind at the mu receptor, as
identified by a report from an established forensic laboratory,
including acetylfentanyl, furanylfentanyl, valerylfentanyl,
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-
fluorofentanyl:

(a) A chemical scaffold consisting of both of the
following:

(i) A five, six, or seven member ring structure containing
a nitrogen, whether or not further substituted;

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of
the first degree, except that if the violation for which
sentence is being imposed is committed on or after the effective
date of this amendment, it means the longest minimum prison term
prescribed in division (A)(1)(a) of that section for a felony of
the first degree.

(00) "Maximum second degree felony mandatory prison term"
means the maximum definite prison term prescribed in division
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of
the second degree, except that if the violation for which
sentence is being imposed is committed on or after the effective
date of this amendment, it means the longest minimum prison term
prescribed in division (A)(2)(a) of that section for a felony of
the second degree.

Sec. 4712.01. As used in sections 4712.01 to 4712.14 of
the Revised Code:

(A) "Buyer" means an individual who is solicited to
purchase or who purchases the services of a credit services
organization for purposes other than obtaining a business loan
as described in division (B)(6) of section 1343.01 of the
Revised Code.

(B) "Consumer reporting agency" has the same meaning as in
1681a, as amended.

(C)(1) "Credit services organization" means any person
that, in return for the payment of money or other valuable
consideration readily convertible into money for the following
services, sells, provides, or performs, or represents that the
person can or will sell, provide, or perform, one or more of the
following services:

(a) Improving a buyer’s credit record, history, or rating;

(b) Obtaining an extension of credit by others for a buyer;

(c) Providing advice or assistance to a buyer in connection with division (C)(1)(a) or (b) of this section;

(d) Removing adverse credit information that is accurate and not obsolete from the buyer's credit record, history, or rating;

(e) Altering the buyer's identification to prevent the display of the buyer's credit record, history, or rating.

(2) "Credit services organization" does not include any of the following:

(a) A person that makes or collects loans, to the extent these activities are subject to licensure or registration by this state;

(b) A mortgage broker, as defined in section 1322.01 of the Revised Code, that holds a valid certificate of registration under Chapter 1322. of the Revised Code;

(c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended;

(d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C)(2)(d) of this section, "affiliate" has the same meaning as in division...
(A) of section 1101.01 of the Revised Code and "bank," as used in division (A) of section 1101.01 of the Revised Code, is deemed to include a savings bank or savings and loan association.


(f) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is in compliance with Chapter 4710. sections 4712.50 to 4712.54 of the Revised Code;

(g) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended.

(h) A mortgage banker;

(i) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States or any state of the United States;

(j) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code;

(k) A motor vehicle dealer licensed pursuant to Chapter 4517. of the Revised Code acting within the scope and authority of that license or a motor vehicle auction owner licensed pursuant to Chapters 4517. and 4707. of the Revised Code acting within the scope and authority of that license;
(l) An attorney at law admitted to the practice of law in this state who offers, provides, or performs a legal service that is privileged by reason of the attorney-client relationship, provided that the service is not a service described in division (C)(1)(b) or (e) of this section.

(D) "Extension of credit" means the right to defer payment of debt, or to incur debt and defer its payment, offered or granted primarily for personal, family, or household purposes. "Extension of credit" does not include a mortgage.

(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.

(F) "Mortgage banker" means any person that makes, services, or buys and sells mortgage loans and is approved by the United States department of housing and urban development, the United States department of veterans affairs, the federal national mortgage association, or the federal home loan mortgage corporation.

(G) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

Sec. 4710.01–4712.50. As used in this chapter sections 4712.50 to 4712.54 of the Revised Code:

(A) "Person" includes individuals, partnerships, associations, corporations, trusts, and other legal entities.

(B) (1) "Debt adjusting" means doing business in debt adjusting, budget counseling, debt management, or debt pooling service, or holding oneself out, by words of similar import, as providing services to debtors in the management, reduction, or elimination of the amount or repayment terms of their debts, to
do either of the following:

1. (a) To effect the adjustment, compromise, or discharge of any account, note, or other indebtedness of the debtor to obtain any of the following:
   
   (i) An adjustment of an interest rate on a debt owed by a debtor to a creditor;

   (ii) A waiver or reduction of fees or charges;

   (iii) A discharge of a debt by reducing the principal balance of the debt.

2. (b) To receive from the debtor and disburse to the debtor's creditors any money or other thing of value.

(2) "Debt adjusting" does not include any of the activities of a debt collector, as defined in 15 U.S.C. 1692a.

(C) "Resides" means to live in a particular place on a temporary or a permanent basis.

Sec. 4710-02–4712.51. (A) Subject to division (C) of this section, a person engaged in debt adjusting shall do all of the following:

1. Unless specifically instructed otherwise by a debtor, disburse to the appropriate creditors all funds received from the debtor, less any contributions not prohibited by division (B) of this section, within thirty days of receipt of the funds from the debtor;

2. Maintain a separate trust account for the receipt of any funds from debtors and the disbursement of the funds to creditors on behalf of the debtors;

3. Charge or accept only reasonable fees or contributions
in accordance with division (B) of this section;

(4) Establish and implement a policy that allows for the waiver or discontinuation of fees or contributions not prohibited by division (B) of this section if the debtor is unable to pay such fees or contributions.

(B) If fees or contributions for providing debt adjusting services are charged or accepted, directly or indirectly, no person providing or engaged in debt adjusting shall do any of the following:

(1) Charge or accept a fee or contribution exceeding seventy-five dollars from a debtor residing in this state for an initial consultation or initial set up of a debt management plan or similar plan;

(2) Charge or accept consultation fees or contributions exceeding one hundred dollars per calendar year from a debtor residing in this state;

(3) Charge or accept a periodic fee or contribution from a debtor residing in this state for administering a debt management plan or similar plan, which fee or contribution exceeds eight and one-half per cent of the amount paid by the debtor each month for distribution to the debtor's creditors or thirty dollars, whichever is greater.

(C) Division (A) or (B) of this section does not prohibit a person engaged in debt adjusting for a debtor who is residing in this state from charging the debtor a reasonable fee for insufficient funds transactions that is in addition to fees or contributions not prohibited by division (B) of this section.

(D) Any person that engages in debt adjusting, annually, shall arrange for and undergo an audit conducted by an
independent, third party, certified public accountant of the
person's business, including any trust funds deposited and
distributed to creditors on behalf of debtors. Both of the
following apply to an audit described in this division:

(1) The person shall file the results of the audit and the
auditor's opinion with the consumer protection division of the
attorney general.

(2) The attorney general shall make available a summary of
the results of the audit and the auditor's opinion upon written
request of a person and payment of a fee not exceeding the cost
of copying the summary and opinion.

(E) A person engaged in debt adjusting shall obtain and
maintain at all times insurance coverage for employee
dishonesty, depositor's forgery, and computer fraud in the
amount of ten per cent of the monthly average for the immediate
preceding six months of the aggregate amount of all deposits
made with the person by all debtors. The insurance coverage
shall comply with all of the following:

(1) The insurance coverage is not less than one hundred
thousand dollars.

(2) The insurance coverage includes a deductible that does
not exceed ten per cent of the face amount of the policy
coverage.

(3) The insurance coverage is issued by an insurer rated
at least A- or its equivalent by a nationally recognized rating
organization.

(4) The insurance coverage provides that thirty days
advance written notice be given to the consumer protection
division of the attorney general before coverage is terminated.
(F)(1) No person engaged in debt adjusting shall fail to comply with division (A) of this section or shall violate division (B) of this section.

(2) No person engaged in debt adjusting shall fail to comply with divisions (D) and (E) of this section.

**Sec. 4710.03-4712.52.** Nothing in this chapter sections 4712.50 to 4712.54 of the Revised Code applies to any of the following:

(A) The federal national mortgage association; the federal home loan mortgage corporation; a bank, bank holding company, trust company, savings and loan association, credit union, savings bank, or credit card bank, that is regulated by the office of the comptroller of currency, office of thrift supervision, federal reserve, federal deposit insurance corporation, national credit union administration, or division of financial institutions; or to subsidiaries of any of these entities;

(B) Debt adjusting incurred in the practice of law in this state;

(C) A person that incidentally engages in debt adjusting to adjust the indebtedness owed to that person;

(D) A registrant as defined in section 1321.51 of the Revised Code;

(E) A registrant or licensee as both are defined in section 1322.01 of the Revised Code.

**Sec. 4710.04-4712.53.** (A) Any violation of division (F)(1) of section 4710.02-4712.51 of the Revised Code is deemed an unfair or deceptive act or practice in violation of section...
As Introduced

1345.02 of the Revised Code. A person injured by a violation of that division has a cause of action and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code, and all the powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce division (F)(1) of section 4710.02–4712.51 of the Revised Code.

(B) Any person who violates division (F)(2) of section 4710.02–4712.51 of the Revised Code, in addition to the penalties imposed by division (C) of section 4710.99–4712.99 of the Revised Code, shall be fined not more than ten thousand dollars for each violation.

Sec. 4712.54. (A) A person engaged in debt adjusting and operating in compliance with federal laws or regulations, including regulations adopted under 16 C.F.R. part 310, is not subject to division (B) of section 4712.51 of the Revised Code, or any requirement under sections 4712.50 to 4712.54 of the Revised Code that conflicts with those federal laws or regulations.

(B) A person engaged in debt adjusting and operating in compliance with federal laws or regulations, including regulations adopted under 16 C.F.R. part 310, shall, in any debt management plan between the person and a debtor, disclose to the debtor each creditor that the person has reason to believe will not negotiate settlements directly with the person.

Sec. 4712.99. (A) Whoever violates division (J) of section 4712.02, division (E) of section 4712.04, division (D) or (E) of section 4712.05, division (A) of section 4712.06, section 4712.07 or 4712.08, or division (A) of section 4712.09 of the Revised Code is guilty of a felony of the fifth degree.
(B)(1) Whoever violates section 4712.071 of the Revised Code is guilty of a minor misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars.

(2) The offense established under section 4712.071 of the Revised Code is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of the Revised Code, is not a strict liability offense.

(C) Whoever recklessly violates division (F) of section 4712.51 of the Revised Code or division (B) of section 4712.54 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

Section 2. That existing sections 9.45, 2925.01, 4710.01, 4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised Code are hereby repealed.

Section 3. That section 4710.99 of the Revised Code is hereby repealed.

Section 4. Nothing in this act shall be construed as permitting the unauthorized practice of law by any person engaged in debt adjusting.

amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.