

As Referred by the House Rules and Reference Committee

132nd General Assembly

Regular Session

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H. B. No. 565

Representatives Hood, Vitale

Cosponsors: Representatives Brinkman, Antani, Roegner, Becker, Riedel, Keller, Thompson, Schaffer, Wiggam, Zeltwanger, Kick, Stein, Retherford, Merrin, Dean, Romanchuk

A BILL

To amend sections 9.04, 109.572, 149.43, 2151.414, 1
2151.421, 2305.11, 2305.234, 2307.52, 2307.53, 2
2307.54, 2317.56, 2505.02, 2901.01, 2903.09, 3
2919.11, 2919.122, 2919.17, 2919.191, 2919.193, 4
2919.201, 2919.24, 2919.25, 2925.11, 2935.36, 5
2950.03, 2953.25, 2967.193, 3301.32, 3301.541, 6
3301.88, 3319.31, 3319.39, 3701.034, 3701.046, 7
3701.511, 3702.30, 3901.87, 4112.01, 4729.291, 8
4729.292, 4731.22, 4731.223, 4731.224, 4731.225, 9
4731.25, 4731.281, 4731.293, 4731.91, 5101.55, 10
5103.0319, 5119.367, and 5153.111; to amend, for 11
the purpose of adopting new section numbers as 12
indicated in parentheses, sections 2919.122 13
(2919.12) and 2919.191 (2919.19); to enact 14
section 2317.57; and to repeal sections 9.041, 15
2151.85, 2305.114, 2317.561, 2505.073, 2919.12, 16
2919.121, 2919.123, 2919.13, 2919.151, 2919.16, 17
2919.171, 2919.18, 2919.19, 2919.192, 2919.20, 18
2919.202, 2919.203, 2919.204, 2919.205, 19
3701.341, 3701.79, 3701.791, 3727.60, 5101.56, 20
and 5101.57 of the Revised Code regarding the 21

abolition of abortion in the state of Ohio and 22
the protection of unborn humans. 23

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

Section 1. That sections 9.04, 109.572, 149.43, 2151.414, 24
2151.421, 2305.11, 2305.234, 2307.52, 2307.53, 2307.54, 2317.56, 25
2505.02, 2901.01, 2903.09, 2919.11, 2919.122, 2919.17, 2919.191, 26
2919.193, 2919.201, 2919.24, 2919.25, 2925.11, 2935.36, 2950.03, 27
2953.25, 2967.193, 3301.32, 3301.541, 3301.88, 3319.31, 3319.39, 28
3701.034, 3701.046, 3701.511, 3702.30, 3901.87, 4112.01, 29
4729.291, 4729.292, 4731.22, 4731.223, 4731.224, 4731.225, 30
4731.25, 4731.281, 4731.293, 4731.91, 5101.55, 5103.0319, 31
5119.367, and 5153.111 be amended, sections 2919.122 (2919.12) 32
and 2919.191 (2919.19) be amended for the purpose of adopting 33
new section numbers as indicated in parentheses, and section 34
2317.57 of the Revised Code be enacted to read as follows: 35

Sec. 9.04. (A) As used in this section: 36

(1) ~~"Nontherapeutic abortion." "Abortion" means an abortion
that is performed or induced when the life has the same meaning
as in section 2919.11 of the mother would not be endangered if
the fetus were carried to term or when the pregnancy of the
mother was not the result of rape or incest reported to a law
enforcement agency Revised Code.~~ 37
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(2) "Policy, contract, or plan" means a policy, contract, 43
or plan of one or more insurance companies, medical care 44
corporations, health care corporations, health maintenance 45
organizations, preferred provider organizations, or other 46
entities that provides health, medical, hospital, or surgical 47

coverage, benefits, or services to elected or appointed officers 48
or employees of the state or any political subdivision thereof. 49
"Policy, contract, or plan" includes a plan that is associated 50
with a self-insurance program and a policy, contract, or plan 51
that implements a collective bargaining agreement. 52

(3) "Political subdivision" means any body corporate and 53
politic that is responsible for governmental activities in a 54
geographic area smaller than the state, except that "political 55
subdivision" does not include either of the following: 56

(a) A municipal corporation; 57

(b) A county that has adopted a charter under Section 3 of 58
Article X, Ohio Constitution, to the extent that it is 59
exercising the powers of local self-government as provided in 60
that charter and is subject to Section 3 of Article XVIII, Ohio 61
Constitution. 62

(4) "State" means the state of Ohio, including the general 63
assembly, the supreme court, the offices of all elected state 64
officers, and all departments, boards, offices, commissions, 65
agencies, colleges and universities, institutions, and other 66
instrumentalities of the state of Ohio. "State" does not include 67
political subdivisions. 68

(B) ~~Subject to division (C) of this section, but~~ 69
~~notwithstanding~~ Notwithstanding other provisions of the Revised 70
Code that conflict with the prohibition specified in this 71
division, funds of the state or any political subdivision 72
thereof shall not be expended directly or indirectly to pay the 73
costs, premiums, or charges associated with a policy, contract, 74
or plan if the policy, contract, or plan provides coverage, 75
benefits, or services related to a ~~nontherapeutic~~ an abortion. 76

~~(C) Division (B) of this section does not preclude Neither~~ 77
~~the state or nor any political subdivision thereof from~~ 78
~~expending may expend funds to pay the costs, premiums, or~~ 79
charges associated with a policy, contract, or plan that 80
includes a rider or other provision offered on an individual 81
basis under which an elected or appointed official or employee 82
who accepts the offer of the rider or provision may obtain 83
coverage of ~~a nontherapeutic~~ an abortion through the policy, 84
contract, or plan, even if the individual pays for all of the 85
costs, premiums, or charges associated with the rider or 86
provision, ~~including all administrative expenses related to the~~ 87
~~rider or provision and any claim made for a nontherapeutic~~ 88
~~abortion.~~ 89

(D) In addition to the laws specified in division (A) of 90
section 4117.10 of the Revised Code that prevail over 91
conflicting provisions of agreements between employee 92
organizations and public employers, divisions (B) and (C) of 93
this section shall prevail over conflicting provisions of that 94
nature. 95

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 96
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 97
Code, a completed form prescribed pursuant to division (C) (1) of 98
this section, and a set of fingerprint impressions obtained in 99
the manner described in division (C) (2) of this section, the 100
superintendent of the bureau of criminal identification and 101
investigation shall conduct a criminal records check in the 102
manner described in division (B) of this section to determine 103
whether any information exists that indicates that the person 104
who is the subject of the request previously has been convicted 105
of or pleaded guilty to any of the following: 106

(a) A violation of section 2903.01, 2903.02, 2903.03, 107
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 108
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 109
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 110
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 111
2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12~~, 2919.22, 2919.24, 112
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 113
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 114
sexual penetration in violation of former section 2907.12 of the 115
Revised Code, a violation of section 2905.04 of the Revised Code 116
as it existed prior to July 1, 1996, a violation of section 117
2919.23 of the Revised Code that would have been a violation of 118
section 2905.04 of the Revised Code as it existed prior to July 119
1, 1996, had the violation been committed prior to that date, or 120
a violation of section 2925.11 of the Revised Code that is not a 121
minor drug possession offense; 122

(b) A violation of an existing or former law of this 123
state, any other state, or the United States that is 124
substantially equivalent to any of the offenses listed in 125
division (A)(1)(a) of this section; 126

(c) If the request is made pursuant to section 3319.39 of 127
the Revised Code for an applicant who is a teacher, any offense 128
specified in section 3319.31 of the Revised Code. 129

(2) On receipt of a request pursuant to section 3712.09 or 130
3721.121 of the Revised Code, a completed form prescribed 131
pursuant to division (C)(1) of this section, and a set of 132
fingerprint impressions obtained in the manner described in 133
division (C)(2) of this section, the superintendent of the 134
bureau of criminal identification and investigation shall 135
conduct a criminal records check with respect to any person who 136

has applied for employment in a position for which a criminal 137
records check is required by those sections. The superintendent 138
shall conduct the criminal records check in the manner described 139
in division (B) of this section to determine whether any 140
information exists that indicates that the person who is the 141
subject of the request previously has been convicted of or 142
pleaded guilty to any of the following: 143

(a) A violation of section 2903.01, 2903.02, 2903.03, 144
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 145
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 146
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 147
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 148
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 149
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 150
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 151
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 152

(b) An existing or former law of this state, any other 153
state, or the United States that is substantially equivalent to 154
any of the offenses listed in division (A) (2) (a) of this 155
section. 156

(3) On receipt of a request pursuant to section 173.27, 157
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 158
5123.081, or 5123.169 of the Revised Code, a completed form 159
prescribed pursuant to division (C) (1) of this section, and a 160
set of fingerprint impressions obtained in the manner described 161
in division (C) (2) of this section, the superintendent of the 162
bureau of criminal identification and investigation shall 163
conduct a criminal records check of the person for whom the 164
request is made. The superintendent shall conduct the criminal 165
records check in the manner described in division (B) of this 166

section to determine whether any information exists that 167
indicates that the person who is the subject of the request 168
previously has been convicted of, has pleaded guilty to, or 169
(except in the case of a request pursuant to section 5164.34, 170
5164.341, or 5164.342 of the Revised Code) has been found 171
eligible for intervention in lieu of conviction for any of the 172
following, regardless of the date of the conviction, the date of 173
entry of the guilty plea, or (except in the case of a request 174
pursuant to section 5164.34, 5164.341, or 5164.342 of the 175
Revised Code) the date the person was found eligible for 176
intervention in lieu of conviction: 177

(a) A violation of section 959.13, 959.131, 2903.01, 178
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 179
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 180
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 181
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 182
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 183
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 184
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 185
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 186
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 187
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 188
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, ~~2919.12,~~ 189
~~2919.121, 2919.123,~~ 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 190
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 191
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 192
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 193
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 194
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 195
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 196

(b) Felonious sexual penetration in violation of former 197

section 2907.12 of the Revised Code;	198
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	199 200
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	201 202 203 204
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	205 206 207 208
(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	209 210 211 212 213 214 215 216 217 218 219
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	220 221 222 223 224 225 226

2917.01, 2917.02, ~~2919.12~~, 2919.22, 2919.24, 2919.25, 2923.12, 227
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 228
2927.12, or 3716.11 of the Revised Code, a violation of section 229
2905.04 of the Revised Code as it existed prior to July 1, 1996, 230
a violation of section 2919.23 of the Revised Code that would 231
have been a violation of section 2905.04 of the Revised Code as 232
it existed prior to July 1, 1996, had the violation been 233
committed prior to that date, a violation of section 2925.11 of 234
the Revised Code that is not a minor drug possession offense, 235
two or more OVI or OVUAC violations committed within the three 236
years immediately preceding the submission of the application or 237
petition that is the basis of the request, or felonious sexual 238
penetration in violation of former section 2907.12 of the 239
Revised Code; 240

(b) A violation of an existing or former law of this 241
state, any other state, or the United States that is 242
substantially equivalent to any of the offenses listed in 243
division (A) (4) (a) of this section. 244

(5) Upon receipt of a request pursuant to section 5104.013 245
of the Revised Code, a completed form prescribed pursuant to 246
division (C) (1) of this section, and a set of fingerprint 247
impressions obtained in the manner described in division (C) (2) 248
of this section, the superintendent of the bureau of criminal 249
identification and investigation shall conduct a criminal 250
records check in the manner described in division (B) of this 251
section to determine whether any information exists that 252
indicates that the person who is the subject of the request has 253
been convicted of or pleaded guilty to any of the following: 254

(a) A violation of section 2151.421, 2903.01, 2903.02, 255
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 256

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 257
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 258
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 259
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 260
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 261
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 262
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 263
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 264
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, ~~2919.12,~~ 265
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 266
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 267
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 268
3716.11 of the Revised Code, felonious sexual penetration in 269
violation of former section 2907.12 of the Revised Code, a 270
violation of section 2905.04 of the Revised Code as it existed 271
prior to July 1, 1996, a violation of section 2919.23 of the 272
Revised Code that would have been a violation of section 2905.04 273
of the Revised Code as it existed prior to July 1, 1996, had the 274
violation been committed prior to that date, a violation of 275
section 2925.11 of the Revised Code that is not a minor drug 276
possession offense, a violation of section 2923.02 or 2923.03 of 277
the Revised Code that relates to a crime specified in this 278
division, or a second violation of section 4511.19 of the 279
Revised Code within five years of the date of application for 280
licensure or certification. 281

(b) A violation of an existing or former law of this 282
state, any other state, or the United States that is 283
substantially equivalent to any of the offenses or violations 284
described in division (A) (5) (a) of this section. 285

(6) Upon receipt of a request pursuant to section 5153.111 286
of the Revised Code, a completed form prescribed pursuant to 287

division (C) (1) of this section, and a set of fingerprint 288
impressions obtained in the manner described in division (C) (2) 289
of this section, the superintendent of the bureau of criminal 290
identification and investigation shall conduct a criminal 291
records check in the manner described in division (B) of this 292
section to determine whether any information exists that 293
indicates that the person who is the subject of the request 294
previously has been convicted of or pleaded guilty to any of the 295
following: 296

(a) A violation of section 2903.01, 2903.02, 2903.03, 297
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 298
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 299
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 300
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 301
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12,~~ 302
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 303
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 304
Code, felonious sexual penetration in violation of former 305
section 2907.12 of the Revised Code, a violation of section 306
2905.04 of the Revised Code as it existed prior to July 1, 1996, 307
a violation of section 2919.23 of the Revised Code that would 308
have been a violation of section 2905.04 of the Revised Code as 309
it existed prior to July 1, 1996, had the violation been 310
committed prior to that date, or a violation of section 2925.11 311
of the Revised Code that is not a minor drug possession offense; 312

(b) A violation of an existing or former law of this 313
state, any other state, or the United States that is 314
substantially equivalent to any of the offenses listed in 315
division (A) (6) (a) of this section. 316

(7) On receipt of a request for a criminal records check 317

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request

previously has been convicted of or pleaded guilty to any of the 349
following: a violation of section 2913.02, 2913.11, 2913.31, 350
2913.51, or 2925.03 of the Revised Code; any other criminal 351
offense involving theft, receiving stolen property, 352
embezzlement, forgery, fraud, passing bad checks, money 353
laundering, or drug trafficking, or any criminal offense 354
involving money or securities, as set forth in Chapters 2909., 355
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 356
Code; or any existing or former law of this state, any other 357
state, or the United States that is substantially equivalent to 358
those offenses. 359

(9) On receipt of a request for a criminal records check 360
from the treasurer of state under section 113.041 of the Revised 361
Code or from an individual under section 4701.08, 4715.101, 362
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 363
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 364
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 365
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 366
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 367
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 368
Code, accompanied by a completed form prescribed under division 369
(C) (1) of this section and a set of fingerprint impressions 370
obtained in the manner described in division (C) (2) of this 371
section, the superintendent of the bureau of criminal 372
identification and investigation shall conduct a criminal 373
records check in the manner described in division (B) of this 374
section to determine whether any information exists that 375
indicates that the person who is the subject of the request has 376
been convicted of or pleaded guilty to any criminal offense in 377
this state or any other state. Subject to division (F) of this 378
section, the superintendent shall send the results of a check 379

requested under section 113.041 of the Revised Code to the 380
treasurer of state and shall send the results of a check 381
requested under any of the other listed sections to the 382
licensing board specified by the individual in the request. 383

(10) On receipt of a request pursuant to section 1121.23, 384
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 385
form prescribed pursuant to division (C) (1) of this section, and 386
a set of fingerprint impressions obtained in the manner 387
described in division (C) (2) of this section, the superintendent 388
of the bureau of criminal identification and investigation shall 389
conduct a criminal records check in the manner described in 390
division (B) of this section to determine whether any 391
information exists that indicates that the person who is the 392
subject of the request previously has been convicted of or 393
pleaded guilty to any criminal offense under any existing or 394
former law of this state, any other state, or the United States. 395

(11) On receipt of a request for a criminal records check 396
from an appointing or licensing authority under section 3772.07 397
of the Revised Code, a completed form prescribed under division 398
(C) (1) of this section, and a set of fingerprint impressions 399
obtained in the manner prescribed in division (C) (2) of this 400
section, the superintendent of the bureau of criminal 401
identification and investigation shall conduct a criminal 402
records check in the manner described in division (B) of this 403
section to determine whether any information exists that 404
indicates that the person who is the subject of the request 405
previously has been convicted of or pleaded guilty or no contest 406
to any offense under any existing or former law of this state, 407
any other state, or the United States that is a disqualifying 408
offense as defined in section 3772.07 of the Revised Code or 409
substantially equivalent to such an offense. 410

(12) On receipt of a request pursuant to section 2151.33 411
or 2151.412 of the Revised Code, a completed form prescribed 412
pursuant to division (C)(1) of this section, and a set of 413
fingerprint impressions obtained in the manner described in 414
division (C)(2) of this section, the superintendent of the 415
bureau of criminal identification and investigation shall 416
conduct a criminal records check with respect to any person for 417
whom a criminal records check is required under that section. 418
The superintendent shall conduct the criminal records check in 419
the manner described in division (B) of this section to 420
determine whether any information exists that indicates that the 421
person who is the subject of the request previously has been 422
convicted of or pleaded guilty to any of the following: 423

(a) A violation of section 2903.01, 2903.02, 2903.03, 424
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 425
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 426
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 427
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 428
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 429
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 430
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 431
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 432

(b) An existing or former law of this state, any other 433
state, or the United States that is substantially equivalent to 434
any of the offenses listed in division (A)(12)(a) of this 435
section. 436

(13) On receipt of a request pursuant to section 3796.12 437
of the Revised Code, a completed form prescribed pursuant to 438
division (C)(1) of this section, and a set of fingerprint 439
impressions obtained in a manner described in division (C)(2) of 440

this section, the superintendent of the bureau of criminal 441
identification and investigation shall conduct a criminal 442
records check in the manner described in division (B) of this 443
section to determine whether any information exists that 444
indicates that the person who is the subject of the request 445
previously has been convicted of or pleaded guilty to the 446
following: 447

(a) A disqualifying offense as specified in rules adopted 448
under division (B) (2) (b) of section 3796.03 of the Revised Code 449
if the person who is the subject of the request is an 450
administrator or other person responsible for the daily 451
operation of, or an owner or prospective owner, officer or 452
prospective officer, or board member or prospective board member 453
of, an entity seeking a license from the department of commerce 454
under Chapter 3796. of the Revised Code; 455

(b) A disqualifying offense as specified in rules adopted 456
under division (B) (2) (b) of section 3796.04 of the Revised Code 457
if the person who is the subject of the request is an 458
administrator or other person responsible for the daily 459
operation of, or an owner or prospective owner, officer or 460
prospective officer, or board member or prospective board member 461
of, an entity seeking a license from the state board of pharmacy 462
under Chapter 3796. of the Revised Code. 463

(14) On receipt of a request required by section 3796.13 464
of the Revised Code, a completed form prescribed pursuant to 465
division (C) (1) of this section, and a set of fingerprint 466
impressions obtained in a manner described in division (C) (2) of 467
this section, the superintendent of the bureau of criminal 468
identification and investigation shall conduct a criminal 469
records check in the manner described in division (B) of this 470

section to determine whether any information exists that 471
indicates that the person who is the subject of the request 472
previously has been convicted of or pleaded guilty to the 473
following: 474

(a) A disqualifying offense as specified in rules adopted 475
under division (B) (8) (a) of section 3796.03 of the Revised Code 476
if the person who is the subject of the request is seeking 477
employment with an entity licensed by the department of commerce 478
under Chapter 3796. of the Revised Code; 479

(b) A disqualifying offense as specified in rules adopted 480
under division (B) (14) (a) of section 3796.04 of the Revised Code 481
if the person who is the subject of the request is seeking 482
employment with an entity licensed by the state board of 483
pharmacy under Chapter 3796. of the Revised Code. 484

(B) Subject to division (F) of this section, the 485
superintendent shall conduct any criminal records check to be 486
conducted under this section as follows: 487

(1) The superintendent shall review or cause to be 488
reviewed any relevant information gathered and compiled by the 489
bureau under division (A) of section 109.57 of the Revised Code 490
that relates to the person who is the subject of the criminal 491
records check, including, if the criminal records check was 492
requested under section 113.041, 121.08, 173.27, 173.38, 493
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 494
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 495
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 496
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 497
5123.081, 5123.169, or 5153.111 of the Revised Code, any 498
relevant information contained in records that have been sealed 499
under section 2953.32 of the Revised Code; 500

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent

not later than the following number of days after the date the 531
superintendent receives the request for the criminal records 532
check, the completed form prescribed under division (C) (1) of 533
this section, and the set of fingerprint impressions obtained in 534
the manner described in division (C) (2) of this section: 535

(a) If the superintendent is required by division (A) of 536
this section (other than division (A) (3) of this section) to 537
conduct the criminal records check, thirty; 538

(b) If the superintendent is required by division (A) (3) 539
of this section to conduct the criminal records check, sixty. 540

(C) (1) The superintendent shall prescribe a form to obtain 541
the information necessary to conduct a criminal records check 542
from any person for whom a criminal records check is to be 543
conducted under this section. The form that the superintendent 544
prescribes pursuant to this division may be in a tangible 545
format, in an electronic format, or in both tangible and 546
electronic formats. 547

(2) The superintendent shall prescribe standard impression 548
sheets to obtain the fingerprint impressions of any person for 549
whom a criminal records check is to be conducted under this 550
section. Any person for whom a records check is to be conducted 551
under this section shall obtain the fingerprint impressions at a 552
county sheriff's office, municipal police department, or any 553
other entity with the ability to make fingerprint impressions on 554
the standard impression sheets prescribed by the superintendent. 555
The office, department, or entity may charge the person a 556
reasonable fee for making the impressions. The standard 557
impression sheets the superintendent prescribes pursuant to this 558
division may be in a tangible format, in an electronic format, 559
or in both tangible and electronic formats. 560

(3) Subject to division (D) of this section, the 561
superintendent shall prescribe and charge a reasonable fee for 562
providing a criminal records check under this section. The 563
person requesting the criminal records check shall pay the fee 564
prescribed pursuant to this division. In the case of a request 565
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 566
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 567
fee shall be paid in the manner specified in that section. 568

(4) The superintendent of the bureau of criminal 569
identification and investigation may prescribe methods of 570
forwarding fingerprint impressions and information necessary to 571
conduct a criminal records check, which methods shall include, 572
but not be limited to, an electronic method. 573

(D) The results of a criminal records check conducted 574
under this section, other than a criminal records check 575
specified in division (A)(7) of this section, are valid for the 576
person who is the subject of the criminal records check for a 577
period of one year from the date upon which the superintendent 578
completes the criminal records check. If during that period the 579
superintendent receives another request for a criminal records 580
check to be conducted under this section for that person, the 581
superintendent shall provide the results from the previous 582
criminal records check of the person at a lower fee than the fee 583
prescribed for the initial criminal records check. 584

(E) When the superintendent receives a request for 585
information from a registered private provider, the 586
superintendent shall proceed as if the request was received from 587
a school district board of education under section 3319.39 of 588
the Revised Code. The superintendent shall apply division (A)(1) 589
(c) of this section to any such request for an applicant who is 590

a teacher. 591

(F) (1) Subject to division (F) (2) of this section, all 592
information regarding the results of a criminal records check 593
conducted under this section that the superintendent reports or 594
sends under division (A) (7) or (9) of this section to the 595
director of public safety, the treasurer of state, or the 596
person, board, or entity that made the request for the criminal 597
records check shall relate to the conviction of the subject 598
person, or the subject person's plea of guilty to, a criminal 599
offense. 600

(2) Division (F) (1) of this section does not limit, 601
restrict, or preclude the superintendent's release of 602
information that relates to the arrest of a person who is 603
eighteen years of age or older, to an adjudication of a child as 604
a delinquent child, or to a criminal conviction of a person 605
under eighteen years of age in circumstances in which a release 606
of that nature is authorized under division (E) (2), (3), or (4) 607
of section 109.57 of the Revised Code pursuant to a rule adopted 608
under division (E) (1) of that section. 609

(G) As used in this section: 610

(1) "Criminal records check" means any criminal records 611
check conducted by the superintendent of the bureau of criminal 612
identification and investigation in accordance with division (B) 613
of this section. 614

(2) "Minor drug possession offense" has the same meaning 615
as in section 2925.01 of the Revised Code. 616

(3) "OVI or OVUAC violation" means a violation of section 617
4511.19 of the Revised Code or a violation of an existing or 618
former law of this state, any other state, or the United States 619

that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 of the Revised Code as that section existed prior to the effective date of ...B... of the 132nd general assembly and division ~~(C)~~ (B) of section ~~2919.121-2919.12~~ of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	649 650 651 652 653 654
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	655 656
(g) Trial preparation records;	657
(h) Confidential law enforcement investigatory records;	658
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	659 660
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	661 662
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	663 664 665 666
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	667 668 669 670
(m) Intellectual property records;	671
(n) Donor profile records;	672
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	673 674
(p) Peace officer, parole officer, probation officer,	675

bailiff, prosecuting attorney, assistant prosecuting attorney, 676
correctional employee, community-based correctional facility 677
employee, youth services employee, firefighter, EMT, 678
investigator of the bureau of criminal identification and 679
investigation, or federal law enforcement officer residential 680
and familial information; 681

(q) In the case of a county hospital operated pursuant to 682
Chapter 339. of the Revised Code or a municipal hospital 683
operated pursuant to Chapter 749. of the Revised Code, 684
information that constitutes a trade secret, as defined in 685
section 1333.61 of the Revised Code; 686

(r) Information pertaining to the recreational activities 687
of a person under the age of eighteen; 688

(s) In the case of a child fatality review board acting 689
under sections 307.621 to 307.629 of the Revised Code or a 690
review conducted pursuant to guidelines established by the 691
director of health under section 3701.70 of the Revised Code, 692
records provided to the board or director, statements made by 693
board members during meetings of the board or by persons 694
participating in the director's review, and all work products of 695
the board or director, and in the case of a child fatality 696
review board, child fatality review data submitted by the board 697
to the department of health or a national child death review 698
database, other than the report prepared pursuant to division 699
(A) of section 307.626 of the Revised Code; 700

(t) Records provided to and statements made by the 701
executive director of a public children services agency or a 702
prosecuting attorney acting pursuant to section 5153.171 of the 703
Revised Code other than the information released under that 704
section; 705

(u) Test materials, examinations, or evaluation tools used	706
in an examination for licensure as a nursing home administrator	707
that the board of executives of long-term services and supports	708
administers under section 4751.04 of the Revised Code or	709
contracts under that section with a private or government entity	710
to administer;	711
(v) Records the release of which is prohibited by state or	712
federal law;	713
(w) Proprietary information of or relating to any person	714
that is submitted to or compiled by the Ohio venture capital	715
authority created under section 150.01 of the Revised Code;	716
(x) Financial statements and data any person submits for	717
any purpose to the Ohio housing finance agency or the	718
controlling board in connection with applying for, receiving, or	719
accounting for financial assistance from the agency, and	720
information that identifies any individual who benefits directly	721
or indirectly from financial assistance from the agency;	722
(y) Records listed in section 5101.29 of the Revised Code;	723
(z) Discharges recorded with a county recorder under	724
section 317.24 of the Revised Code, as specified in division (B)	725
(2) of that section;	726
(aa) Usage information including names and addresses of	727
specific residential and commercial customers of a municipally	728
owned or operated public utility;	729
(bb) Records described in division (C) of section 187.04	730
of the Revised Code that are not designated to be made available	731
to the public as provided in that division;	732
(cc) Information and records that are made confidential,	733

privileged, and not subject to disclosure under divisions (B) 734
and (C) of section 2949.221 of the Revised Code; 735

(dd) Personal information, as defined in section 149.45 of 736
the Revised Code; 737

(ee) The confidential name, address, and other personally 738
identifiable information of a program participant in the address 739
confidentiality program established under sections 111.41 to 740
111.47 of the Revised Code, including the contents of any 741
application for absent voter's ballots, absent voter's ballot 742
identification envelope statement of voter, or provisional 743
ballot affirmation completed by a program participant who has a 744
confidential voter registration record, and records or portions 745
of records pertaining to that program that identify the number 746
of program participants that reside within a precinct, ward, 747
township, municipal corporation, county, or any other geographic 748
area smaller than the state. As used in this division, 749
"confidential address" and "program participant" have the 750
meaning defined in section 111.41 of the Revised Code. 751

(ff) Orders for active military service of an individual 752
serving or with previous service in the armed forces of the 753
United States, including a reserve component, or the Ohio 754
organized militia, except that, such order becomes a public 755
record on the day that is fifteen years after the published date 756
or effective date of the call to order. 757

(2) "Confidential law enforcement investigatory record" 758
means any record that pertains to a law enforcement matter of a 759
criminal, quasi-criminal, civil, or administrative nature, but 760
only to the extent that the release of the record would create a 761
high probability of disclosure of any of the following: 762

(a) The identity of a suspect who has not been charged 763
with the offense to which the record pertains, or of an 764
information source or witness to whom confidentiality has been 765
reasonably promised; 766

(b) Information provided by an information source or 767
witness to whom confidentiality has been reasonably promised, 768
which information would reasonably tend to disclose the source's 769
or witness's identity; 770

(c) Specific confidential investigatory techniques or 771
procedures or specific investigatory work product; 772

(d) Information that would endanger the life or physical 773
safety of law enforcement personnel, a crime victim, a witness, 774
or a confidential information source. 775

(3) "Medical record" means any document or combination of 776
documents, except births, deaths, and the fact of admission to 777
or discharge from a hospital, that pertains to the medical 778
history, diagnosis, prognosis, or medical condition of a patient 779
and that is generated and maintained in the process of medical 780
treatment. 781

(4) "Trial preparation record" means any record that 782
contains information that is specifically compiled in reasonable 783
anticipation of, or in defense of, a civil or criminal action or 784
proceeding, including the independent thought processes and 785
personal trial preparation of an attorney. 786

(5) "Intellectual property record" means a record, other 787
than a financial or administrative record, that is produced or 788
collected by or for faculty or staff of a state institution of 789
higher learning in the conduct of or as a result of study or 790
research on an educational, commercial, scientific, artistic, 791

technical, or scholarly issue, regardless of whether the study 792
or research was sponsored by the institution alone or in 793
conjunction with a governmental body or private concern, and 794
that has not been publicly released, published, or patented. 795

(6) "Donor profile record" means all records about donors 796
or potential donors to a public institution of higher education 797
except the names and reported addresses of the actual donors and 798
the date, amount, and conditions of the actual donation. 799

(7) "Peace officer, parole officer, probation officer, 800
bailiff, prosecuting attorney, assistant prosecuting attorney, 801
correctional employee, community-based correctional facility 802
employee, youth services employee, firefighter, EMT, 803
investigator of the bureau of criminal identification and 804
investigation, or federal law enforcement officer residential 805
and familial information" means any information that discloses 806
any of the following about a peace officer, parole officer, 807
probation officer, bailiff, prosecuting attorney, assistant 808
prosecuting attorney, correctional employee, community-based 809
correctional facility employee, youth services employee, 810
firefighter, EMT, investigator of the bureau of criminal 811
identification and investigation, or federal law enforcement 812
officer: 813

(a) The address of the actual personal residence of a 814
peace officer, parole officer, probation officer, bailiff, 815
assistant prosecuting attorney, correctional employee, 816
community-based correctional facility employee, youth services 817
employee, firefighter, EMT, an investigator of the bureau of 818
criminal identification and investigation, or federal law 819
enforcement officer, except for the state or political 820
subdivision in which the peace officer, parole officer, 821

probation officer, bailiff, assistant prosecuting attorney,	822
correctional employee, community-based correctional facility	823
employee, youth services employee, firefighter, EMT,	824
investigator of the bureau of criminal identification and	825
investigation, or federal law enforcement officer resides;	826
(b) Information compiled from referral to or participation	827
in an employee assistance program;	828
(c) The social security number, the residential telephone	829
number, any bank account, debit card, charge card, or credit	830
card number, or the emergency telephone number of, or any	831
medical information pertaining to, a peace officer, parole	832
officer, probation officer, bailiff, prosecuting attorney,	833
assistant prosecuting attorney, correctional employee,	834
community-based correctional facility employee, youth services	835
employee, firefighter, EMT, investigator of the bureau of	836
criminal identification and investigation, or federal law	837
enforcement officer;	838
(d) The name of any beneficiary of employment benefits,	839
including, but not limited to, life insurance benefits, provided	840
to a peace officer, parole officer, probation officer, bailiff,	841
prosecuting attorney, assistant prosecuting attorney,	842
correctional employee, community-based correctional facility	843
employee, youth services employee, firefighter, EMT,	844
investigator of the bureau of criminal identification and	845
investigation, or federal law enforcement officer by the peace	846
officer's, parole officer's, probation officer's, bailiff's,	847
prosecuting attorney's, assistant prosecuting attorney's,	848
correctional employee's, community-based correctional facility	849
employee's, youth services employee's, firefighter's, EMT's,	850
investigator of the bureau of criminal identification and	851

investigation's, or federal law enforcement officer's employer; 852

(e) The identity and amount of any charitable or 853
employment benefit deduction made by the peace officer's, parole 854
officer's, probation officer's, bailiff's, prosecuting 855
attorney's, assistant prosecuting attorney's, correctional 856
employee's, community-based correctional facility employee's, 857
youth services employee's, firefighter's, EMT's, investigator of 858
the bureau of criminal identification and investigation's, or 859
federal law enforcement officer's employer from the peace 860
officer's, parole officer's, probation officer's, bailiff's, 861
prosecuting attorney's, assistant prosecuting attorney's, 862
correctional employee's, community-based correctional facility 863
employee's, youth services employee's, firefighter's, EMT's, 864
investigator of the bureau of criminal identification and 865
investigation's, or federal law enforcement officer's 866
compensation unless the amount of the deduction is required by 867
state or federal law; 868

(f) The name, the residential address, the name of the 869
employer, the address of the employer, the social security 870
number, the residential telephone number, any bank account, 871
debit card, charge card, or credit card number, or the emergency 872
telephone number of the spouse, a former spouse, or any child of 873
a peace officer, parole officer, probation officer, bailiff, 874
prosecuting attorney, assistant prosecuting attorney, 875
correctional employee, community-based correctional facility 876
employee, youth services employee, firefighter, EMT, 877
investigator of the bureau of criminal identification and 878
investigation, or federal law enforcement officer; 879

(g) A photograph of a peace officer who holds a position 880
or has an assignment that may include undercover or plain 881

clothes positions or assignments as determined by the peace 882
officer's appointing authority. 883

As used in divisions (A) (7) and (B) (9) of this section, 884
"peace officer" has the same meaning as in section 109.71 of the 885
Revised Code and also includes the superintendent and troopers 886
of the state highway patrol; it does not include the sheriff of 887
a county or a supervisory employee who, in the absence of the 888
sheriff, is authorized to stand in for, exercise the authority 889
of, and perform the duties of the sheriff. 890

As used in divisions (A) (7) and (B) (9) of this section, 891
"correctional employee" means any employee of the department of 892
rehabilitation and correction who in the course of performing 893
the employee's job duties has or has had contact with inmates 894
and persons under supervision. 895

As used in divisions (A) (7) and (B) (9) of this section, 896
"youth services employee" means any employee of the department 897
of youth services who in the course of performing the employee's 898
job duties has or has had contact with children committed to the 899
custody of the department of youth services. 900

As used in divisions (A) (7) and (B) (9) of this section, 901
"firefighter" means any regular, paid or volunteer, member of a 902
lawfully constituted fire department of a municipal corporation, 903
township, fire district, or village. 904

As used in divisions (A) (7) and (B) (9) of this section, 905
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 906
emergency medical services for a public emergency medical 907
service organization. "Emergency medical service organization," 908
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 909
in section 4765.01 of the Revised Code. 910

As used in divisions (A) (7) and (B) (9) of this section, 911
"investigator of the bureau of criminal identification and 912
investigation" has the meaning defined in section 2903.11 of the 913
Revised Code. 914

As used in divisions (A) (7) and (B) (9) of this section, 915
"federal law enforcement officer" has the meaning defined in 916
section 9.88 of the Revised Code. 917

(8) "Information pertaining to the recreational activities 918
of a person under the age of eighteen" means information that is 919
kept in the ordinary course of business by a public office, that 920
pertains to the recreational activities of a person under the 921
age of eighteen years, and that discloses any of the following: 922

(a) The address or telephone number of a person under the 923
age of eighteen or the address or telephone number of that 924
person's parent, guardian, custodian, or emergency contact 925
person; 926

(b) The social security number, birth date, or 927
photographic image of a person under the age of eighteen; 928

(c) Any medical record, history, or information pertaining 929
to a person under the age of eighteen; 930

(d) Any additional information sought or required about a 931
person under the age of eighteen for the purpose of allowing 932
that person to participate in any recreational activity 933
conducted or sponsored by a public office or to use or obtain 934
admission privileges to any recreational facility owned or 935
operated by a public office. 936

(9) "Community control sanction" has the same meaning as 937
in section 2929.01 of the Revised Code. 938

(10) "Post-release control sanction" has the same meaning 939
as in section 2967.01 of the Revised Code. 940

(11) "Redaction" means obscuring or deleting any 941
information that is exempt from the duty to permit public 942
inspection or copying from an item that otherwise meets the 943
definition of a "record" in section 149.011 of the Revised Code. 944

(12) "Designee" and "elected official" have the same 945
meanings as in section 109.43 of the Revised Code. 946

(B) (1) Upon request and subject to division (B) (8) of this 947
section, all public records responsive to the request shall be 948
promptly prepared and made available for inspection to any 949
person at all reasonable times during regular business hours. 950
Subject to division (B) (8) of this section, upon request, a 951
public office or person responsible for public records shall 952
make copies of the requested public record available at cost and 953
within a reasonable period of time. If a public record contains 954
information that is exempt from the duty to permit public 955
inspection or to copy the public record, the public office or 956
the person responsible for the public record shall make 957
available all of the information within the public record that 958
is not exempt. When making that public record available for 959
public inspection or copying that public record, the public 960
office or the person responsible for the public record shall 961
notify the requester of any redaction or make the redaction 962
plainly visible. A redaction shall be deemed a denial of a 963
request to inspect or copy the redacted information, except if 964
federal or state law authorizes or requires a public office to 965
make the redaction. 966

(2) To facilitate broader access to public records, a 967
public office or the person responsible for public records shall 968

organize and maintain public records in a manner that they can 969
be made available for inspection or copying in accordance with 970
division (B) of this section. A public office also shall have 971
available a copy of its current records retention schedule at a 972
location readily available to the public. If a requester makes 973
an ambiguous or overly broad request or has difficulty in making 974
a request for copies or inspection of public records under this 975
section such that the public office or the person responsible 976
for the requested public record cannot reasonably identify what 977
public records are being requested, the public office or the 978
person responsible for the requested public record may deny the 979
request but shall provide the requester with an opportunity to 980
revise the request by informing the requester of the manner in 981
which records are maintained by the public office and accessed 982
in the ordinary course of the public office's or person's 983
duties. 984

(3) If a request is ultimately denied, in part or in 985
whole, the public office or the person responsible for the 986
requested public record shall provide the requester with an 987
explanation, including legal authority, setting forth why the 988
request was denied. If the initial request was provided in 989
writing, the explanation also shall be provided to the requester 990
in writing. The explanation shall not preclude the public office 991
or the person responsible for the requested public record from 992
relying upon additional reasons or legal authority in defending 993
an action commenced under division (C) of this section. 994

(4) Unless specifically required or authorized by state or 995
federal law or in accordance with division (B) of this section, 996
no public office or person responsible for public records may 997
limit or condition the availability of public records by 998
requiring disclosure of the requester's identity or the intended 999

use of the requested public record. Any requirement that the 1000
requester disclose the requester's identity or the intended use 1001
of the requested public record constitutes a denial of the 1002
request. 1003

(5) A public office or person responsible for public 1004
records may ask a requester to make the request in writing, may 1005
ask for the requester's identity, and may inquire about the 1006
intended use of the information requested, but may do so only 1007
after disclosing to the requester that a written request is not 1008
mandatory and that the requester may decline to reveal the 1009
requester's identity or the intended use and when a written 1010
request or disclosure of the identity or intended use would 1011
benefit the requester by enhancing the ability of the public 1012
office or person responsible for public records to identify, 1013
locate, or deliver the public records sought by the requester. 1014

(6) If any person chooses to obtain a copy of a public 1015
record in accordance with division (B) of this section, the 1016
public office or person responsible for the public record may 1017
require that person to pay in advance the cost involved in 1018
providing the copy of the public record in accordance with the 1019
choice made by the person seeking the copy under this division. 1020
The public office or the person responsible for the public 1021
record shall permit that person to choose to have the public 1022
record duplicated upon paper, upon the same medium upon which 1023
the public office or person responsible for the public record 1024
keeps it, or upon any other medium upon which the public office 1025
or person responsible for the public record determines that it 1026
reasonably can be duplicated as an integral part of the normal 1027
operations of the public office or person responsible for the 1028
public record. When the person seeking the copy makes a choice 1029
under this division, the public office or person responsible for 1030

the public record shall provide a copy of it in accordance with 1031
the choice made by the person seeking the copy. Nothing in this 1032
section requires a public office or person responsible for the 1033
public record to allow the person seeking a copy of the public 1034
record to make the copies of the public record. 1035

(7) (a) Upon a request made in accordance with division (B) 1036
of this section and subject to division (B) (6) of this section, 1037
a public office or person responsible for public records shall 1038
transmit a copy of a public record to any person by United 1039
States mail or by any other means of delivery or transmission 1040
within a reasonable period of time after receiving the request 1041
for the copy. The public office or person responsible for the 1042
public record may require the person making the request to pay 1043
in advance the cost of postage if the copy is transmitted by 1044
United States mail or the cost of delivery if the copy is 1045
transmitted other than by United States mail, and to pay in 1046
advance the costs incurred for other supplies used in the 1047
mailing, delivery, or transmission. 1048

(b) Any public office may adopt a policy and procedures 1049
that it will follow in transmitting, within a reasonable period 1050
of time after receiving a request, copies of public records by 1051
United States mail or by any other means of delivery or 1052
transmission pursuant to division (B) (7) of this section. A 1053
public office that adopts a policy and procedures under division 1054
(B) (7) of this section shall comply with them in performing its 1055
duties under that division. 1056

(c) In any policy and procedures adopted under division 1057
(B) (7) of this section: 1058

(i) A public office may limit the number of records 1059
requested by a person that the office will physically deliver by 1060

United States mail or by another delivery service to ten per 1061
month, unless the person certifies to the office in writing that 1062
the person does not intend to use or forward the requested 1063
records, or the information contained in them, for commercial 1064
purposes; 1065

(ii) A public office that chooses to provide some or all 1066
of its public records on a web site that is fully accessible to 1067
and searchable by members of the public at all times, other than 1068
during acts of God outside the public office's control or 1069
maintenance, and that charges no fee to search, access, 1070
download, or otherwise receive records provided on the web site, 1071
may limit to ten per month the number of records requested by a 1072
person that the office will deliver in a digital format, unless 1073
the requested records are not provided on the web site and 1074
unless the person certifies to the office in writing that the 1075
person does not intend to use or forward the requested records, 1076
or the information contained in them, for commercial purposes. 1077

(iii) For purposes of division (B)(7) of this section, 1078
"commercial" shall be narrowly construed and does not include 1079
reporting or gathering news, reporting or gathering information 1080
to assist citizen oversight or understanding of the operation or 1081
activities of government, or nonprofit educational research. 1082

(8) A public office or person responsible for public 1083
records is not required to permit a person who is incarcerated 1084
pursuant to a criminal conviction or a juvenile adjudication to 1085
inspect or to obtain a copy of any public record concerning a 1086
criminal investigation or prosecution or concerning what would 1087
be a criminal investigation or prosecution if the subject of the 1088
investigation or prosecution were an adult, unless the request 1089
to inspect or to obtain a copy of the record is for the purpose 1090

of acquiring information that is subject to release as a public 1091
record under this section and the judge who imposed the sentence 1092
or made the adjudication with respect to the person, or the 1093
judge's successor in office, finds that the information sought 1094
in the public record is necessary to support what appears to be 1095
a justiciable claim of the person. 1096

(9) (a) Upon written request made and signed by a 1097
journalist on or after December 16, 1999, a public office, or 1098
person responsible for public records, having custody of the 1099
records of the agency employing a specified peace officer, 1100
parole officer, probation officer, bailiff, prosecuting 1101
attorney, assistant prosecuting attorney, correctional employee, 1102
community-based correctional facility employee, youth services 1103
employee, firefighter, EMT, investigator of the bureau of 1104
criminal identification and investigation, or federal law 1105
enforcement officer shall disclose to the journalist the address 1106
of the actual personal residence of the peace officer, parole 1107
officer, probation officer, bailiff, prosecuting attorney, 1108
assistant prosecuting attorney, correctional employee, 1109
community-based correctional facility employee, youth services 1110
employee, firefighter, EMT, investigator of the bureau of 1111
criminal identification and investigation, or federal law 1112
enforcement officer and, if the peace officer's, parole 1113
officer's, probation officer's, bailiff's, prosecuting 1114
attorney's, assistant prosecuting attorney's, correctional 1115
employee's, community-based correctional facility employee's, 1116
youth services employee's, firefighter's, EMT's, investigator of 1117
the bureau of criminal identification and investigation's, or 1118
federal law enforcement officer's spouse, former spouse, or 1119
child is employed by a public office, the name and address of 1120
the employer of the peace officer's, parole officer's, probation 1121

officer's, bailiff's, prosecuting attorney's, assistant 1122
prosecuting attorney's, correctional employee's, community-based 1123
correctional facility employee's, youth services employee's, 1124
firefighter's, EMT's, investigator of the bureau of criminal 1125
identification and investigation's, or federal law enforcement 1126
officer's spouse, former spouse, or child. The request shall 1127
include the journalist's name and title and the name and address 1128
of the journalist's employer and shall state that disclosure of 1129
the information sought would be in the public interest. 1130

(b) Division (B) (9) (a) of this section also applies to 1131
journalist requests for customer information maintained by a 1132
municipally owned or operated public utility, other than social 1133
security numbers and any private financial information such as 1134
credit reports, payment methods, credit card numbers, and bank 1135
account information. 1136

(c) As used in division (B) (9) of this section, 1137
"journalist" means a person engaged in, connected with, or 1138
employed by any news medium, including a newspaper, magazine, 1139
press association, news agency, or wire service, a radio or 1140
television station, or a similar medium, for the purpose of 1141
gathering, processing, transmitting, compiling, editing, or 1142
disseminating information for the general public. 1143

(C) (1) If a person allegedly is aggrieved by the failure 1144
of a public office or the person responsible for public records 1145
to promptly prepare a public record and to make it available to 1146
the person for inspection in accordance with division (B) of 1147
this section or by any other failure of a public office or the 1148
person responsible for public records to comply with an 1149
obligation in accordance with division (B) of this section, the 1150
person allegedly aggrieved may do only one of the following, and 1151

not both: 1152

(a) File a complaint with the clerk of the court of claims 1153
or the clerk of the court of common pleas under section 2743.75 1154
of the Revised Code; 1155

(b) Commence a mandamus action to obtain a judgment that 1156
orders the public office or the person responsible for the 1157
public record to comply with division (B) of this section, that 1158
awards court costs and reasonable attorney's fees to the person 1159
that instituted the mandamus action, and, if applicable, that 1160
includes an order fixing statutory damages under division (C) (2) 1161
of this section. The mandamus action may be commenced in the 1162
court of common pleas of the county in which division (B) of 1163
this section allegedly was not complied with, in the supreme 1164
court pursuant to its original jurisdiction under Section 2 of 1165
Article IV, Ohio Constitution, or in the court of appeals for 1166
the appellate district in which division (B) of this section 1167
allegedly was not complied with pursuant to its original 1168
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1169

(2) If a requester transmits a written request by hand 1170
delivery or certified mail to inspect or receive copies of any 1171
public record in a manner that fairly describes the public 1172
record or class of public records to the public office or person 1173
responsible for the requested public records, except as 1174
otherwise provided in this section, the requester shall be 1175
entitled to recover the amount of statutory damages set forth in 1176
this division if a court determines that the public office or 1177
the person responsible for public records failed to comply with 1178
an obligation in accordance with division (B) of this section. 1179

The amount of statutory damages shall be fixed at one 1180
hundred dollars for each business day during which the public 1181

office or person responsible for the requested public records 1182
failed to comply with an obligation in accordance with division 1183
(B) of this section, beginning with the day on which the 1184
requester files a mandamus action to recover statutory damages, 1185
up to a maximum of one thousand dollars. The award of statutory 1186
damages shall not be construed as a penalty, but as compensation 1187
for injury arising from lost use of the requested information. 1188
The existence of this injury shall be conclusively presumed. The 1189
award of statutory damages shall be in addition to all other 1190
remedies authorized by this section. 1191

The court may reduce an award of statutory damages or not 1192
award statutory damages if the court determines both of the 1193
following: 1194

(a) That, based on the ordinary application of statutory 1195
law and case law as it existed at the time of the conduct or 1196
threatened conduct of the public office or person responsible 1197
for the requested public records that allegedly constitutes a 1198
failure to comply with an obligation in accordance with division 1199
(B) of this section and that was the basis of the mandamus 1200
action, a well-informed public office or person responsible for 1201
the requested public records reasonably would believe that the 1202
conduct or threatened conduct of the public office or person 1203
responsible for the requested public records did not constitute 1204
a failure to comply with an obligation in accordance with 1205
division (B) of this section; 1206

(b) That a well-informed public office or person 1207
responsible for the requested public records reasonably would 1208
believe that the conduct or threatened conduct of the public 1209
office or person responsible for the requested public records 1210
would serve the public policy that underlies the authority that 1211

is asserted as permitting that conduct or threatened conduct. 1212

(3) In a mandamus action filed under division (C) (1) of 1213
this section, the following apply: 1214

(a) (i) If the court orders the public office or the person 1215
responsible for the public record to comply with division (B) of 1216
this section, the court shall determine and award to the relator 1217
all court costs, which shall be construed as remedial and not 1218
punitive. 1219

(ii) If the court makes a determination described in 1220
division (C) (3) (b) (iii) of this section, the court shall 1221
determine and award to the relator all court costs, which shall 1222
be construed as remedial and not punitive. 1223

(b) If the court renders a judgment that orders the public 1224
office or the person responsible for the public record to comply 1225
with division (B) of this section or if the court determines any 1226
of the following, the court may award reasonable attorney's fees 1227
to the relator, subject to the provisions of division (C) (4) of 1228
this section: 1229

(i) The public office or the person responsible for the 1230
public records failed to respond affirmatively or negatively to 1231
the public records request in accordance with the time allowed 1232
under division (B) of this section. 1233

(ii) The public office or the person responsible for the 1234
public records promised to permit the relator to inspect or 1235
receive copies of the public records requested within a 1236
specified period of time but failed to fulfill that promise 1237
within that specified period of time. 1238

(iii) The public office or the person responsible for the 1239
public records acted in bad faith when the office or person 1240

voluntarily made the public records available to the relator for 1241
the first time after the relator commenced the mandamus action, 1242
but before the court issued any order concluding whether or not 1243
the public office or person was required to comply with division 1244
(B) of this section. No discovery may be conducted on the issue 1245
of the alleged bad faith of the public office or person 1246
responsible for the public records. This division shall not be 1247
construed as creating a presumption that the public office or 1248
the person responsible for the public records acted in bad faith 1249
when the office or person voluntarily made the public records 1250
available to the relator for the first time after the relator 1251
commenced the mandamus action, but before the court issued any 1252
order described in this division. 1253

(c) The court shall not award attorney's fees to the 1254
relator if the court determines both of the following: 1255

(i) That, based on the ordinary application of statutory 1256
law and case law as it existed at the time of the conduct or 1257
threatened conduct of the public office or person responsible 1258
for the requested public records that allegedly constitutes a 1259
failure to comply with an obligation in accordance with division 1260
(B) of this section and that was the basis of the mandamus 1261
action, a well-informed public office or person responsible for 1262
the requested public records reasonably would believe that the 1263
conduct or threatened conduct of the public office or person 1264
responsible for the requested public records did not constitute 1265
a failure to comply with an obligation in accordance with 1266
division (B) of this section; 1267

(ii) That a well-informed public office or person 1268
responsible for the requested public records reasonably would 1269
believe that the conduct or threatened conduct of the public 1270

office or person responsible for the requested public records 1271
would serve the public policy that underlies the authority that 1272
is asserted as permitting that conduct or threatened conduct. 1273

(4) All of the following apply to any award of reasonable 1274
attorney's fees awarded under division (C) (3) (b) of this 1275
section: 1276

(a) The fees shall be construed as remedial and not 1277
punitive. 1278

(b) The fees awarded shall not exceed the total of the 1279
reasonable attorney's fees incurred before the public record was 1280
made available to the relator and the fees described in division 1281
(C) (4) (c) of this section. 1282

(c) Reasonable attorney's fees shall include reasonable 1283
fees incurred to produce proof of the reasonableness and amount 1284
of the fees and to otherwise litigate entitlement to the fees. 1285

(d) The court may reduce the amount of fees awarded if the 1286
court determines that, given the factual circumstances involved 1287
with the specific public records request, an alternative means 1288
should have been pursued to more effectively and efficiently 1289
resolve the dispute that was subject to the mandamus action 1290
filed under division (C) (1) of this section. 1291

(5) If the court does not issue a writ of mandamus under 1292
division (C) of this section and the court determines at that 1293
time that the bringing of the mandamus action was frivolous 1294
conduct as defined in division (A) of section 2323.51 of the 1295
Revised Code, the court may award to the public office all court 1296
costs, expenses, and reasonable attorney's fees, as determined 1297
by the court. 1298

(D) Chapter 1347. of the Revised Code does not limit the 1299

provisions of this section. 1300

(E) (1) To ensure that all employees of public offices are 1301
appropriately educated about a public office's obligations under 1302
division (B) of this section, all elected officials or their 1303
appropriate designees shall attend training approved by the 1304
attorney general as provided in section 109.43 of the Revised 1305
Code. In addition, all public offices shall adopt a public 1306
records policy in compliance with this section for responding to 1307
public records requests. In adopting a public records policy 1308
under this division, a public office may obtain guidance from 1309
the model public records policy developed and provided to the 1310
public office by the attorney general under section 109.43 of 1311
the Revised Code. Except as otherwise provided in this section, 1312
the policy may not limit the number of public records that the 1313
public office will make available to a single person, may not 1314
limit the number of public records that it will make available 1315
during a fixed period of time, and may not establish a fixed 1316
period of time before it will respond to a request for 1317
inspection or copying of public records, unless that period is 1318
less than eight hours. 1319

(2) The public office shall distribute the public records 1320
policy adopted by the public office under division (E) (1) of 1321
this section to the employee of the public office who is the 1322
records custodian or records manager or otherwise has custody of 1323
the records of that office. The public office shall require that 1324
employee to acknowledge receipt of the copy of the public 1325
records policy. The public office shall create a poster that 1326
describes its public records policy and shall post the poster in 1327
a conspicuous place in the public office and in all locations 1328
where the public office has branch offices. The public office 1329
may post its public records policy on the internet web site of 1330

the public office if the public office maintains an internet web 1331
site. A public office that has established a manual or handbook 1332
of its general policies and procedures for all employees of the 1333
public office shall include the public records policy of the 1334
public office in the manual or handbook. 1335

(F) (1) The bureau of motor vehicles may adopt rules 1336
pursuant to Chapter 119. of the Revised Code to reasonably limit 1337
the number of bulk commercial special extraction requests made 1338
by a person for the same records or for updated records during a 1339
calendar year. The rules may include provisions for charges to 1340
be made for bulk commercial special extraction requests for the 1341
actual cost of the bureau, plus special extraction costs, plus 1342
ten per cent. The bureau may charge for expenses for redacting 1343
information, the release of which is prohibited by law. 1344

(2) As used in division (F) (1) of this section: 1345

(a) "Actual cost" means the cost of depleted supplies, 1346
records storage media costs, actual mailing and alternative 1347
delivery costs, or other transmitting costs, and any direct 1348
equipment operating and maintenance costs, including actual 1349
costs paid to private contractors for copying services. 1350

(b) "Bulk commercial special extraction request" means a 1351
request for copies of a record for information in a format other 1352
than the format already available, or information that cannot be 1353
extracted without examination of all items in a records series, 1354
class of records, or database by a person who intends to use or 1355
forward the copies for surveys, marketing, solicitation, or 1356
resale for commercial purposes. "Bulk commercial special 1357
extraction request" does not include a request by a person who 1358
gives assurance to the bureau that the person making the request 1359
does not intend to use or forward the requested copies for 1360

surveys, marketing, solicitation, or resale for commercial 1361
purposes. 1362

(c) "Commercial" means profit-seeking production, buying, 1363
or selling of any good, service, or other product. 1364

(d) "Special extraction costs" means the cost of the time 1365
spent by the lowest paid employee competent to perform the task, 1366
the actual amount paid to outside private contractors employed 1367
by the bureau, or the actual cost incurred to create computer 1368
programs to make the special extraction. "Special extraction 1369
costs" include any charges paid to a public agency for computer 1370
or records services. 1371

(3) For purposes of divisions (F) (1) and (2) of this 1372
section, "surveys, marketing, solicitation, or resale for 1373
commercial purposes" shall be narrowly construed and does not 1374
include reporting or gathering news, reporting or gathering 1375
information to assist citizen oversight or understanding of the 1376
operation or activities of government, or nonprofit educational 1377
research. 1378

(G) A request by a defendant, counsel of a defendant, or 1379
any agent of a defendant in a criminal action that public 1380
records related to that action be made available under this 1381
section shall be considered a demand for discovery pursuant to 1382
the Criminal Rules, except to the extent that the Criminal Rules 1383
plainly indicate a contrary intent. The defendant, counsel of 1384
the defendant, or agent of the defendant making a request under 1385
this division shall serve a copy of the request on the 1386
prosecuting attorney, director of law, or other chief legal 1387
officer responsible for prosecuting the action. 1388

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 1389

to section 2151.413 of the Revised Code for permanent custody of 1390
a child, the court shall schedule a hearing and give notice of 1391
the filing of the motion and of the hearing, in accordance with 1392
section 2151.29 of the Revised Code, to all parties to the 1393
action and to the child's guardian ad litem. The notice also 1394
shall contain a full explanation that the granting of permanent 1395
custody permanently divests the parents of their parental 1396
rights, a full explanation of their right to be represented by 1397
counsel and to have counsel appointed pursuant to Chapter 120. 1398
of the Revised Code if they are indigent, and the name and 1399
telephone number of the court employee designated by the court 1400
pursuant to section 2151.314 of the Revised Code to arrange for 1401
the prompt appointment of counsel for indigent persons. 1402

The court shall conduct a hearing in accordance with 1403
section 2151.35 of the Revised Code to determine if it is in the 1404
best interest of the child to permanently terminate parental 1405
rights and grant permanent custody to the agency that filed the 1406
motion. The adjudication that the child is an abused, neglected, 1407
or dependent child and any dispositional order that has been 1408
issued in the case under section 2151.353 of the Revised Code 1409
pursuant to the adjudication shall not be readjudicated at the 1410
hearing and shall not be affected by a denial of the motion for 1411
permanent custody. 1412

(2) The court shall hold the hearing scheduled pursuant to 1413
division (A)(1) of this section not later than one hundred 1414
twenty days after the agency files the motion for permanent 1415
custody, except that, for good cause shown, the court may 1416
continue the hearing for a reasonable period of time beyond the 1417
one-hundred-twenty-day deadline. The court shall issue an order 1418
that grants, denies, or otherwise disposes of the motion for 1419
permanent custody, and journalize the order, not later than two 1420

hundred days after the agency files the motion. 1421

If a motion is made under division (D) (2) of section 1422
2151.413 of the Revised Code and no dispositional hearing has 1423
been held in the case, the court may hear the motion in the 1424
dispositional hearing required by division (B) of section 1425
2151.35 of the Revised Code. If the court issues an order 1426
pursuant to section 2151.353 of the Revised Code granting 1427
permanent custody of the child to the agency, the court shall 1428
immediately dismiss the motion made under division (D) (2) of 1429
section 2151.413 of the Revised Code. 1430

The failure of the court to comply with the time periods 1431
set forth in division (A) (2) of this section does not affect the 1432
authority of the court to issue any order under this chapter and 1433
does not provide any basis for attacking the jurisdiction of the 1434
court or the validity of any order of the court. 1435

(B) (1) Except as provided in division (B) (2) of this 1436
section, the court may grant permanent custody of a child to a 1437
movant if the court determines at the hearing held pursuant to 1438
division (A) of this section, by clear and convincing evidence, 1439
that it is in the best interest of the child to grant permanent 1440
custody of the child to the agency that filed the motion for 1441
permanent custody and that any of the following apply: 1442

(a) The child is not abandoned or orphaned, has not been 1443
in the temporary custody of one or more public children services 1444
agencies or private child placing agencies for twelve or more 1445
months of a consecutive twenty-two-month period, or has not been 1446
in the temporary custody of one or more public children services 1447
agencies or private child placing agencies for twelve or more 1448
months of a consecutive twenty-two-month period if, as described 1449
in division (D) (1) of section 2151.413 of the Revised Code, the 1450

child was previously in the temporary custody of an equivalent 1451
agency in another state, and the child cannot be placed with 1452
either of the child's parents within a reasonable time or should 1453
not be placed with the child's parents. 1454

(b) The child is abandoned. 1455

(c) The child is orphaned, and there are no relatives of 1456
the child who are able to take permanent custody. 1457

(d) The child has been in the temporary custody of one or 1458
more public children services agencies or private child placing 1459
agencies for twelve or more months of a consecutive twenty-two- 1460
month period, or the child has been in the temporary custody of 1461
one or more public children services agencies or private child 1462
placing agencies for twelve or more months of a consecutive 1463
twenty-two-month period and, as described in division (D) (1) of 1464
section 2151.413 of the Revised Code, the child was previously 1465
in the temporary custody of an equivalent agency in another 1466
state. 1467

(e) The child or another child in the custody of the 1468
parent or parents from whose custody the child has been removed 1469
has been adjudicated an abused, neglected, or dependent child on 1470
three separate occasions by any court in this state or another 1471
state. 1472

For the purposes of division (B) (1) of this section, a 1473
child shall be considered to have entered the temporary custody 1474
of an agency on the earlier of the date the child is adjudicated 1475
pursuant to section 2151.28 of the Revised Code or the date that 1476
is sixty days after the removal of the child from home. 1477

(2) With respect to a motion made pursuant to division (D) 1478
(2) of section 2151.413 of the Revised Code, the court shall 1479

grant permanent custody of the child to the movant if the court 1480
determines in accordance with division (E) of this section that 1481
the child cannot be placed with one of the child's parents 1482
within a reasonable time or should not be placed with either 1483
parent and determines in accordance with division (D) of this 1484
section that permanent custody is in the child's best interest. 1485

(C) In making the determinations required by this section 1486
or division (A) (4) of section 2151.353 of the Revised Code, a 1487
court shall not consider the effect the granting of permanent 1488
custody to the agency would have upon any parent of the child. A 1489
written report of the guardian ad litem of the child shall be 1490
submitted to the court prior to or at the time of the hearing 1491
held pursuant to division (A) of this section or section 2151.35 1492
of the Revised Code but shall not be submitted under oath. 1493

If the court grants permanent custody of a child to a 1494
movant under this division, the court, upon the request of any 1495
party, shall file a written opinion setting forth its findings 1496
of fact and conclusions of law in relation to the proceeding. 1497
The court shall not deny an agency's motion for permanent 1498
custody solely because the agency failed to implement any 1499
particular aspect of the child's case plan. 1500

(D) (1) In determining the best interest of a child at a 1501
hearing held pursuant to division (A) of this section or for the 1502
purposes of division (A) (4) or (5) of section 2151.353 or 1503
division (C) of section 2151.415 of the Revised Code, the court 1504
shall consider all relevant factors, including, but not limited 1505
to, the following: 1506

(a) The interaction and interrelationship of the child 1507
with the child's parents, siblings, relatives, foster caregivers 1508
and out-of-home providers, and any other person who may 1509

significantly affect the child; 1510

(b) The wishes of the child, as expressed directly by the 1511
child or through the child's guardian ad litem, with due regard 1512
for the maturity of the child; 1513

(c) The custodial history of the child, including whether 1514
the child has been in the temporary custody of one or more 1515
public children services agencies or private child placing 1516
agencies for twelve or more months of a consecutive twenty-two- 1517
month period, or the child has been in the temporary custody of 1518
one or more public children services agencies or private child 1519
placing agencies for twelve or more months of a consecutive 1520
twenty-two-month period and, as described in division (D) (1) of 1521
section 2151.413 of the Revised Code, the child was previously 1522
in the temporary custody of an equivalent agency in another 1523
state; 1524

(d) The child's need for a legally secure permanent 1525
placement and whether that type of placement can be achieved 1526
without a grant of permanent custody to the agency; 1527

(e) Whether any of the factors in divisions (E) (7) to (11) 1528
of this section apply in relation to the parents and child. 1529

For the purposes of division (D) (1) of this section, a 1530
child shall be considered to have entered the temporary custody 1531
of an agency on the earlier of the date the child is adjudicated 1532
pursuant to section 2151.28 of the Revised Code or the date that 1533
is sixty days after the removal of the child from home. 1534

(2) If all of the following apply, permanent custody is in 1535
the best interest of the child, and the court shall commit the 1536
child to the permanent custody of a public children services 1537
agency or private child placing agency: 1538

(a) The court determines by clear and convincing evidence 1539
that one or more of the factors in division (E) of this section 1540
exist and the child cannot be placed with one of the child's 1541
parents within a reasonable time or should not be placed with 1542
either parent. 1543

(b) The child has been in an agency's custody for two 1544
years or longer, and no longer qualifies for temporary custody 1545
pursuant to division (D) of section 2151.415 of the Revised 1546
Code. 1547

(c) The child does not meet the requirements for a planned 1548
permanent living arrangement pursuant to division (A) (5) of 1549
section 2151.353 of the Revised Code. 1550

(d) Prior to the dispositional hearing, no relative or 1551
other interested person has filed, or has been identified in, a 1552
motion for legal custody of the child. 1553

(E) In determining at a hearing held pursuant to division 1554
(A) of this section or for the purposes of division (A) (4) of 1555
section 2151.353 of the Revised Code whether a child cannot be 1556
placed with either parent within a reasonable period of time or 1557
should not be placed with the parents, the court shall consider 1558
all relevant evidence. If the court determines, by clear and 1559
convincing evidence, at a hearing held pursuant to division (A) 1560
of this section or for the purposes of division (A) (4) of 1561
section 2151.353 of the Revised Code that one or more of the 1562
following exist as to each of the child's parents, the court 1563
shall enter a finding that the child cannot be placed with 1564
either parent within a reasonable time or should not be placed 1565
with either parent: 1566

(1) Following the placement of the child outside the 1567

child's home and notwithstanding reasonable case planning and 1568
diligent efforts by the agency to assist the parents to remedy 1569
the problems that initially caused the child to be placed 1570
outside the home, the parent has failed continuously and 1571
repeatedly to substantially remedy the conditions causing the 1572
child to be placed outside the child's home. In determining 1573
whether the parents have substantially remedied those 1574
conditions, the court shall consider parental utilization of 1575
medical, psychiatric, psychological, and other social and 1576
rehabilitative services and material resources that were made 1577
available to the parents for the purpose of changing parental 1578
conduct to allow them to resume and maintain parental duties. 1579

(2) Chronic mental illness, chronic emotional illness, 1580
intellectual disability, physical disability, or chemical 1581
dependency of the parent that is so severe that it makes the 1582
parent unable to provide an adequate permanent home for the 1583
child at the present time and, as anticipated, within one year 1584
after the court holds the hearing pursuant to division (A) of 1585
this section or for the purposes of division (A)(4) of section 1586
2151.353 of the Revised Code; 1587

(3) The parent committed any abuse as described in section 1588
2151.031 of the Revised Code against the child, caused the child 1589
to suffer any neglect as described in section 2151.03 of the 1590
Revised Code, or allowed the child to suffer any neglect as 1591
described in section 2151.03 of the Revised Code between the 1592
date that the original complaint alleging abuse or neglect was 1593
filed and the date of the filing of the motion for permanent 1594
custody; 1595

(4) The parent has demonstrated a lack of commitment 1596
toward the child by failing to regularly support, visit, or 1597

communicate with the child when able to do so, or by other 1598
actions showing an unwillingness to provide an adequate 1599
permanent home for the child; 1600

(5) The parent is incarcerated for an offense committed 1601
against the child or a sibling of the child; 1602

(6) The parent has been convicted of or pleaded guilty to 1603
an offense under division (A) or (C) of section 2919.22 or under 1604
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1605
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 1606
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1607
2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12~~, 2919.24, 2919.25, 1608
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 1609
Code, and the child or a sibling of the child was a victim of 1610
the offense, or the parent has been convicted of or pleaded 1611
guilty to an offense under section 2903.04 of the Revised Code, 1612
a sibling of the child was the victim of the offense, and the 1613
parent who committed the offense poses an ongoing danger to the 1614
child or a sibling of the child. 1615

(7) The parent has been convicted of or pleaded guilty to 1616
one of the following: 1617

(a) An offense under section 2903.01, 2903.02, or 2903.03 1618
of the Revised Code or under an existing or former law of this 1619
state, any other state, or the United States that is 1620
substantially equivalent to an offense described in those 1621
sections and the victim of the offense was a sibling of the 1622
child or the victim was another child who lived in the parent's 1623
household at the time of the offense; 1624

(b) An offense under section 2903.11, 2903.12, or 2903.13 1625
of the Revised Code or under an existing or former law of this 1626

state, any other state, or the United States that is 1627
substantially equivalent to an offense described in those 1628
sections and the victim of the offense is the child, a sibling 1629
of the child, or another child who lived in the parent's 1630
household at the time of the offense; 1631

(c) An offense under division (B) (2) of section 2919.22 of 1632
the Revised Code or under an existing or former law of this 1633
state, any other state, or the United States that is 1634
substantially equivalent to the offense described in that 1635
section and the child, a sibling of the child, or another child 1636
who lived in the parent's household at the time of the offense 1637
is the victim of the offense; 1638

(d) An offense under section 2907.02, 2907.03, 2907.04, 1639
2907.05, or 2907.06 of the Revised Code or under an existing or 1640
former law of this state, any other state, or the United States 1641
that is substantially equivalent to an offense described in 1642
those sections and the victim of the offense is the child, a 1643
sibling of the child, or another child who lived in the parent's 1644
household at the time of the offense; 1645

(e) An offense under section 2905.32, 2907.21, or 2907.22 1646
of the Revised Code or under an existing or former law of this 1647
state, any other state, or the United States that is 1648
substantially equivalent to the offense described in that 1649
section and the victim of the offense is the child, a sibling of 1650
the child, or another child who lived in the parent's household 1651
at the time of the offense; 1652

(f) A conspiracy or attempt to commit, or complicity in 1653
committing, an offense described in division (E) (7) (a), (d), or 1654
(e) of this section. 1655

(8) The parent has repeatedly withheld medical treatment 1656
or food from the child when the parent has the means to provide 1657
the treatment or food, and, in the case of withheld medical 1658
treatment, the parent withheld it for a purpose other than to 1659
treat the physical or mental illness or defect of the child by 1660
spiritual means through prayer alone in accordance with the 1661
tenets of a recognized religious body. 1662

(9) The parent has placed the child at substantial risk of 1663
harm two or more times due to alcohol or drug abuse and has 1664
rejected treatment two or more times or refused to participate 1665
in further treatment two or more times after a case plan issued 1666
pursuant to section 2151.412 of the Revised Code requiring 1667
treatment of the parent was journalized as part of a 1668
dispositional order issued with respect to the child or an order 1669
was issued by any other court requiring treatment of the parent. 1670

(10) The parent has abandoned the child. 1671

(11) The parent has had parental rights involuntarily 1672
terminated with respect to a sibling of the child pursuant to 1673
this section or section 2151.353 or 2151.415 of the Revised 1674
Code, or under an existing or former law of this state, any 1675
other state, or the United States that is substantially 1676
equivalent to those sections, and the parent has failed to 1677
provide clear and convincing evidence to prove that, 1678
notwithstanding the prior termination, the parent can provide a 1679
legally secure permanent placement and adequate care for the 1680
health, welfare, and safety of the child. 1681

(12) The parent is incarcerated at the time of the filing 1682
of the motion for permanent custody or the dispositional hearing 1683
of the child and will not be available to care for the child for 1684
at least eighteen months after the filing of the motion for 1685

permanent custody or the dispositional hearing. 1686

(13) The parent is repeatedly incarcerated, and the 1687
repeated incarceration prevents the parent from providing care 1688
for the child. 1689

(14) The parent for any reason is unwilling to provide 1690
food, clothing, shelter, and other basic necessities for the 1691
child or to prevent the child from suffering physical, 1692
emotional, or sexual abuse or physical, emotional, or mental 1693
neglect. 1694

(15) The parent has committed abuse as described in 1695
section 2151.031 of the Revised Code against the child or caused 1696
or allowed the child to suffer neglect as described in section 1697
2151.03 of the Revised Code, and the court determines that the 1698
seriousness, nature, or likelihood of recurrence of the abuse or 1699
neglect makes the child's placement with the child's parent a 1700
threat to the child's safety. 1701

(16) Any other factor the court considers relevant. 1702

(F) The parents of a child for whom the court has issued 1703
an order granting permanent custody pursuant to this section, 1704
upon the issuance of the order, cease to be parties to the 1705
action. This division is not intended to eliminate or restrict 1706
any right of the parents to appeal the granting of permanent 1707
custody of their child to a movant pursuant to this section. 1708

Sec. 2151.421. (A) (1) (a) No person described in division 1709
(A) (1) (b) of this section who is acting in an official or 1710
professional capacity and knows, or has reasonable cause to 1711
suspect based on facts that would cause a reasonable person in a 1712
similar position to suspect, that a child under eighteen years 1713
of age, or a person under twenty-one years of age with a 1714

developmental disability or physical impairment, has suffered or 1715
faces a threat of suffering any physical or mental wound, 1716
injury, disability, or condition of a nature that reasonably 1717
indicates abuse or neglect of the child shall fail to 1718
immediately report that knowledge or reasonable cause to suspect 1719
to the entity or persons specified in this division. Except as 1720
provided in section 5120.173 of the Revised Code, the person 1721
making the report shall make it to the public children services 1722
agency or a municipal or county peace officer in the county in 1723
which the child resides or in which the abuse or neglect is 1724
occurring or has occurred. In the circumstances described in 1725
section 5120.173 of the Revised Code, the person making the 1726
report shall make it to the entity specified in that section. 1727

(b) Division (A) (1) (a) of this section applies to any 1728
person who is an attorney; health care professional; 1729
practitioner of a limited branch of medicine as specified in 1730
section 4731.15 of the Revised Code; licensed school 1731
psychologist; independent marriage and family therapist or 1732
marriage and family therapist; coroner; administrator or 1733
employee of a child day-care center; administrator or employee 1734
of a residential camp, child day camp, or private, nonprofit 1735
therapeutic wilderness camp; administrator or employee of a 1736
certified child care agency or other public or private children 1737
services agency; school teacher; school employee; school 1738
authority; agent of a county humane society; person, other than 1739
a cleric, rendering spiritual treatment through prayer in 1740
accordance with the tenets of a well-recognized religion; 1741
employee of a county department of job and family services who 1742
is a professional and who works with children and families; 1743
superintendent or regional administrator employed by the 1744
department of youth services; superintendent, board member, or 1745

employee of a county board of developmental disabilities; 1746
investigative agent contracted with by a county board of 1747
developmental disabilities; employee of the department of 1748
developmental disabilities; employee of a facility or home that 1749
provides respite care in accordance with section 5123.171 of the 1750
Revised Code; employee of an entity that provides homemaker 1751
services; a person performing the duties of an assessor pursuant 1752
to Chapter 3107. or 5103. of the Revised Code; third party 1753
employed by a public children services agency to assist in 1754
providing child or family related services; court appointed 1755
special advocate; or guardian ad litem. 1756

(c) If two or more health care professionals, after 1757
providing health care services to a child, determine or suspect 1758
that the child has been or is being abused or neglected, the 1759
health care professionals may designate one of the health care 1760
professionals to report the abuse or neglect. A single report 1761
made under this division shall meet the reporting requirements 1762
of division (A) (1) of this section. 1763

(2) Except as provided in division (A) (3) of this section, 1764
an attorney or a physician is not required to make a report 1765
pursuant to division (A) (1) of this section concerning any 1766
communication the attorney or physician receives from a client 1767
or patient in an attorney-client or physician-patient 1768
relationship, if, in accordance with division (A) or (B) of 1769
section 2317.02 of the Revised Code, the attorney or physician 1770
could not testify with respect to that communication in a civil 1771
or criminal proceeding. 1772

(3) The client or patient in an attorney-client or 1773
physician-patient relationship described in division (A) (2) of 1774
this section is deemed to have waived any testimonial privilege 1775

under division (A) or (B) of section 2317.02 of the Revised Code 1776
with respect to any communication the attorney or physician 1777
receives from the client or patient in that attorney-client or 1778
physician-patient relationship, and the attorney or physician 1779
shall make a report pursuant to division (A)(1) of this section 1780
with respect to that communication, if ~~all~~ both of the following 1781
apply: 1782

(a) The client or patient, at the time of the 1783
communication, is a child under eighteen years of age or is a 1784
person under twenty-one years of age with a developmental 1785
disability or physical impairment. 1786

(b) The attorney or physician knows, or has reasonable 1787
cause to suspect based on facts that would cause a reasonable 1788
person in similar position to suspect that the client or patient 1789
has suffered or faces a threat of suffering any physical or 1790
mental wound, injury, disability, or condition of a nature that 1791
reasonably indicates abuse or neglect of the client or patient. 1792

~~(c) The abuse or neglect does not arise out of the 1793
client's or patient's attempt to have an abortion without the 1794
notification of her parents, guardian, or custodian in 1795
accordance with section 2151.85 of the Revised Code. 1796~~

(4) (a) No cleric and no person, other than a volunteer, 1797
designated by any church, religious society, or faith acting as 1798
a leader, official, or delegate on behalf of the church, 1799
religious society, or faith who is acting in an official or 1800
professional capacity, who knows, or has reasonable cause to 1801
believe based on facts that would cause a reasonable person in a 1802
similar position to believe, that a child under eighteen years 1803
of age, or a person under twenty-one years of age with a 1804
developmental disability or physical impairment, has suffered or 1805

faces a threat of suffering any physical or mental wound, 1806
injury, disability, or condition of a nature that reasonably 1807
indicates abuse or neglect of the child, and who knows, or has 1808
reasonable cause to believe based on facts that would cause a 1809
reasonable person in a similar position to believe, that another 1810
cleric or another person, other than a volunteer, designated by 1811
a church, religious society, or faith acting as a leader, 1812
official, or delegate on behalf of the church, religious 1813
society, or faith caused, or poses the threat of causing, the 1814
wound, injury, disability, or condition that reasonably 1815
indicates abuse or neglect shall fail to immediately report that 1816
knowledge or reasonable cause to believe to the entity or 1817
persons specified in this division. Except as provided in 1818
section 5120.173 of the Revised Code, the person making the 1819
report shall make it to the public children services agency or a 1820
municipal or county peace officer in the county in which the 1821
child resides or in which the abuse or neglect is occurring or 1822
has occurred. In the circumstances described in section 5120.173 1823
of the Revised Code, the person making the report shall make it 1824
to the entity specified in that section. 1825

(b) Except as provided in division (A) (4) (c) of this 1826
section, a cleric is not required to make a report pursuant to 1827
division (A) (4) (a) of this section concerning any communication 1828
the cleric receives from a penitent in a cleric-penitent 1829
relationship, if, in accordance with division (C) of section 1830
2317.02 of the Revised Code, the cleric could not testify with 1831
respect to that communication in a civil or criminal proceeding. 1832

(c) The penitent in a cleric-penitent relationship 1833
described in division (A) (4) (b) of this section is deemed to 1834
have waived any testimonial privilege under division (C) of 1835
section 2317.02 of the Revised Code with respect to any 1836

communication the cleric receives from the penitent in that 1837
cleric-penitent relationship, and the cleric shall make a report 1838
pursuant to division (A) (4) (a) of this section with respect to 1839
that communication, if ~~all~~ both of the following apply: 1840

(i) The penitent, at the time of the communication, is a 1841
child under eighteen years of age or is a person under twenty- 1842
one years of age with a developmental disability or physical 1843
impairment. 1844

(ii) The cleric knows, or has reasonable cause to believe 1845
based on facts that would cause a reasonable person in a similar 1846
position to believe, as a result of the communication or any 1847
observations made during that communication, the penitent has 1848
suffered or faces a threat of suffering any physical or mental 1849
wound, injury, disability, or condition of a nature that 1850
reasonably indicates abuse or neglect of the penitent. 1851

~~(iii) The abuse or neglect does not arise out of the 1852
penitent's attempt to have an abortion performed upon a child 1853
under eighteen years of age or upon a person under twenty-one 1854
years of age with a developmental disability or physical 1855
impairment without the notification of her parents, guardian, or 1856
custodian in accordance with section 2151.85 of the Revised 1857
Code. 1858~~

(d) Divisions (A) (4) (a) and (c) of this section do not 1859
apply in a cleric-penitent relationship when the disclosure of 1860
any communication the cleric receives from the penitent is in 1861
violation of the sacred trust. 1862

(e) As used in divisions (A) (1) and (4) of this section, 1863
"cleric" and "sacred trust" have the same meanings as in section 1864
2317.02 of the Revised Code. 1865

(B) Anyone who knows, or has reasonable cause to suspect 1866
based on facts that would cause a reasonable person in similar 1867
circumstances to suspect, that a child under eighteen years of 1868
age, or a person under twenty-one years of age with a 1869
developmental disability or physical impairment, has suffered or 1870
faces a threat of suffering any physical or mental wound, 1871
injury, disability, or other condition of a nature that 1872
reasonably indicates abuse or neglect of the child may report or 1873
cause reports to be made of that knowledge or reasonable cause 1874
to suspect to the entity or persons specified in this division. 1875
Except as provided in section 5120.173 of the Revised Code, a 1876
person making a report or causing a report to be made under this 1877
division shall make it or cause it to be made to the public 1878
children services agency or to a municipal or county peace 1879
officer. In the circumstances described in section 5120.173 of 1880
the Revised Code, a person making a report or causing a report 1881
to be made under this division shall make it or cause it to be 1882
made to the entity specified in that section. 1883

(C) Any report made pursuant to division (A) or (B) of 1884
this section shall be made forthwith either by telephone or in 1885
person and shall be followed by a written report, if requested 1886
by the receiving agency or officer. The written report shall 1887
contain: 1888

(1) The names and addresses of the child and the child's 1889
parents or the person or persons having custody of the child, if 1890
known; 1891

(2) The child's age and the nature and extent of the 1892
child's injuries, abuse, or neglect that is known or reasonably 1893
suspected or believed, as applicable, to have occurred or of the 1894
threat of injury, abuse, or neglect that is known or reasonably 1895

suspected or believed, as applicable, to exist, including any 1896
evidence of previous injuries, abuse, or neglect; 1897

(3) Any other information, including, but not limited to, 1898
results and reports of any medical examinations, tests, or 1899
procedures performed under division (D) of this section, that 1900
might be helpful in establishing the cause of the injury, abuse, 1901
or neglect that is known or reasonably suspected or believed, as 1902
applicable, to have occurred or of the threat of injury, abuse, 1903
or neglect that is known or reasonably suspected or believed, as 1904
applicable, to exist. 1905

(D) (1) Any person, who is required by division (A) of this 1906
section to report child abuse or child neglect that is known or 1907
reasonably suspected or believed to have occurred, may take or 1908
cause to be taken color photographs of areas of trauma visible 1909
on a child and, if medically necessary for the purpose of 1910
diagnosing or treating injuries that are suspected to have 1911
occurred as a result of child abuse or child neglect, perform or 1912
cause to be performed radiological examinations and any other 1913
medical examinations of, and tests or procedures on, the child. 1914

(2) The results and any available reports of examinations, 1915
tests, or procedures made under division (D) (1) of this section 1916
shall be included in a report made pursuant to division (A) of 1917
this section. Any additional reports of examinations, tests, or 1918
procedures that become available shall be provided to the public 1919
children services agency, upon request. 1920

(3) If a health care professional provides health care 1921
services in a hospital, children's advocacy center, or emergency 1922
medical facility to a child about whom a report has been made 1923
under division (A) of this section, the health care professional 1924
may take any steps that are reasonably necessary for the release 1925

or discharge of the child to an appropriate environment. Before 1926
the child's release or discharge, the health care professional 1927
may obtain information, or consider information obtained, from 1928
other entities or individuals that have knowledge about the 1929
child. Nothing in division (D) (3) of this section shall be 1930
construed to alter the responsibilities of any person under 1931
sections 2151.27 and 2151.31 of the Revised Code. 1932

(4) A health care professional may conduct medical 1933
examinations, tests, or procedures on the siblings of a child 1934
about whom a report has been made under division (A) of this 1935
section and on other children who reside in the same home as the 1936
child, if the professional determines that the examinations, 1937
tests, or procedures are medically necessary to diagnose or 1938
treat the siblings or other children in order to determine 1939
whether reports under division (A) of this section are warranted 1940
with respect to such siblings or other children. The results of 1941
the examinations, tests, or procedures on the siblings and other 1942
children may be included in a report made pursuant to division 1943
(A) of this section. 1944

(5) Medical examinations, tests, or procedures conducted 1945
under divisions (D) (1) and (4) of this section and decisions 1946
regarding the release or discharge of a child under division (D) 1947
(3) of this section do not constitute a law enforcement 1948
investigation or activity. 1949

(E) (1) When a municipal or county peace officer receives a 1950
report concerning the possible abuse or neglect of a child or 1951
the possible threat of abuse or neglect of a child, upon receipt 1952
of the report, the municipal or county peace officer who 1953
receives the report shall refer the report to the appropriate 1954
public children services agency. 1955

(2) When a public children services agency receives a 1956
report pursuant to this division or division (A) or (B) of this 1957
section, upon receipt of the report, the public children 1958
services agency shall do both of the following: 1959

(a) Comply with section 2151.422 of the Revised Code; 1960

(b) If the county served by the agency is also served by a 1961
children's advocacy center and the report alleges sexual abuse 1962
of a child or another type of abuse of a child that is specified 1963
in the memorandum of understanding that creates the center as 1964
being within the center's jurisdiction, comply regarding the 1965
report with the protocol and procedures for referrals and 1966
investigations, with the coordinating activities, and with the 1967
authority or responsibility for performing or providing 1968
functions, activities, and services stipulated in the 1969
interagency agreement entered into under section 2151.428 of the 1970
Revised Code relative to that center. 1971

(F) No township, municipal, or county peace officer shall 1972
remove a child about whom a report is made pursuant to this 1973
section from the child's parents, stepparents, or guardian or 1974
any other persons having custody of the child without 1975
consultation with the public children services agency, unless, 1976
in the judgment of the officer, and, if the report was made by 1977
physician, the physician, immediate removal is considered 1978
essential to protect the child from further abuse or neglect. 1979
The agency that must be consulted shall be the agency conducting 1980
the investigation of the report as determined pursuant to 1981
section 2151.422 of the Revised Code. 1982

(G) (1) Except as provided in section 2151.422 of the 1983
Revised Code or in an interagency agreement entered into under 1984
section 2151.428 of the Revised Code that applies to the 1985

particular report, the public children services agency shall 1986
investigate, within twenty-four hours, each report of child 1987
abuse or child neglect that is known or reasonably suspected or 1988
believed to have occurred and of a threat of child abuse or 1989
child neglect that is known or reasonably suspected or believed 1990
to exist that is referred to it under this section to determine 1991
the circumstances surrounding the injuries, abuse, or neglect or 1992
the threat of injury, abuse, or neglect, the cause of the 1993
injuries, abuse, neglect, or threat, and the person or persons 1994
responsible. The investigation shall be made in cooperation with 1995
the law enforcement agency and in accordance with the memorandum 1996
of understanding prepared under division (K) of this section. A 1997
representative of the public children services agency shall, at 1998
the time of initial contact with the person subject to the 1999
investigation, inform the person of the specific complaints or 2000
allegations made against the person. The information shall be 2001
given in a manner that is consistent with division (I)(1) of 2002
this section and protects the rights of the person making the 2003
report under this section. 2004

A failure to make the investigation in accordance with the 2005
memorandum is not grounds for, and shall not result in, the 2006
dismissal of any charges or complaint arising from the report or 2007
the suppression of any evidence obtained as a result of the 2008
report and does not give, and shall not be construed as giving, 2009
any rights or any grounds for appeal or post-conviction relief 2010
to any person. The public children services agency shall report 2011
each case to the uniform statewide automated child welfare 2012
information system that the department of job and family 2013
services shall maintain in accordance with section 5101.13 of 2014
the Revised Code. The public children services agency shall 2015
submit a report of its investigation, in writing, to the law 2016

enforcement agency. 2017

(2) The public children services agency shall make any 2018
recommendations to the county prosecuting attorney or city 2019
director of law that it considers necessary to protect any 2020
children that are brought to its attention. 2021

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 2022
(I) (3) of this section, any person, health care professional, 2023
hospital, institution, school, health department, or agency 2024
shall be immune from any civil or criminal liability for injury, 2025
death, or loss to person or property that otherwise might be 2026
incurred or imposed as a result of any of the following: 2027

(i) Participating in the making of reports pursuant to 2028
division (A) of this section or in the making of reports in good 2029
faith, pursuant to division (B) of this section; 2030

(ii) Participating in medical examinations, tests, or 2031
procedures under division (D) of this section; 2032

(iii) Providing information used in a report made pursuant 2033
to division (A) of this section or providing information in good 2034
faith used in a report made pursuant to division (B) of this 2035
section; 2036

(iv) Participating in a judicial proceeding resulting from 2037
a report made pursuant to division (A) of this section or 2038
participating in good faith in a proceeding resulting from a 2039
report made pursuant to division (B) of this section. 2040

(b) Immunity under division (H) (1) (a) (ii) of this section 2041
shall not apply when a health care provider has deviated from 2042
the standard of care applicable to the provider's profession. 2043

(c) Notwithstanding section 4731.22 of the Revised Code, 2044

the physician-patient privilege shall not be a ground for 2045
excluding evidence regarding a child's injuries, abuse, or 2046
neglect, or the cause of the injuries, abuse, or neglect in any 2047
judicial proceeding resulting from a report submitted pursuant 2048
to this section. 2049

(2) In any civil or criminal action or proceeding in which 2050
it is alleged and proved that participation in the making of a 2051
report under this section was not in good faith or participation 2052
in a judicial proceeding resulting from a report made under this 2053
section was not in good faith, the court shall award the 2054
prevailing party reasonable attorney's fees and costs and, if a 2055
civil action or proceeding is voluntarily dismissed, may award 2056
reasonable attorney's fees and costs to the party against whom 2057
the civil action or proceeding is brought. 2058

(I) (1) Except as provided in divisions (I) (4) and (O) of 2059
this section, a report made under this section is confidential. 2060
The information provided in a report made pursuant to this 2061
section and the name of the person who made the report shall not 2062
be released for use, and shall not be used, as evidence in any 2063
civil action or proceeding brought against the person who made 2064
the report. Nothing in this division shall preclude the use of 2065
reports of other incidents of known or suspected abuse or 2066
neglect in a civil action or proceeding brought pursuant to 2067
division (N) of this section against a person who is alleged to 2068
have violated division (A) (1) of this section, provided that any 2069
information in a report that would identify the child who is the 2070
subject of the report or the maker of the report, if the maker 2071
of the report is not the defendant or an agent or employee of 2072
the defendant, has been redacted. In a criminal proceeding, the 2073
report is admissible in evidence in accordance with the Rules of 2074
Evidence and is subject to discovery in accordance with the 2075

Rules of Criminal Procedure. 2076

(2) (a) Except as provided in division (I) (2) (b) of this 2077
section, no person shall permit or encourage the unauthorized 2078
dissemination of the contents of any report made under this 2079
section. 2080

(b) A health care professional that obtains the same 2081
information contained in a report made under this section from a 2082
source other than the report may disseminate the information, if 2083
its dissemination is otherwise permitted by law. 2084

(3) A person who knowingly makes or causes another person 2085
to make a false report under division (B) of this section that 2086
alleges that any person has committed an act or omission that 2087
resulted in a child being an abused child or a neglected child 2088
is guilty of a violation of section 2921.14 of the Revised Code. 2089

(4) If a report is made pursuant to division (A) or (B) of 2090
this section and the child who is the subject of the report dies 2091
for any reason at any time after the report is made, but before 2092
the child attains eighteen years of age, the public children 2093
services agency or municipal or county peace officer to which 2094
the report was made or referred, on the request of the child 2095
fatality review board or the director of health pursuant to 2096
guidelines established under section 3701.70 of the Revised 2097
Code, shall submit a summary sheet of information providing a 2098
summary of the report to the review board of the county in which 2099
the deceased child resided at the time of death or to the 2100
director. On the request of the review board or director, the 2101
agency or peace officer may, at its discretion, make the report 2102
available to the review board or director. If the county served 2103
by the public children services agency is also served by a 2104
children's advocacy center and the report of alleged sexual 2105

abuse of a child or another type of abuse of a child is 2106
specified in the memorandum of understanding that creates the 2107
center as being within the center's jurisdiction, the agency or 2108
center shall perform the duties and functions specified in this 2109
division in accordance with the interagency agreement entered 2110
into under section 2151.428 of the Revised Code relative to that 2111
advocacy center. 2112

(5) A public children services agency shall advise a 2113
person alleged to have inflicted abuse or neglect on a child who 2114
is the subject of a report made pursuant to this section, 2115
including a report alleging sexual abuse of a child or another 2116
type of abuse of a child referred to a children's advocacy 2117
center pursuant to an interagency agreement entered into under 2118
section 2151.428 of the Revised Code, in writing of the 2119
disposition of the investigation. The agency shall not provide 2120
to the person any information that identifies the person who 2121
made the report, statements of witnesses, or police or other 2122
investigative reports. 2123

(J) Any report that is required by this section, other 2124
than a report that is made to the state highway patrol as 2125
described in section 5120.173 of the Revised Code, shall result 2126
in protective services and emergency supportive services being 2127
made available by the public children services agency on behalf 2128
of the children about whom the report is made, in an effort to 2129
prevent further neglect or abuse, to enhance their welfare, and, 2130
whenever possible, to preserve the family unit intact. The 2131
agency required to provide the services shall be the agency 2132
conducting the investigation of the report pursuant to section 2133
2151.422 of the Revised Code. 2134

(K) (1) Each public children services agency shall prepare 2135

a memorandum of understanding that is signed by all of the 2136
following: 2137

(a) If there is only one juvenile judge in the county, the 2138
juvenile judge of the county or the juvenile judge's 2139
representative; 2140

(b) If there is more than one juvenile judge in the 2141
county, a juvenile judge or the juvenile judges' representative 2142
selected by the juvenile judges or, if they are unable to do so 2143
for any reason, the juvenile judge who is senior in point of 2144
service or the senior juvenile judge's representative; 2145

(c) The county peace officer; 2146

(d) All chief municipal peace officers within the county; 2147

(e) Other law enforcement officers handling child abuse 2148
and neglect cases in the county; 2149

(f) The prosecuting attorney of the county; 2150

(g) If the public children services agency is not the 2151
county department of job and family services, the county 2152
department of job and family services; 2153

(h) The county humane society; 2154

(i) If the public children services agency participated in 2155
the execution of a memorandum of understanding under section 2156
2151.426 of the Revised Code establishing a children's advocacy 2157
center, each participating member of the children's advocacy 2158
center established by the memorandum. 2159

(2) A memorandum of understanding shall set forth the 2160
normal operating procedure to be employed by all concerned 2161
officials in the execution of their respective responsibilities 2162

under this section and division (C) of section 2919.21, division 2163
(B) (1) of section 2919.22, division (B) of section 2919.23, and 2164
section 2919.24 of the Revised Code and shall have as two of its 2165
primary goals the elimination of all unnecessary interviews of 2166
children who are the subject of reports made pursuant to 2167
division (A) or (B) of this section and, when feasible, 2168
providing for only one interview of a child who is the subject 2169
of any report made pursuant to division (A) or (B) of this 2170
section. A failure to follow the procedure set forth in the 2171
memorandum by the concerned officials is not grounds for, and 2172
shall not result in, the dismissal of any charges or complaint 2173
arising from any reported case of abuse or neglect or the 2174
suppression of any evidence obtained as a result of any reported 2175
child abuse or child neglect and does not give, and shall not be 2176
construed as giving, any rights or any grounds for appeal or 2177
post-conviction relief to any person. 2178

(3) A memorandum of understanding shall include all of the 2179
following: 2180

(a) The roles and responsibilities for handling emergency 2181
and nonemergency cases of abuse and neglect; 2182

(b) Standards and procedures to be used in handling and 2183
coordinating investigations of reported cases of child abuse and 2184
reported cases of child neglect, methods to be used in 2185
interviewing the child who is the subject of the report and who 2186
allegedly was abused or neglected, and standards and procedures 2187
addressing the categories of persons who may interview the child 2188
who is the subject of the report and who allegedly was abused or 2189
neglected. 2190

(4) If a public children services agency participated in 2191
the execution of a memorandum of understanding under section 2192

2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K) (1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(L) (1) Except as provided in division (L) (4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in 2222
division (L)(1) of this section only if, at the time the report 2223
is made, the person's name, address, and telephone number are 2224
provided to the person who receives the report. 2225

When a municipal or county peace officer or employee of a 2226
public children services agency receives a report pursuant to 2227
division (A) or (B) of this section the recipient of the report 2228
shall inform the person of the right to request the information 2229
described in division (L)(1) of this section. The recipient of 2230
the report shall include in the initial child abuse or child 2231
neglect report that the person making the report was so informed 2232
and, if provided at the time of the making of the report, shall 2233
include the person's name, address, and telephone number in the 2234
report. 2235

Each request is subject to verification of the identity of 2236
the person making the report. If that person's identity is 2237
verified, the agency shall provide the person with the 2238
information described in division (L)(1) of this section a 2239
reasonable number of times, except that the agency shall not 2240
disclose any confidential information regarding the child who is 2241
the subject of the report other than the information described 2242
in those divisions. 2243

(3) A request made pursuant to division (L)(1) of this 2244
section is not a substitute for any report required to be made 2245
pursuant to division (A) of this section. 2246

(4) If an agency other than the agency that received or 2247
was referred the report is conducting the investigation of the 2248
report pursuant to section 2151.422 of the Revised Code, the 2249
agency conducting the investigation shall comply with the 2250
requirements of division (L) of this section. 2251

(5) A health care professional who made a report under 2252
division (A) of this section, or on whose behalf such a report 2253
was made as provided in division (A)(1)(c) of this section, may 2254
authorize a person to obtain the information described in 2255
division (L)(1) of this section if the person requesting the 2256
information is associated with or acting on behalf of the health 2257
care professional who provided health care services to the child 2258
about whom the report was made. 2259

(M) The director of job and family services shall adopt 2260
rules in accordance with Chapter 119. of the Revised Code to 2261
implement this section. The department of job and family 2262
services may enter into a plan of cooperation with any other 2263
governmental entity to aid in ensuring that children are 2264
protected from abuse and neglect. The department shall make 2265
recommendations to the attorney general that the department 2266
determines are necessary to protect children from child abuse 2267
and child neglect. 2268

(N) Whoever violates division (A) of this section is 2269
liable for compensatory and exemplary damages to the child who 2270
would have been the subject of the report that was not made. A 2271
person who brings a civil action or proceeding pursuant to this 2272
division against a person who is alleged to have violated 2273
division (A)(1) of this section may use in the action or 2274
proceeding reports of other incidents of known or suspected 2275
abuse or neglect, provided that any information in a report that 2276
would identify the child who is the subject of the report or the 2277
maker of the report, if the maker is not the defendant or an 2278
agent or employee of the defendant, has been redacted. 2279

(O)(1) As used in this division: 2280

(a) "Out-of-home care" includes a nonchartered nonpublic 2281

school if the alleged child abuse or child neglect, or alleged 2282
threat of child abuse or child neglect, described in a report 2283
received by a public children services agency allegedly occurred 2284
in or involved the nonchartered nonpublic school and the alleged 2285
perpetrator named in the report holds a certificate, permit, or 2286
license issued by the state board of education under section 2287
3301.071 or Chapter 3319. of the Revised Code. 2288

(b) "Administrator, director, or other chief 2289
administrative officer" means the superintendent of the school 2290
district if the out-of-home care entity subject to a report made 2291
pursuant to this section is a school operated by the district. 2292

(2) No later than the end of the day following the day on 2293
which a public children services agency receives a report of 2294
alleged child abuse or child neglect, or a report of an alleged 2295
threat of child abuse or child neglect, that allegedly occurred 2296
in or involved an out-of-home care entity, the agency shall 2297
provide written notice of the allegations contained in and the 2298
person named as the alleged perpetrator in the report to the 2299
administrator, director, or other chief administrative officer 2300
of the out-of-home care entity that is the subject of the report 2301
unless the administrator, director, or other chief 2302
administrative officer is named as an alleged perpetrator in the 2303
report. If the administrator, director, or other chief 2304
administrative officer of an out-of-home care entity is named as 2305
an alleged perpetrator in a report of alleged child abuse or 2306
child neglect, or a report of an alleged threat of child abuse 2307
or child neglect, that allegedly occurred in or involved the 2308
out-of-home care entity, the agency shall provide the written 2309
notice to the owner or governing board of the out-of-home care 2310
entity that is the subject of the report. The agency shall not 2311
provide witness statements or police or other investigative 2312

reports. 2313

(3) No later than three days after the day on which a 2314
public children services agency that conducted the investigation 2315
as determined pursuant to section 2151.422 of the Revised Code 2316
makes a disposition of an investigation involving a report of 2317
alleged child abuse or child neglect, or a report of an alleged 2318
threat of child abuse or child neglect, that allegedly occurred 2319
in or involved an out-of-home care entity, the agency shall send 2320
written notice of the disposition of the investigation to the 2321
administrator, director, or other chief administrative officer 2322
and the owner or governing board of the out-of-home care entity. 2323
The agency shall not provide witness statements or police or 2324
other investigative reports. 2325

(P) As used in this section: 2326

(1) "Children's advocacy center" and "sexual abuse of a 2327
child" have the same meanings as in section 2151.425 of the 2328
Revised Code. 2329

(2) "Health care professional" means an individual who 2330
provides health-related services including a physician, hospital 2331
intern or resident, dentist, podiatrist, registered nurse, 2332
licensed practical nurse, visiting nurse, licensed psychologist, 2333
speech pathologist, audiologist, person engaged in social work 2334
or the practice of professional counseling, and employee of a 2335
home health agency. "Health care professional" does not include 2336
a practitioner of a limited branch of medicine as specified in 2337
section 4731.15 of the Revised Code, licensed school 2338
psychologist, independent marriage and family therapist or 2339
marriage and family therapist, or coroner. 2340

(3) "Investigation" means the public children services 2341

agency's response to an accepted report of child abuse or 2342
neglect through either an alternative response or a traditional 2343
response. 2344

Sec. 2305.11. (A) An action for libel, slander, malicious 2345
prosecution, or false imprisonment, an action for malpractice 2346
other than an action upon a medical, dental, optometric, or 2347
chiropractic claim, or an action upon a statute for a penalty or 2348
forfeiture shall be commenced within one year after the cause of 2349
action accrued, provided that an action by an employee for the 2350
payment of unpaid minimum wages, unpaid overtime compensation, 2351
or liquidated damages by reason of the nonpayment of minimum 2352
wages or overtime compensation shall be commenced within two 2353
years after the cause of action accrued. 2354

(B) A civil action ~~for unlawful abortion~~ pursuant to 2355
section 2919.12 of the Revised Code, a civil action authorized 2356
by ~~division (H) of section 2317.56-2317.57~~ of the Revised Code, 2357
a civil action pursuant to division (B) of section 2307.52 of 2358
the Revised Code for terminating or attempting to terminate a 2359
human pregnancy after viability in violation of division (A) of 2360
section 2919.17 of the Revised Code as that section existed 2361
prior to the effective date of ...B... of the 132nd general 2362
assembly, and a civil action for terminating or attempting to 2363
terminate a human pregnancy of a pain-capable unborn child in 2364
violation of division (E) of section 2919.201 of the Revised 2365
Code as that section existed prior to the effective date of 2366
...B... of the 132nd general assembly shall be commenced within 2367
one year after the performance or inducement of the abortion or 2368
within one year after the attempt to perform or induce the 2369
abortion in violation of division (A) of section 2919.17 of the 2370
Revised Code or division (E) of section 2919.201 of the Revised 2371
Code as those sections existed prior to the effective date 2372

<u>of ...B... of the 132nd general assembly.</u>	2373
(C) As used in this section, "medical claim," "dental claim," "optometric claim," and "chiropractic claim" have the same meanings as in section 2305.113 of the Revised Code.	2374 2375 2376
Sec. 2305.234. (A) As used in this section:	2377
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	2378 2379 2380
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	2381 2382 2383 2384
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	2385 2386
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	2387 2388 2389 2390 2391 2392 2393 2394
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	2395 2396 2397
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	2398 2399 2400

(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	2401 2402 2403
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	2404 2405
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	2406 2407
(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code;	2408 2409 2410 2411
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	2412 2413
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	2414 2415
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	2416 2417
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	2418 2419
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	2420 2421
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	2422 2423 2424
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	2425 2426
(m) Speech-language pathologists and audiologists licensed	2427

under Chapter 4753. of the Revised Code;	2428
(n) Licensed professional clinical counselors, licensed	2429
professional counselors, independent social workers, social	2430
workers, independent marriage and family therapists, and	2431
marriage and family therapists, licensed under Chapter 4757. of	2432
the Revised Code;	2433
(o) Psychologists licensed under Chapter 4732. of the	2434
Revised Code;	2435
(p) Independent chemical dependency counselors-clinical	2436
supervisors, independent chemical dependency counselors,	2437
chemical dependency counselors III, and chemical dependency	2438
counselors II, licensed under Chapter 4758. of the Revised Code,	2439
and chemical dependency counselor assistants, prevention	2440
consultants, prevention specialists, prevention specialist	2441
assistants, and registered applicants, certified under that	2442
chapter.	2443
(6) "Health care worker" means a person other than a	2444
health care professional who provides medical, dental, or other	2445
health-related care or treatment under the direction of a health	2446
care professional with the authority to direct that individual's	2447
activities, including medical technicians, medical assistants,	2448
dental assistants, orderlies, aides, and individuals acting in	2449
similar capacities.	2450
(7) "Indigent and uninsured person" means a person who	2451
meets both of the following requirements:	2452
(a) Relative to being indigent, the person's income is not	2453
greater than two hundred per cent of the federal poverty line,	2454
as defined by the United States office of management and budget	2455
and revised in accordance with section 673(2) of the "Omnibus	2456

Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 2457
9902, as amended, except in any case in which division (A) (7) (b) 2458
(iii) of this section includes a person whose income is greater 2459
than two hundred per cent of the federal poverty line. 2460

(b) Relative to being uninsured, one of the following 2461
applies: 2462

(i) The person is not a policyholder, certificate holder, 2463
insured, contract holder, subscriber, enrollee, member, 2464
beneficiary, or other covered individual under a health 2465
insurance or health care policy, contract, or plan. 2466

(ii) The person is a policyholder, certificate holder, 2467
insured, contract holder, subscriber, enrollee, member, 2468
beneficiary, or other covered individual under a health 2469
insurance or health care policy, contract, or plan, but the 2470
insurer, policy, contract, or plan denies coverage or is the 2471
subject of insolvency or bankruptcy proceedings in any 2472
jurisdiction. 2473

(iii) Until June 30, 2019, the person is eligible for the 2474
medicaid program or is a medicaid recipient. 2475

(iv) Except as provided in division (A) (7) (b) (iii) of this 2476
section, the person is not eligible for or a recipient, 2477
enrollee, or beneficiary of any governmental health care 2478
program. 2479

(8) "Nonprofit health care referral organization" means an 2480
entity that is not operated for profit and refers patients to, 2481
or arranges for the provision of, health-related diagnosis, 2482
care, or treatment by a health care professional or health care 2483
worker. 2484

(9) "Operation" means any procedure that involves cutting 2485

or otherwise infiltrating human tissue by mechanical means, 2486
including surgery, laser surgery, ionizing radiation, 2487
therapeutic ultrasound, or the removal of intraocular foreign 2488
bodies. "Operation" does not include the administration of 2489
medication by injection, unless the injection is administered in 2490
conjunction with a procedure infiltrating human tissue by 2491
mechanical means other than the administration of medicine by 2492
injection. "Operation" does not include routine dental 2493
restorative procedures, the scaling of teeth, or extractions of 2494
teeth that are not impacted. 2495

(10) "Tort action" means a civil action for damages for 2496
injury, death, or loss to person or property other than a civil 2497
action for damages for a breach of contract or another agreement 2498
between persons or government entities. 2499

(11) "Volunteer" means an individual who provides any 2500
medical, dental, or other health-care related diagnosis, care, 2501
or treatment without the expectation of receiving and without 2502
receipt of any compensation or other form of remuneration from 2503
an indigent and uninsured person, another person on behalf of an 2504
indigent and uninsured person, any health care facility or 2505
location, any nonprofit health care referral organization, or 2506
any other person or government entity. 2507

(12) "Community control sanction" has the same meaning as 2508
in section 2929.01 of the Revised Code. 2509

(13) "Deep sedation" means a drug-induced depression of 2510
consciousness during which a patient cannot be easily aroused 2511
but responds purposefully following repeated or painful 2512
stimulation, a patient's ability to independently maintain 2513
ventilatory function may be impaired, a patient may require 2514
assistance in maintaining a patent airway and spontaneous 2515

ventilation may be inadequate, and cardiovascular function is 2516
usually maintained. 2517

(14) "General anesthesia" means a drug-induced loss of 2518
consciousness during which a patient is not arousable, even by 2519
painful stimulation, the ability to independently maintain 2520
ventilatory function is often impaired, a patient often requires 2521
assistance in maintaining a patent airway, positive pressure 2522
ventilation may be required because of depressed spontaneous 2523
ventilation or drug-induced depression of neuromuscular 2524
function, and cardiovascular function may be impaired. 2525

(B) (1) Subject to divisions (F) and (G) (3) of this 2526
section, a health care professional who is a volunteer and 2527
complies with division (B) (2) of this section is not liable in 2528
damages to any person or government entity in a tort or other 2529
civil action, including an action on a medical, dental, 2530
chiropractic, optometric, or other health-related claim, for 2531
injury, death, or loss to person or property that allegedly 2532
arises from an action or omission of the volunteer in the 2533
provision to an indigent and uninsured person of medical, 2534
dental, or other health-related diagnosis, care, or treatment, 2535
including the provision of samples of medicine and other medical 2536
products, unless the action or omission constitutes willful or 2537
wanton misconduct. 2538

(2) To qualify for the immunity described in division (B) 2539
(1) of this section, a health care professional shall do all of 2540
the following prior to providing diagnosis, care, or treatment: 2541

(a) Determine, in good faith, that the indigent and 2542
uninsured person is mentally capable of giving informed consent 2543
to the provision of the diagnosis, care, or treatment and is not 2544
subject to duress or under undue influence; 2545

(b) Inform the person of the provisions of this section, 2546
including notifying the person that, by giving informed consent 2547
to the provision of the diagnosis, care, or treatment, the 2548
person cannot hold the health care professional liable for 2549
damages in a tort or other civil action, including an action on 2550
a medical, dental, chiropractic, optometric, or other health- 2551
related claim, unless the action or omission of the health care 2552
professional constitutes willful or wanton misconduct; 2553

(c) Obtain the informed consent of the person and a 2554
written waiver, signed by the person or by another individual on 2555
behalf of and in the presence of the person, that states that 2556
the person is mentally competent to give informed consent and, 2557
without being subject to duress or under undue influence, gives 2558
informed consent to the provision of the diagnosis, care, or 2559
treatment subject to the provisions of this section. A written 2560
waiver under division (B) (2) (c) of this section shall state 2561
clearly and in conspicuous type that the person or other 2562
individual who signs the waiver is signing it with full 2563
knowledge that, by giving informed consent to the provision of 2564
the diagnosis, care, or treatment, the person cannot bring a 2565
tort or other civil action, including an action on a medical, 2566
dental, chiropractic, optometric, or other health-related claim, 2567
against the health care professional unless the action or 2568
omission of the health care professional constitutes willful or 2569
wanton misconduct. 2570

(3) A physician or podiatrist who is not covered by 2571
medical malpractice insurance, but complies with division (B) (2) 2572
of this section, is not required to comply with division (A) of 2573
section 4731.143 of the Revised Code. 2574

(C) Subject to divisions (F) and (G) (3) of this section, 2575

health care workers who are volunteers are not liable in damages 2576
to any person or government entity in a tort or other civil 2577
action, including an action upon a medical, dental, 2578
chiropractic, optometric, or other health-related claim, for 2579
injury, death, or loss to person or property that allegedly 2580
arises from an action or omission of the health care worker in 2581
the provision to an indigent and uninsured person of medical, 2582
dental, or other health-related diagnosis, care, or treatment, 2583
unless the action or omission constitutes willful or wanton 2584
misconduct. 2585

(D) Subject to divisions (F) and (G) (3) of this section, a 2586
nonprofit health care referral organization is not liable in 2587
damages to any person or government entity in a tort or other 2588
civil action, including an action on a medical, dental, 2589
chiropractic, optometric, or other health-related claim, for 2590
injury, death, or loss to person or property that allegedly 2591
arises from an action or omission of the nonprofit health care 2592
referral organization in referring indigent and uninsured 2593
persons to, or arranging for the provision of, medical, dental, 2594
or other health-related diagnosis, care, or treatment by a 2595
health care professional described in division (B) (1) of this 2596
section or a health care worker described in division (C) of 2597
this section, unless the action or omission constitutes willful 2598
or wanton misconduct. 2599

(E) Subject to divisions (F) and (G) (3) of this section 2600
and to the extent that the registration requirements of section 2601
3701.071 of the Revised Code apply, a health care facility or 2602
location associated with a health care professional described in 2603
division (B) (1) of this section, a health care worker described 2604
in division (C) of this section, or a nonprofit health care 2605
referral organization described in division (D) of this section 2606

is not liable in damages to any person or government entity in a 2607
tort or other civil action, including an action on a medical, 2608
dental, chiropractic, optometric, or other health-related claim, 2609
for injury, death, or loss to person or property that allegedly 2610
arises from an action or omission of the health care 2611
professional or worker or nonprofit health care referral 2612
organization relative to the medical, dental, or other health- 2613
related diagnosis, care, or treatment provided to an indigent 2614
and uninsured person on behalf of or at the health care facility 2615
or location, unless the action or omission constitutes willful 2616
or wanton misconduct. 2617

(F) (1) Except as provided in division (F) (2) of this 2618
section, the immunities provided by divisions (B), (C), (D), and 2619
(E) of this section are not available to a health care 2620
professional, health care worker, nonprofit health care referral 2621
organization, or health care facility or location if, at the 2622
time of an alleged injury, death, or loss to person or property, 2623
the health care professionals or health care workers involved 2624
are providing one of the following: 2625

(a) Any medical, dental, or other health-related 2626
diagnosis, care, or treatment pursuant to a community service 2627
work order entered by a court under division (B) of section 2628
2951.02 of the Revised Code or imposed by a court as a community 2629
control sanction; 2630

(b) Performance of an operation to which any one of the 2631
following applies: 2632

(i) The operation requires the administration of deep 2633
sedation or general anesthesia. 2634

(ii) The operation is a procedure that is not typically 2635

performed in an office. 2636

(iii) The individual involved is a health care 2637
professional, and the operation is beyond the scope of practice 2638
or the education, training, and competence, as applicable, of 2639
the health care professional. 2640

~~(c) Delivery of a baby or any other purposeful termination 2641
of a human pregnancy. 2642~~

(2) Division (F)(1) of this section does not apply when a 2643
health care professional or health care worker provides medical, 2644
dental, or other health-related diagnosis, care, or treatment 2645
that is necessary to preserve the life of a person in a medical 2646
emergency. 2647

(G)(1) This section does not create a new cause of action 2648
or substantive legal right against a health care professional, 2649
health care worker, nonprofit health care referral organization, 2650
or health care facility or location. 2651

(2) This section does not affect any immunities from civil 2652
liability or defenses established by another section of the 2653
Revised Code or available at common law to which a health care 2654
professional, health care worker, nonprofit health care referral 2655
organization, or health care facility or location may be 2656
entitled in connection with the provision of emergency or other 2657
medical, dental, or other health-related diagnosis, care, or 2658
treatment. 2659

(3) This section does not grant an immunity from tort or 2660
other civil liability to a health care professional, health care 2661
worker, nonprofit health care referral organization, or health 2662
care facility or location for actions that are outside the scope 2663
of authority of health care professionals or health care 2664

workers. 2665

In the case of the diagnosis, care, or treatment of an 2666
indigent and uninsured person who is eligible for the medicaid 2667
program or is a medicaid recipient, this section grants an 2668
immunity from tort or other civil liability only if the person's 2669
diagnosis, care, or treatment is provided in a free clinic, as 2670
defined in section 3701.071 of the Revised Code. 2671

(4) This section does not affect any legal responsibility 2672
of a health care professional, health care worker, or nonprofit 2673
health care referral organization to comply with any applicable 2674
law of this state or rule of an agency of this state. 2675

(5) This section does not affect any legal responsibility 2676
of a health care facility or location to comply with any 2677
applicable law of this state, rule of an agency of this state, 2678
or local code, ordinance, or regulation that pertains to or 2679
regulates building, housing, air pollution, water pollution, 2680
sanitation, health, fire, zoning, or safety. 2681

Sec. 2307.52. (A) As used in this section:— 2682

~~(1) "Frivolous,"~~ "frivolous conduct" has the same meaning 2683
as in section 2323.51 of the Revised Code. 2684

~~(2) "Viable" has the same meaning as in section 2919.16 of~~ 2685
~~the Revised Code.~~ 2686

(B) A woman upon whom an abortion ~~is~~ was purposely 2687
performed or induced or attempted to be performed or induced in 2688
violation of division (A) of section 2919.17 of the Revised Code 2689
as that section existed prior to the effective date of ...B... 2690
of the 132nd general assembly has and may commence a civil 2691
action for compensatory damages, punitive or exemplary damages 2692
if authorized by section 2315.21 of the Revised Code, and court 2693

costs and reasonable attorney's fees against the person who 2694
purposely performed or induced or attempted to perform or induce 2695
the abortion in violation of division (A) of section 2919.17 of 2696
the Revised Code as that section existed prior to the effective 2697
date of ...B... of the 132nd general assembly. 2698

(C) If a judgment is rendered in favor of the defendant in 2699
a civil action commenced pursuant to division (B) of this 2700
section and the court finds, upon the filing of a motion under 2701
section 2323.51 of the Revised Code, that the commencement of 2702
the civil action constitutes frivolous conduct and that the 2703
defendant was adversely affected by the frivolous conduct, the 2704
court shall award in accordance with section 2323.51 of the 2705
Revised Code reasonable attorney's fees to the defendant. 2706

Sec. 2307.53. (A) As used in this section+ 2707

~~(1) "Frivolous", "frivolous conduct" has the same meaning~~ 2708
as in section 2323.51 of the Revised Code. 2709

~~(2) "Partial birth procedure" has the same meaning as in~~ 2710
~~section 2919.151 of the Revised Code.~~ 2711

(B) A woman upon whom a partial birth procedure is 2712
performed in violation of division (B) or (C) of section 2713
2919.151 of the Revised Code as that section existed prior to 2714
the effective date of ...B... of the 132nd general assembly, the 2715
father of the child if the child was not conceived by rape, or 2716
the parent of the woman if the woman is not eighteen years of 2717
age or older at the time of the violation has and may, within 2718
one year after the commission of that offense, commence a civil 2719
action for compensatory damages, punitive or exemplary damages 2720
if authorized by section 2315.21 of the Revised Code, and court 2721
costs and reasonable attorney's fees against the person who 2722

committed the violation. 2723

(C) If a judgment is rendered in favor of the defendant in 2724
a civil action commenced pursuant to division (B) of this 2725
section and the court finds, upon the filing of a motion under 2726
section 2323.51 of the Revised Code, that the commencement of 2727
the civil action constitutes frivolous conduct and that the 2728
defendant was adversely affected by the frivolous conduct, the 2729
court shall award in accordance with section 2323.51 of the 2730
Revised Code reasonable attorney's fees to the defendant. 2731

Sec. 2307.54. (A) As used in this section, "frivolous 2732
conduct" has the same meaning as in section 2323.51 of the 2733
Revised Code. 2734

(B) A woman upon whom an abortion ~~is~~ was purposely 2735
performed or induced or purposely attempted to be performed or 2736
induced, or the father of the unborn child who was the subject 2737
of such an abortion, in violation of division (E) of section 2738
2919.201 of the Revised Code as that section existed prior to 2739
the effective date of ...B... of the 132nd general assembly, has 2740
and may commence a civil action for compensatory damages, 2741
punitive or exemplary damages if authorized by section 2315.21 2742
of the Revised Code, and court costs and reasonable attorney's 2743
fees against the person who purposely performed or induced or 2744
purposely attempted to perform or induce the abortion in 2745
violation of division (E) of section 2919.201 of the Revised 2746
Code as that section existed prior to the effective date of 2747
...B... of the 132nd general assembly. 2748

(C) If a judgment is rendered in favor of the defendant in 2749
a civil action commenced pursuant to division (B) of this 2750
section and the court finds, upon the filing of a motion under 2751
section 2323.51 of the Revised Code, that the commencement of 2752

the civil action constitutes frivolous conduct and that the 2753
defendant was adversely affected by the frivolous conduct, the 2754
court shall award in accordance with section 2323.51 of the 2755
Revised Code reasonable attorney's fees to the defendant. 2756

Sec. 2317.56. (A) ~~As used in this section:~~ 2757

~~(1) "Medical emergency" has the same meaning as in section 2758
2919.16 of the Revised Code. 2759~~

~~(2) "Medical necessity" means a medical condition of a 2760
pregnant woman that, in the reasonable judgment of the physician 2761
who is attending the woman, so complicates the pregnancy that it 2762
necessitates the immediate performance or inducement of an 2763
abortion. 2764~~

~~(3) "Probable gestational age of the embryo or fetus" 2765
means the gestational age that, in the judgment of a physician, 2766
is, with reasonable probability, the gestational age of the 2767
embryo or fetus at the time that the physician informs a 2768
pregnant woman pursuant to division (B) (1) (b) of this section. 2769~~

~~(B) Except when there is a medical emergency or medical 2770
necessity, an abortion shall be performed or induced only if all 2771
of the following conditions are satisfied: 2772~~

~~(1) At least twenty four hours prior to the performance or 2773
inducement of the abortion, a physician meets with the pregnant 2774
woman in person in an individual, private setting and gives her 2775
an adequate opportunity to ask questions about the abortion that 2776
will be performed or induced. At this meeting, the physician 2777
shall inform the pregnant woman, verbally or, if she is hearing 2778
impaired, by other means of communication, of all of the 2779
following: 2780~~

~~(a) The nature and purpose of the particular abortion 2781~~

procedure to be used and the medical risks associated with that	2782
procedure;	2783
(b) The probable gestational age of the embryo or fetus;	2784
(c) The medical risks associated with the pregnant woman	2785
carrying the pregnancy to term.	2786
The meeting need not occur at the facility where the	2787
abortion is to be performed or induced, and the physician	2788
involved in the meeting need not be affiliated with that	2789
facility or with the physician who is scheduled to perform or	2790
induce the abortion.	2791
(2) At least twenty-four hours prior to the performance or	2792
inducement of the abortion, the physician who is to perform or	2793
induce the abortion or the physician's agent does each of the	2794
following in person, by telephone, by certified mail, return	2795
receipt requested, or by regular mail evidenced by a certificate	2796
of mailing:	2797
(a) Inform the pregnant woman of the name of the physician	2798
who is scheduled to perform or induce the abortion;	2799
(b) Give the pregnant woman copies of the published	2800
materials described in division (C) of this section;	2801
(c) Inform the pregnant woman that the materials given	2802
pursuant to division (B) (2) (b) of this section are published by	2803
the state and that they describe the embryo or fetus and list	2804
agencies that offer alternatives to abortion. The pregnant woman	2805
may choose to examine or not to examine the materials. A	2806
physician or an agent of a physician may choose to be	2807
disassociated from the materials and may choose to comment or	2808
not comment on the materials.	2809

~~(3) If it has been determined that the unborn human individual the pregnant woman is carrying has a detectable heartbeat, the physician who is to perform or induce the abortion shall comply with the informed consent requirements in section 2919.192 of the Revised Code in addition to complying with the informed consent requirements in divisions (B) (1), (2), (4), and (5) of this section.~~ 2810
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~~(4) Prior to the performance or inducement of the abortion, the pregnant woman signs a form consenting to the abortion and certifies both of the following on that form:~~ 2817
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~~(a) She has received the information and materials described in divisions (B) (1) and (2) of this section, and her questions about the abortion that will be performed or induced have been answered in a satisfactory manner.~~ 2820
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~~(b) She consents to the particular abortion voluntarily, knowingly, intelligently, and without coercion by any person, and she is not under the influence of any drug of abuse or alcohol.~~ 2824
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~~The form shall contain the name and contact information of the physician who provided to the pregnant woman the information described in division (B) (1) of this section.~~ 2828
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~~(5) Prior to the performance or inducement of the abortion, the physician who is scheduled to perform or induce the abortion or the physician's agent receives a copy of the pregnant woman's signed form on which she consents to the abortion and that includes the certification required by division (B) (4) of this section.~~ 2831
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~~(C) The department of health shall publish in English and in Spanish, in a typeface large enough to be clearly legible,~~ 2837
2838

and in an easily comprehensible format, the following materials 2839
on the department's web site: 2840

(1) Materials that inform ~~the~~a pregnant woman about 2841
family planning information, of publicly funded agencies that 2842
are available to assist in family planning, and of public and 2843
private agencies and services that are available to assist her 2844
through the pregnancy, upon childbirth, and while the child is 2845
dependent, including, but not limited to, adoption agencies. The 2846
materials shall be geographically indexed; include a 2847
comprehensive list of the available agencies, a description of 2848
the services offered by the agencies, and the telephone numbers 2849
and addresses of the agencies; and inform the pregnant woman 2850
about available medical assistance benefits for prenatal care, 2851
childbirth, and neonatal care and about the support obligations 2852
of the father of a child who is born alive. The department shall 2853
ensure that the materials described in division ~~(C)~~(A)(1) of 2854
this section are comprehensive and do not directly or indirectly 2855
promote, exclude, or discourage the use of any agency or service 2856
described in this division. These materials shall not include 2857
information directly or indirectly promoting abortion or 2858
abortion services. 2859

(2) Materials that inform ~~the~~a pregnant woman of the 2860
probable anatomical and physiological characteristics of the 2861
zygote, blastocyte, embryo, or fetus at two-week gestational 2862
increments for the first sixteen weeks of pregnancy and at four- 2863
week gestational increments from the seventeenth week of 2864
pregnancy to full term, including any relevant information 2865
regarding the time at which the fetus possibly would be viable. 2866
The department shall cause these materials to be published only 2867
after it consults with the Ohio state medical association and 2868
the Ohio section of the American college of obstetricians and 2869

gynecologists relative to the probable anatomical and 2870
physiological characteristics of a zygote, blastocyte, embryo, 2871
or fetus at the various gestational increments. The materials 2872
shall use language that is understandable by the average person 2873
who is not medically trained, shall be objective and 2874
nonjudgmental, and shall include only accurate scientific 2875
information about the zygote, blastocyte, embryo, or fetus at 2876
the various gestational increments. If the materials use a 2877
pictorial, photographic, or other depiction to provide 2878
information regarding the zygote, blastocyte, embryo, or fetus, 2879
the materials shall include, in a conspicuous manner, a scale or 2880
other explanation that is understandable by the average person 2881
and that can be used to determine the actual size of the zygote, 2882
blastocyte, embryo, or fetus at a particular gestational 2883
increment as contrasted with the depicted size of the zygote, 2884
blastocyte, embryo, or fetus at that gestational increment. 2885

~~(D)~~ (B) Upon the submission of a request to the department 2886
of health by any person, hospital, physician, or medical 2887
facility for one copy of the materials published in accordance 2888
with division ~~(C)~~ (A) of this section, the department shall make 2889
the requested copy of the materials available to the person, 2890
hospital, physician, or medical facility that requested the 2891
copy. 2892

~~(E) If a medical emergency or medical necessity compels~~ 2893
~~the performance or inducement of an abortion, the physician who~~ 2894
~~will perform or induce the abortion, prior to its performance or~~ 2895
~~inducement if possible, shall inform the pregnant woman of the~~ 2896
~~medical indications supporting the physician's judgment that an~~ 2897
~~immediate abortion is necessary. Any physician who performs or~~ 2898
~~induces an abortion without the prior satisfaction of the~~ 2899
~~conditions specified in division (B) of this section because of~~ 2900

~~a medical emergency or medical necessity shall enter the reasons for the conclusion that a medical emergency or medical necessity exists in the medical record of the pregnant woman.~~ 2901
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~~(F) If the conditions specified in division (B) of this section are satisfied, consent to an abortion shall be presumed to be valid and effective.~~ 2904
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~~(G) The performance or inducement of an abortion without the prior satisfaction of the conditions specified in division (B) of this section does not constitute, and shall not be construed as constituting, a violation of division (A) of section 2919.12 of the Revised Code. The failure of a physician to satisfy the conditions of division (B) of this section prior to performing or inducing an abortion upon a pregnant woman may be the basis of both of the following:~~ 2907
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~~(1) A civil action for compensatory and exemplary damages as described in division (H) of this section;~~ 2915
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~~(2) Disciplinary action under section 4731.22 of the Revised Code.~~ 2917
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~~(H) (1) Subject to divisions (H) (2) and (3) of this section, any physician who performs or induces an abortion with actual knowledge that the conditions specified in division (B) of this section have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied is liable in compensatory and exemplary damages in a civil action to any person, or the representative of the estate of any person, who sustains injury, death, or loss to person or property as a result of the failure to satisfy those conditions. In the civil action, the court additionally may enter any injunctive or other equitable relief that it considers~~ 2919
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~~appropriate.~~ 2930

~~(2) The following shall be affirmative defenses in a civil action authorized by division (H) (1) of this section:~~ 2931
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~~(a) The physician performed or induced the abortion under the circumstances described in division (E) of this section.~~ 2933
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~~(b) The physician made a good faith effort to satisfy the conditions specified in division (B) of this section.~~ 2935
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~~(3) An employer or other principal is not liable in damages in a civil action authorized by division (H) (1) of this section on the basis of the doctrine of respondeat superior unless either of the following applies:~~ 2937
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~~(a) The employer or other principal had actual knowledge or, by the exercise of reasonable diligence, should have known that an employee or agent performed or induced an abortion with actual knowledge that the conditions specified in division (B) of this section had not been satisfied or with a heedless indifference as to whether those conditions had been satisfied.~~ 2941
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~~(b) The employer or other principal negligently failed to secure the compliance of an employee or agent with division (B) of this section.~~ 2947
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~~(4) Notwithstanding division (E) of section 2919.12 of the Revised Code, the civil action authorized by division (H) (1) of this section shall be the exclusive civil remedy for persons, or the representatives of estates of persons, who allegedly sustain injury, death, or loss to person or property as a result of a failure to satisfy the conditions specified in division (B) of this section.~~ 2950
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~~(I) (C) (1)~~ The department of job and family services shall 2957

prepare and conduct a public information program to inform women 2958
of all available governmental programs and agencies that provide 2959
services or assistance for family planning, prenatal care, or 2960
child care, ~~or alternatives to abortion.~~ 2961

(2) The public information program shall not include 2962
information that directly or indirectly promotes abortion or 2963
abortion services. 2964

Sec. 2317.57. (A) Subject to divisions (B) and (C) of this 2965
section, any physician who performed or induced an abortion with 2966
actual knowledge that the conditions specified in division (B) 2967
of section 2317.56 of the Revised Code as that section existed 2968
prior to the effective date of ...B... of the 132nd general 2969
assembly had not been satisfied or with a heedless indifference 2970
as to whether those conditions had been satisfied is liable in 2971
compensatory and exemplary damages in a civil action to any 2972
person, or the representative of the estate of any person, who 2973
sustains injury, death, or loss to person or property as a 2974
result of the failure to satisfy those conditions. In the civil 2975
action, the court additionally may enter any injunctive or other 2976
equitable relief that it considers appropriate. 2977

(B) The following shall be affirmative defenses in a civil 2978
action authorized by this section: 2979

(1) The physician performed or induced the abortion under 2980
the circumstances described in division (E) of section 2317.56 2981
of the Revised Code as that section existed prior to the 2982
effective date of ...B... of the 132nd general assembly. 2983

(2) The physician made a good faith effort to satisfy the 2984
conditions specified in division (B) of section 2317.56 of the 2985
Revised Code as that section existed prior to the effective date 2986

of ...B... of the 132nd general assembly. 2987

(C) An employer or other principal is not liable in 2988
damages in a civil action authorized by this section on the 2989
basis of the doctrine of respondeat superior unless either of 2990
the following applies: 2991

(1) The employer or other principal had actual knowledge 2992
or, by the exercise of reasonable diligence, should have known 2993
that an employee or agent performed or induced an abortion with 2994
actual knowledge that the conditions specified in division (B) 2995
of section 2317.56 of the Revised Code as that section existed 2996
prior to the effective date of ...B... of the 132nd general 2997
assembly had not been satisfied or with a heedless indifference 2998
as to whether those conditions had been satisfied. 2999

(2) The employer or other principal negligently failed to 3000
secure the compliance of an employee or agent with division (B) 3001
of section 2317.56 of the Revised Code as that section existed 3002
prior to the effective date of ...B... of the 132nd general 3003
assembly. 3004

(D) Notwithstanding division (A) of section 2919.12 of the 3005
Revised Code, the civil action authorized by this section shall 3006
be the exclusive civil remedy for persons, or the 3007
representatives of estates of persons, who allegedly sustain 3008
injury, death, or loss to person or property as a result of a 3009
failure to satisfy the conditions specified in division (B) of 3010
section 2317.56 of the Revised Code as that section existed 3011
prior to the effective date of ...B... of the 132nd general 3012
assembly. 3013

Sec. 2505.02. (A) As used in this section: 3014

(1) "Substantial right" means a right that the United 3015

States Constitution, the Ohio Constitution, a statute, the 3016
common law, or a rule of procedure entitles a person to enforce 3017
or protect. 3018

(2) "Special proceeding" means an action or proceeding 3019
that is specially created by statute and that prior to 1853 was 3020
not denoted as an action at law or a suit in equity. 3021

(3) "Provisional remedy" means a proceeding ancillary to 3022
an action, including, but not limited to, a proceeding for a 3023
preliminary injunction, attachment, discovery of privileged 3024
matter, suppression of evidence, a prima-facie showing pursuant 3025
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 3026
showing pursuant to section 2307.92 of the Revised Code, or a 3027
finding made pursuant to division (A)(3) of section 2307.93 of 3028
the Revised Code. 3029

(B) An order is a final order that may be reviewed, 3030
affirmed, modified, or reversed, with or without retrial, when 3031
it is one of the following: 3032

(1) An order that affects a substantial right in an action 3033
that in effect determines the action and prevents a judgment; 3034

(2) An order that affects a substantial right made in a 3035
special proceeding or upon a summary application in an action 3036
after judgment; 3037

(3) An order that vacates or sets aside a judgment or 3038
grants a new trial; 3039

(4) An order that grants or denies a provisional remedy 3040
and to which both of the following apply: 3041

(a) The order in effect determines the action with respect 3042
to the provisional remedy and prevents a judgment in the action 3043

in favor of the appealing party with respect to the provisional 3044
remedy. 3045

(b) The appealing party would not be afforded a meaningful 3046
or effective remedy by an appeal following final judgment as to 3047
all proceedings, issues, claims, and parties in the action. 3048

(5) An order that determines that an action may or may not 3049
be maintained as a class action; 3050

(6) An order determining the constitutionality of any 3051
changes to the Revised Code made by Am. Sub. S.B. 281 of the 3052
124th general assembly, including the amendment of sections 3053
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 3054
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 3055
~~2919.16~~, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 3056
5164.07 by H.B. 59 of the 130th general assembly), and the 3057
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 3058
the Revised Code or any changes made by Sub. S.B. 80 of the 3059
125th general assembly, including the amendment of sections 3060
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 3061
Revised Code; 3062

(7) An order in an appropriation proceeding that may be 3063
appealed pursuant to division (B) (3) of section 163.09 of the 3064
Revised Code. 3065

(C) When a court issues an order that vacates or sets 3066
aside a judgment or grants a new trial, the court, upon the 3067
request of either party, shall state in the order the grounds 3068
upon which the new trial is granted or the judgment vacated or 3069
set aside. 3070

(D) This section applies to and governs any action, 3071
including an appeal, that is pending in any court on July 22, 3072

1998, and all claims filed or actions commenced on or after July 3073
22, 1998, notwithstanding any provision of any prior statute or 3074
rule of law of this state. 3075

Sec. 2901.01. (A) As used in the Revised Code: 3076

(1) "Force" means any violence, compulsion, or constraint 3077
physically exerted by any means upon or against a person or 3078
thing. 3079

(2) "Deadly force" means any force that carries a 3080
substantial risk that it will proximately result in the death of 3081
any person. 3082

(3) "Physical harm to persons" means any injury, illness, 3083
or other physiological impairment, regardless of its gravity or 3084
duration. 3085

(4) "Physical harm to property" means any tangible or 3086
intangible damage to property that, in any degree, results in 3087
loss to its value or interferes with its use or enjoyment. 3088
"Physical harm to property" does not include wear and tear 3089
occasioned by normal use. 3090

(5) "Serious physical harm to persons" means any of the 3091
following: 3092

(a) Any mental illness or condition of such gravity as 3093
would normally require hospitalization or prolonged psychiatric 3094
treatment; 3095

(b) Any physical harm that carries a substantial risk of 3096
death; 3097

(c) Any physical harm that involves some permanent 3098
incapacity, whether partial or total, or that involves some 3099
temporary, substantial incapacity; 3100

(d) Any physical harm that involves some permanent	3101
disfigurement or that involves some temporary, serious	3102
disfigurement;	3103
(e) Any physical harm that involves acute pain of such	3104
duration as to result in substantial suffering or that involves	3105
any degree of prolonged or intractable pain.	3106
(6) "Serious physical harm to property" means any physical	3107
harm to property that does either of the following:	3108
(a) Results in substantial loss to the value of the	3109
property or requires a substantial amount of time, effort, or	3110
money to repair or replace;	3111
(b) Temporarily prevents the use or enjoyment of the	3112
property or substantially interferes with its use or enjoyment	3113
for an extended period of time.	3114
(7) "Risk" means a significant possibility, as contrasted	3115
with a remote possibility, that a certain result may occur or	3116
that certain circumstances may exist.	3117
(8) "Substantial risk" means a strong possibility, as	3118
contrasted with a remote or significant possibility, that a	3119
certain result may occur or that certain circumstances may	3120
exist.	3121
(9) "Offense of violence" means any of the following:	3122
(a) A violation of section 2903.01, 2903.02, 2903.03,	3123
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	3124
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	3125
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	3126
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	3127
2921.34, or 2923.161, of division (A)(1) of section 2903.34, of	3128

division (A) (1), (2), or (3) of section 2911.12, or of division 3129
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 3130
or felonious sexual penetration in violation of former section 3131
2907.12 of the Revised Code; 3132

(b) A violation of an existing or former municipal 3133
ordinance or law of this or any other state or the United 3134
States, substantially equivalent to any section, division, or 3135
offense listed in division (A) (9) (a) of this section; 3136

(c) An offense, other than a traffic offense, under an 3137
existing or former municipal ordinance or law of this or any 3138
other state or the United States, committed purposely or 3139
knowingly, and involving physical harm to persons or a risk of 3140
serious physical harm to persons; 3141

(d) A conspiracy or attempt to commit, or complicity in 3142
committing, any offense under division (A) (9) (a), (b), or (c) of 3143
this section. 3144

(10) (a) "Property" means any property, real or personal, 3145
tangible or intangible, and any interest or license in that 3146
property. "Property" includes, but is not limited to, cable 3147
television service, other telecommunications service, 3148
telecommunications devices, information service, computers, 3149
data, computer software, financial instruments associated with 3150
computers, other documents associated with computers, or copies 3151
of the documents, whether in machine or human readable form, 3152
trade secrets, trademarks, copyrights, patents, and property 3153
protected by a trademark, copyright, or patent. "Financial 3154
instruments associated with computers" include, but are not 3155
limited to, checks, drafts, warrants, money orders, notes of 3156
indebtedness, certificates of deposit, letters of credit, bills 3157
of credit or debit cards, financial transaction authorization 3158

mechanisms, marketable securities, or any computer system 3159
representations of any of them. 3160

(b) As used in division (A) (10) of this section, "trade 3161
secret" has the same meaning as in section 1333.61 of the 3162
Revised Code, and "telecommunications service" and "information 3163
service" have the same meanings as in section 2913.01 of the 3164
Revised Code. 3165

(c) As used in divisions (A) (10) and (13) of this section, 3166
"cable television service," "computer," "computer software," 3167
"computer system," "computer network," "data," and 3168
"telecommunications device" have the same meanings as in section 3169
2913.01 of the Revised Code. 3170

(11) "Law enforcement officer" means any of the following: 3171

(a) A sheriff, deputy sheriff, constable, police officer 3172
of a township or joint police district, marshal, deputy marshal, 3173
municipal police officer, member of a police force employed by a 3174
metropolitan housing authority under division (D) of section 3175
3735.31 of the Revised Code, or state highway patrol trooper; 3176

(b) An officer, agent, or employee of the state or any of 3177
its agencies, instrumentalities, or political subdivisions, upon 3178
whom, by statute, a duty to conserve the peace or to enforce all 3179
or certain laws is imposed and the authority to arrest violators 3180
is conferred, within the limits of that statutory duty and 3181
authority; 3182

(c) A mayor, in the mayor's capacity as chief conservator 3183
of the peace within the mayor's municipal corporation; 3184

(d) A member of an auxiliary police force organized by 3185
county, township, or municipal law enforcement authorities, 3186
within the scope of the member's appointment or commission; 3187

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;	3188 3189 3190
(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;	3191 3192 3193 3194
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	3195 3196 3197 3198
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	3199 3200
(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	3201 3202
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3203 3204 3205
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3206 3207
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	3208 3209 3210 3211
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	3212 3213
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air	3214 3215

navigation facility, that has scheduled operations, as defined 3216
in section 119.3 of Title 14 of the Code of Federal Regulations, 3217
14 C.F.R. 119.3, as amended, and that is required to be under a 3218
security program and is governed by aviation security rules of 3219
the transportation security administration of the United States 3220
department of transportation as provided in Parts 1542. and 3221
1544. of Title 49 of the Code of Federal Regulations, as 3222
amended. 3223

(12) "Privilege" means an immunity, license, or right 3224
conferred by law, bestowed by express or implied grant, arising 3225
out of status, position, office, or relationship, or growing out 3226
of necessity. 3227

(13) "Contraband" means any property that is illegal for a 3228
person to acquire or possess under a statute, ordinance, or 3229
rule, or that a trier of fact lawfully determines to be illegal 3230
to possess by reason of the property's involvement in an 3231
offense. "Contraband" includes, but is not limited to, all of 3232
the following: 3233

(a) Any controlled substance, as defined in section 3234
3719.01 of the Revised Code, or any device or paraphernalia; 3235

(b) Any unlawful gambling device or paraphernalia; 3236

(c) Any dangerous ordnance or obscene material. 3237

(14) A person is "not guilty by reason of insanity" 3238
relative to a charge of an offense only if the person proves, in 3239
the manner specified in section 2901.05 of the Revised Code, 3240
that at the time of the commission of the offense, the person 3241
did not know, as a result of a severe mental disease or defect, 3242
the wrongfulness of the person's acts. 3243

~~(B) (1) (a) Subject to division (B) (2) of this section, as~~ 3244

~~As used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:~~ 3245

~~(i) An an unborn human, individual, corporation, business trust, estate, trust, partnership, and association.~~ 3246

~~(ii) An unborn human who is viable.~~ 3247

~~(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership, and association.~~ 3248

~~(c) As used in division (B) (1) (a) of this section:~~ 3249

~~(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.~~ 3250

~~(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life sustaining support.~~ 3251

~~(2) Notwithstanding division (B) (1) (a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B) (1) (a) (ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:~~ 3252

~~(a) Except as otherwise provided in division (B) (2) (a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in~~ 3253

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~~a medical emergency, or with the approval of one otherwise
authorized by law to consent to medical treatment on behalf of
the pregnant woman. An abortion that violates the conditions
described in the immediately preceding sentence may be punished
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04,
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14,
2903.21, or 2903.22 of the Revised Code, as applicable. An
abortion that does not violate the conditions described in the
second immediately preceding sentence, but that does violate
section 2919.12, division (B) of section 2919.13, or section
2919.151, 2919.17, or 2919.18 of the Revised Code, may be
punished as a violation of section 2919.12, division (B) of
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the
Revised Code, as applicable. Consent is sufficient under this
division if it is of the type otherwise adequate to permit
medical treatment to the pregnant woman, even if it does not
comply with section 2919.12 of the Revised Code.~~

~~(b) In a manner so that the offense is applied or is
construed as applying to a woman based on an act or omission of
the woman that occurs while she is or was pregnant and that
results in any of the following:~~

~~(i) Her delivery of a stillborn baby;~~

~~(ii) Her causing, in any other manner, the death in utero
of a viable, unborn human that she is carrying;~~

~~(iii) Her causing the death of her child who is born alive
but who dies from one or more injuries that are sustained while
the child is a viable, unborn human;~~

~~(iv) Her causing her child who is born alive to sustain
one or more injuries while the child is a viable, unborn human;~~

~~(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.~~

(C) As used in Title XXIX of the Revised Code: 3307

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus. 3308
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(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 3310
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(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code. 3313
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(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 3321
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Sec. 2903.09. As used in sections 2903.01 to 2903.08, 2903.11 to 2903.14, 2903.21, and 2903.22 of the Revised Code: 3323
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(A) (1) "Unlawful termination of another's pregnancy" means causing the death of an unborn member of the species homo sapiens, who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs. 3325
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(2) "Unlawful termination of another's pregnancy" shall 3331
not be construed as applying to a medical practitioner or a 3332
pregnant woman based on a surgical, chemical, or medical 3333
procedure to treat a disease wherein the medical practitioner or 3334
pregnant woman does not knowingly, purposely, or recklessly 3335
induce or perform an abortion if the performance of such a 3336
procedure indirectly and unintentionally results in the 3337
termination of a human pregnancy and in which the medical 3338
practitioner has made every effort to protect the lives of both 3339
persons. 3340

(B) "Another's unborn" or "such other person's unborn" 3341
means a member of the species homo sapiens, who is or was 3342
carried in the womb of another, during a period that begins with 3343
fertilization and that continues unless and until live birth 3344
occurs. 3345

(C) Notwithstanding divisions (A) and (B) of this section, 3346
in no case shall the definitions of the terms "unlawful 3347
termination of another's pregnancy," "another's unborn," and 3348
"such other person's unborn" that are set forth in division (A) 3349
of this section be applied or construed in ~~any of the following~~ 3350
~~manners:~~ 3351

~~(1) Except as otherwise provided in division (C) (1) of~~ 3352
~~this section, in a manner so that the offense prohibits or is~~ 3353
~~construed as prohibiting any pregnant woman or her physician~~ 3354
~~from performing an abortion with the actual consent of the~~ 3355
~~pregnant woman, with the consent of the pregnant woman implied~~ 3356
~~by law in a medical emergency, or with the approval of one~~ 3357
~~otherwise authorized by law to consent to medical treatment on~~ 3358
~~behalf of the pregnant woman. An abortion that violates the~~ 3359
~~conditions described in the immediately preceding sentence may~~ 3360

~~be punished as a violation of section 2903.01, 2903.02, 2903.03, 3361
2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 3362
2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. 3363
An abortion that does not violate the conditions described in 3364
the second immediately preceding sentence, but that does violate 3365
section 2919.12, division (B) of section 2919.13, or section 3366
2919.151, 2919.17, or 2919.18 of the Revised Code, may be 3367
punished as a violation of section 2919.12, division (B) of 3368
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 3369
Revised Code, as applicable. 3370~~

~~(2) In a manner so that the offense is applied or is 3371
construed as applying to a woman based on an act or omission of 3372
the woman that occurs while she is or was pregnant and that 3373
results in any of the following: 3374~~

~~(a) (1) Her delivery of a stillborn baby; 3375~~

~~(b) Her causing, in any other manner, the death in utero of 3376
of an unborn that she is carrying; 3377~~

~~(c) Her causing the death of her child who is born alive 3378
but who dies from one or more injuries that are sustained while 3379
the child is an unborn; 3380~~

~~(d) (2) Her causing her child who is born alive to sustain 3381
one or more injuries while the child is an unborn; 3382~~

~~(e) (3) Her causing, threatening to cause, or attempting 3383
to cause, in any other manner, an injury, illness, or other 3384
physiological impairment, regardless of its duration or gravity, 3385
or a mental illness or condition, regardless of its duration or 3386
gravity, to an unborn that she is carrying. 3387~~

Sec. 2919.11. As used in the Revised Code, ~~"abortion": 3388~~

(A) (1) "Abortion" means the purposeful termination of a 3389
human pregnancy by any person, including the pregnant woman 3390
herself, with an ~~the~~ intention ~~other than to produce a live~~ 3391
~~birth or to remove a dead fetus or embryo~~ of causing the death 3392
of an unborn human, by any method, including, but not limited 3393
to, chemical methods, medical methods, and surgical methods. 3394
~~Abortion is the practice of medicine or surgery for the purposes~~ 3395
~~of section 4731.41 of the Revised Code.~~ 3396

(2) A medical practitioner performing a surgical, 3397
chemical, or medical procedure to treat a disease does not 3398
knowingly, purposely, or recklessly induce or perform an 3399
abortion if the performance of such a procedure indirectly and 3400
unintentionally results in the termination of a human pregnancy 3401
and the medical practitioner has made every effort to protect 3402
the lives of both persons. 3403

(3) An action may be brought under section 2125.01 of the 3404
Revised Code for an act causing an unborn human's death in 3405
violation of Chapter 2903. of the Revised Code. 3406

(B) "Unborn human" means an individual organism of the 3407
species homo sapiens from fertilization until live birth. 3408

~~**Sec. 2919.122**2919.12. Section 2919.121 of the Revised Code~~ 3409
~~applies in lieu of division (B) of section 2919.12 of the~~ 3410
~~Revised Code whenever its operation is not enjoined. If section~~ 3411
~~2919.121 of the Revised Code is enjoined, division (B) of~~ 3412
~~section 2919.12 of the Revised Code applies.~~ 3413

(A) Whoever violated section 2919.12 of the Revised Code 3414
as that section existed prior to the effective date of ...B... 3415
of the 132nd general assembly is liable to the pregnant woman 3416
and her parents, guardian, or custodian for civil compensatory 3417

and exemplary damages. 3418

(B) Whoever violated division (B) of section 2919.121 of 3419
the Revised Code as that section existed prior to the effective 3420
date of ...B.... of the 132nd general assembly is liable to the 3421
pregnant minor and her parents, guardian, or custodian for 3422
civil, compensatory, and exemplary damages. 3423

(C) If a person ~~complies~~ complied with the requirements of 3424
division (B) of section 2919.12 of the Revised Code as that 3425
section existed prior to the effective date of ...B... of the 3426
132nd general assembly under the good faith belief that the 3427
application or enforcement of section 2919.121 of the Revised 3428
Code ~~is~~ as that section existed prior to the effective date 3429
of ...B... of the 132nd general assembly was subject to a 3430
restraining order or injunction, good faith compliance shall 3431
constitute a complete defense to any civil, ~~criminal, or~~ 3432
~~professional disciplinary~~ action brought under this section 3433
2919.121 of the Revised Code. 3434

(D) If a person ~~complies~~ complied with the requirements of 3435
section 2919.121 of the Revised Code as that section existed 3436
prior to the effective date of ...B... of the 132nd general 3437
assembly under the good faith belief that it ~~is~~ was not subject 3438
to a restraining order or injunction, good faith compliance 3439
shall constitute a complete defense to any ~~criminal, civil, or~~ 3440
~~professional disciplinary~~ action for failure to comply with the 3441
requirements of division (B) of section 2919.12 of the Revised 3442
Code as that section existed prior to the effective date of 3443
...B... of the 132nd general assembly. 3444

Sec. 2919.17. ~~(A) No person shall purposely perform or~~ 3445
~~induce or attempt to perform or induce an abortion on a pregnant~~ 3446
~~woman when the unborn child is viable.~~ 3447

~~(B) (1) It is an affirmative defense to a charge under~~ 3448
~~division (A) of this section that the abortion was performed or~~ 3449
~~induced or attempted to be performed or induced by a physician~~ 3450
~~and that the physician determined, in the physician's good faith~~ 3451
~~medical judgment, based on the facts known to the physician at~~ 3452
~~that time, that either of the following applied:~~ 3453

~~(a) The unborn child was not viable.~~ 3454

~~(b) The abortion was necessary to prevent the death of the~~ 3455
~~pregnant woman or a serious risk of the substantial and~~ 3456
~~irreversible impairment of a major bodily function of the~~ 3457
~~pregnant woman.~~ 3458

~~(2) No abortion shall be considered necessary under~~ 3459
~~division (B) (1) (b) of this section on the basis of a claim or~~ 3460
~~diagnosis that the pregnant woman will engage in conduct that~~ 3461
~~would result in the pregnant woman's death or a substantial and~~ 3462
~~irreversible impairment of a major bodily function of the~~ 3463
~~pregnant woman or based on any reason related to the woman's~~ 3464
~~mental health.~~ 3465

~~(C) Except when a medical emergency exists that prevents~~ 3466
~~compliance with section 2919.18 of the Revised Code, the~~ 3467
~~affirmative defense set forth in division (B) (1) (a) of this~~ 3468
~~section does not apply unless the physician who performs or~~ 3469
~~induces or attempts to perform or induce the abortion performs~~ 3470
~~the viability testing required by division (A) of section~~ 3471
~~2919.18 of the Revised Code and certifies in writing, based on~~ 3472
~~the results of the tests performed, that in the physician's good~~ 3473
~~faith medical judgment the unborn child is not viable.~~ 3474

~~(D) Except when a medical emergency exists that prevents~~ 3475
~~compliance with one or more of the following conditions, the~~ 3476

~~affirmative defense set forth in division (B) (1) (b) of this section does not apply unless the physician who performs or induces or attempts to perform or induce the abortion complies with all of the following conditions:~~ 3477
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~~(1) The physician who performs or induces or attempts to perform or induce the abortion certifies in writing that, in the physician's good faith medical judgment, based on the facts known to the physician at that time, the abortion is necessary to prevent the death of the pregnant woman or a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.~~ 3481
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~~(2) Another physician who is not professionally related to the physician who intends to perform or induce the abortion certifies in writing that, in that physician's good faith medical judgment, based on the facts known to that physician at that time, the abortion is necessary to prevent the death of the pregnant woman or a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.~~ 3488
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~~(3) The physician performs or induces or attempts to perform or induce the abortion in a hospital or other health-care facility that has appropriate neonatal services for premature infants.~~ 3496
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~~(4) The physician who performs or induces or attempts to perform or induce the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based on the facts known to the physician at that time, that the termination of the pregnancy in that manner poses~~ 3500
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~~a greater risk of the death of the pregnant woman or a greater
risk of the substantial and irreversible impairment of a major
bodily function of the pregnant woman than would other available
methods of abortion.~~ 3507
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~~(5) The physician certifies in writing the available
method or techniques considered and the reasons for choosing the
method or technique employed.~~ 3511
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~~(6) The physician who performs or induces or attempts to
perform or induce the abortion has arranged for the attendance
in the same room in which the abortion is to be performed or
induced or attempted to be performed or induced at least one
other physician who is to take control of, provide immediate
medical care for, and take all reasonable steps necessary to
preserve the life and health of the unborn child immediately
upon the child's complete expulsion or extraction from the
pregnant woman.~~ 3514
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~~(E) For purposes of this section, there is a rebuttable
presumption that an unborn child of at least twenty-four weeks
gestational age is viable.~~ 3523
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~~(F) Whoever violates this section is guilty of terminating
or attempting to terminate a human pregnancy after viability, a
felony of the fourth degree.~~ 3526
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~~(G) The state medical board shall revoke a physician's
license to practice medicine in this state if the physician
violates this section.~~ 3529
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~~(H) Any physician who performs~~performed~~ or induces
induced an abortion or attempts~~attempted~~ to perform or induce
an abortion with actual knowledge that neither of the
affirmative defenses set forth in division (B) (1) of ~~this~~~~ 3532
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~~section applies~~ 2919.17 of the Revised Code, as that section 3536
existed prior to the effective date of ...B... of the 132nd 3537
general assembly, applied, or with a heedless indifference as to 3538
whether either affirmative defense ~~applies~~ applied, is liable in 3539
a civil action for compensatory and exemplary damages and 3540
reasonable attorney's fees to any person, or the representative 3541
of the estate of any person, who sustains injury, death, or loss 3542
to person or property as the result of the performance or 3543
inducement or the attempted performance or inducement of the 3544
abortion. In any action under this ~~division~~ section, the court 3545
also may award any ~~injunctive or other~~ equitable relief that the 3546
court considers appropriate. 3547

~~(I) A pregnant woman on whom an abortion is performed or~~ 3548
~~induced or attempted to be performed or induced in violation of~~ 3549
~~division (A) of this section is not guilty of violating division~~ 3550
~~(A) of this section or of attempting to commit, conspiring to~~ 3551
~~commit, or complicity in committing a violation of division (A)~~ 3552
~~of this section.~~ 3553

~~Sec. 2919.191~~ 2919.19. ~~(A) A person who intends to perform~~ 3554
~~or induce an abortion on a pregnant woman shall determine~~ 3555
~~whether there is a detectable fetal heartbeat of the unborn~~ 3556
~~human individual the pregnant woman is carrying. The method of~~ 3557
~~determining the presence of a fetal heartbeat shall be~~ 3558
~~consistent with the person's good faith understanding of~~ 3559
~~standard medical practice, provided that if rules have been~~ 3560
~~adopted under division (C) of this section, the method chosen~~ 3561
~~shall be one that is consistent with the rules. The person who~~ 3562
~~determines the presence or absence of a fetal heartbeat shall~~ 3563
~~record in the pregnant woman's medical record the estimated~~ 3564
~~gestational age of the unborn human individual, the method used~~ 3565
~~to test for a fetal heartbeat, the date and time of the test,~~ 3566

~~and the results of the test.~~ 3567

~~(B) (1) Except when a medical emergency exists that
prevents compliance with this division, no person shall perform
or induce an abortion on a pregnant woman prior to determining
if the unborn human individual the pregnant woman is carrying
has a detectable fetal heartbeat. Any person who performs or
induces an abortion on a pregnant woman based on the exception
in this division shall note in the pregnant woman's medical
records that a medical emergency necessitating the abortion
existed and shall also note the medical condition of the
pregnant woman that prevented compliance with this division. The
person shall maintain a copy of the notes described in this
division in the person's own records for at least seven years
after the notes are entered into the medical records.~~ 3568
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~~(2) The person who performs the examination for the
presence of a fetal heartbeat shall give the pregnant woman the
option to view or hear the fetal heartbeat.~~ 3581
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~~(C) The director of health may promulgate rules pursuant
to section 111.15 of the Revised Code specifying the appropriate
methods of performing an examination for the presence of a fetal
heartbeat of an unborn individual based on standard medical
practice. The rules shall require only that an examination shall
be performed externally.~~ 3584
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~~(D) A person is not in violation of division (A) or (B) of
this section if that person has performed an examination for the
presence of a fetal heartbeat in the fetus utilizing standard
medical practice, that examination does not reveal a fetal
heartbeat or the person has been informed by a physician who has
performed the examination for fetal heartbeat that the
examination did not reveal a fetal heartbeat, and the person~~ 3590
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~~notes in the pregnant woman's medical records the procedure- 3597
utilized to detect the presence of a fetal heartbeat. 3598~~

~~(E) Except as provided in division (F) of this section, no 3599
person shall knowingly and purposefully perform or induce an 3600
abortion on a pregnant woman before determining in accordance 3601
with division (A) of this section whether the unborn human 3602
individual the pregnant woman is carrying has a detectable 3603
heartbeat. The failure of a person to satisfy the requirements 3604
of this section prior to performing or inducing an abortion on a 3605
pregnant woman may be the basis for either of the following: 3606~~

~~(1) A civil action for compensatory and exemplary damages; 3607~~

~~(2) Disciplinary action under section 4731.22 of the 3608
Revised Code. 3609~~

~~(F) Division (E) of this section does not apply to a 3610
physician who performs or induces the abortion if the physician 3611
believes that a medical emergency exists that prevents 3612
compliance with that division. 3613~~

~~(G) The director of health may determine and specify in 3614
rules adopted pursuant to section 111.15 of the Revised Code and 3615
based upon available medical evidence the statistical 3616
probability of bringing an unborn human individual to term based 3617
on the gestational age of an unborn human individual who 3618
possesses a detectable fetal heartbeat. 3619~~

~~(H) A woman on whom an abortion is was performed in 3620
violation of division (B) of this section 2919.191 of the 3621
Revised Code, as that section existed prior to the effective 3622
date of ...B... of the 132nd general assembly, or division (B) 3623
(3) of section 2317.56 of the Revised Code as that section 3624
existed prior to the effective date of ...B... of the 132nd 3625~~

general assembly may file a civil action for the wrongful death 3626
of the woman's unborn child and may receive at the mother's 3627
election at any time prior to final judgment damages in an 3628
amount equal to ten thousand dollars or an amount determined by 3629
the trier of fact after consideration of the evidence subject to 3630
the same defenses and requirements of proof, except any 3631
requirement of live birth, as would apply to a suit for the 3632
wrongful death of a child who had been born alive. 3633

Sec. 2919.193. A-(A) No person or government entity shall 3634
retaliate against an employee or any other individual, including 3635
a pregnant woman on whom an abortion is performed or induced in 3636
violation of section 2919.191 or 2919.192 of the Revised Code is 3637
not guilty of violating any of those sections; is not guilty of 3638
attempting to commit, conspiring to commit, or complicity in 3639
committing a violation of any of those sections; and is not 3640
subject to a civil penalty based on the abortion being performed 3641
or induced in violation of any of those sections, who, in good 3642
faith, does any of the following concerning another's suspected 3643
promotion, provision, or procurement of abortion services: 3644

(1) Makes a report; 3645

(2) Indicates an intention to make such a report; 3646

(3) Provides information during an investigation; 3647

(4) Participates in a hearing. 3648

(B) For purposes of this section, retaliatory actions 3649
include abuse, verbal threats or other harsh language, 3650
discharging, demoting, or transferring the employee or other 3651
person, preparing a negative work performance evaluation of the 3652
employee or other person, reducing the benefits, pay, or work 3653
privileges of the employee or other person, and any other action 3654

intended to retaliate against the employee or other person. 3655

(C) Any person has a cause of action against a person or 3656
government entity for harm resulting from violation of this 3657
section. If the court finds that a violation has occurred, the 3658
court may award damages and order injunctive relief. The court 3659
may award court costs and reasonable attorney's fees to the 3660
prevailing party. 3661

(D) (1) Except as provided in division (D) (2) of this 3662
section, any person, including a pregnant woman upon whom an 3663
abortion is performed or induced, shall not be subject to 3664
criminal or civil penalties, if the person does any of the 3665
following concerning the person's promotion, provision, or 3666
procurement of an abortion: 3667

(a) Makes a report; 3668

(b) Provides information during an investigation; 3669

(c) Participates in a hearing. 3670

(2) Division (D) (1) of this section does not apply to any 3671
medical practitioner who promotes, provides, or procures an 3672
abortion. 3673

Sec. 2919.201. ~~(A) No person shall purposely perform or~~ 3674
~~induce or purposely attempt to perform or induce an abortion on-~~ 3675
~~a pregnant woman when the probable post-fertilization age of the~~ 3676
~~unborn child is twenty weeks or greater.~~ 3677

~~(B) (1) It is an affirmative defense to a charge under~~ 3678
~~division (A) of this section that the abortion was purposely~~ 3679
~~performed or induced or purposely attempted to be performed or~~ 3680
~~induced by a physician and that the physician determined, in the~~ 3681
~~physician's reasonable medical judgment, based on the facts-~~ 3682

~~known to the physician at that time, that either of the~~ 3683
~~following applied:~~ 3684

~~(a) The probable post-fertilization age of the unborn~~ 3685
~~child was less than twenty weeks.~~ 3686

~~(b) The abortion was necessary to prevent the death of the~~ 3687
~~pregnant woman or a serious risk of the substantial and~~ 3688
~~irreversible impairment of a major bodily function of the~~ 3689
~~pregnant woman.~~ 3690

~~(2) No abortion shall be considered necessary under~~ 3691
~~division (B) (1) (b) of this section on the basis of a claim or~~ 3692
~~diagnosis that the pregnant woman will engage in conduct that~~ 3693
~~would result in the pregnant woman's death or a substantial and~~ 3694
~~irreversible impairment of a major bodily function of the~~ 3695
~~pregnant woman or based on any reason related to the woman's~~ 3696
~~mental health.~~ 3697

~~(C) Except when a medical emergency exists that prevents~~ 3698
~~compliance with section 2919.203 of the Revised Code, the~~ 3699
~~affirmative defense set forth in division (B) (1) (a) of this~~ 3700
~~section does not apply unless the physician who purposely~~ 3701
~~performs or induces or purposely attempts to perform or induce~~ 3702
~~the abortion makes a determination of the probable post-~~ 3703
~~fertilization age of the unborn child as required by division~~ 3704
~~(A) of section 2919.203 of the Revised Code or relied upon such~~ 3705
~~a determination made by another physician and certifies in~~ 3706
~~writing, based on the results of the tests performed, that in~~ 3707
~~the physician's reasonable medical judgment the unborn child's~~ 3708
~~probable post-fertilization age is less than twenty weeks.~~ 3709

~~(D) Except when a medical emergency exists that prevents~~ 3710
~~compliance with one or more of the following conditions, the~~ 3711

~~affirmative defense set forth in division (B) (1) (b) of this section does not apply unless the physician who purposely performs or induces or purposely attempts to perform or induce the abortion complies with all of the following conditions:~~ 3712
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~~(1) The physician who purposely performs or induces or purposely attempts to perform or induce the abortion certifies in writing that, in the physician's reasonable medical judgment, based on the facts known to the physician at that time, the abortion is necessary to prevent the death of the pregnant woman or a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.~~ 3716
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~~(2) A different physician not professionally related to the physician described in division (D) (1) of this section certifies in writing that, in that different physician's reasonable medical judgment, based on the facts known to that different physician at that time, the abortion is necessary to prevent the death of the pregnant woman or a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman.~~ 3723
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~~(3) The physician purposely performs or induces or purposely attempts to perform or induce the abortion in a hospital or other health care facility that has appropriate neonatal services for premature infants.~~ 3731
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~~(4) The physician who purposely performs or induces or purposely attempts to perform or induce the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's reasonable medical judgment, based on the facts known to the physician at that time, that the termination of the pregnancy in that manner~~ 3735
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~~poses a greater risk of the death of the pregnant woman or a
greater risk of the substantial and irreversible impairment of a
major bodily function of the pregnant woman than would other
available methods of abortion.~~ 3742
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~~(5) The physician certifies in writing the available
method or techniques considered and the reasons for choosing the
method or technique employed.~~ 3746
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~~(6) The physician who purposely performs or induces or
purposely attempts to perform or induce the abortion has
arranged for the attendance in the same room in which the
abortion is to be performed or induced or attempted to be
performed or induced at least one other physician who is to take
control of, provide immediate medical care for, and take all
reasonable steps necessary to preserve the life and health of
the unborn child immediately upon the child's complete expulsion
or extraction from the pregnant woman.~~ 3749
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~~(E) Whoever purposely performs or induces or purposely
attempts to perform or induce an abortion in violation of, or
without complying with, the requirements of this section is
guilty of terminating or attempting to terminate a human
pregnancy of a pain-capable unborn child, a felony of the fourth
degree.~~ 3758
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~~(F) The state medical board shall revoke a physician's
license to practice medicine in this state if the physician
violates or fails to comply with this section.~~ 3764
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~~(G) Any physician who purposely performs performed or
induces induced an abortion or purposely attempts attempted to
perform or induce an abortion with actual knowledge that neither
of the affirmative defenses set forth in division (B) (1) of this~~ 3767
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~~section applies~~ 2919.201 of the Revised Code, as that section 3771
existed prior to the effective date of ...B... of the 132nd 3772
general assembly, applied, or with a heedless indifference as to 3773
whether either an affirmative defense ~~applies~~ applied, is liable 3774
in a civil action for compensatory and exemplary damages and 3775
reasonable attorney's fees to any person, or the representative 3776
of the estate of any person, who ~~sustains~~ sustained injury, 3777
death, or loss to person or property as the result of the 3778
performance or inducement or the attempted performance or 3779
inducement of the abortion. In any action under this ~~division~~ 3780
section, the court also may award any injunctive or other 3781
equitable relief that the court considers appropriate. 3782

~~(H) A pregnant woman on whom an abortion is purposely~~ 3783
~~performed or induced or purposely attempted to be performed or~~ 3784
~~induced in violation of division (A) of this section is not~~ 3785
~~guilty of violating division (A) of this section or of~~ 3786
~~attempting to commit, conspiring to commit, or complicity in~~ 3787
~~committing a violation of division (A) of this section.~~ 3788

Sec. 2919.24. (A) As used in this section: 3789

(1) "Delinquent child" has the same meaning as in section 3790
2152.02 of the Revised Code. 3791

(2) "Emancipated" means a minor that has married, entered 3792
the armed services of the United States, become employed and 3793
self-subsisting, or has otherwise become independent from the 3794
care and control of the minor's parent, guardian, or custodian. 3795

(3) "Unruly child" has the same meaning as in section 3796
2151.022 of the Revised Code. 3797

(B) No person, including a parent, guardian, or other 3798
custodian of a child, shall do any of the following: 3799

(1) Aid, abet, induce, cause, encourage, or contribute to 3800
a child or a ward of the juvenile court becoming an unruly child 3801
or a delinquent child; 3802

(2) Act in a way tending to cause a child or a ward of the 3803
juvenile court to become an unruly child or a delinquent child; 3804

(3) Act in a way that contributes to an adjudication of 3805
the child as a delinquent child based on the child's violation 3806
of a court order adjudicating the child an unruly child for 3807
being an habitual truant; 3808

(4) If the person is the parent, guardian, or custodian of 3809
a child who has the duties under Chapters 2152. and 2950. of the 3810
Revised Code to register, register a new residence address, and 3811
periodically verify a residence address, and, if applicable, to 3812
send a notice of intent to reside, and if the child is not 3813
emancipated, ~~as defined in section 2919.121 of the Revised Code,~~ 3814
fail to ensure that the child complies with those duties under 3815
Chapters 2152. and 2950. of the Revised Code. 3816

(C) Whoever violates this section is guilty of 3817
contributing to the unruliness or delinquency of a child, a 3818
misdemeanor of the first degree. Each day of violation of this 3819
section is a separate offense. 3820

Sec. 2919.25. (A) No person shall knowingly cause or 3821
attempt to cause physical harm to a family or household member. 3822

(B) No person shall recklessly cause serious physical harm 3823
to a family or household member. 3824

(C) No person, by threat of force, shall knowingly cause a 3825
family or household member to believe that the offender will 3826
cause imminent physical harm to the family or household member. 3827

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D) (2) to (6) of this section.

(2) Except as otherwise provided in divisions (D) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (D) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D) (6) of this section, and a violation of division (C) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or
been convicted of two or more offenses of domestic violence or
two or more violations or offenses of the type described in
division (D) (3) of this section involving a person who was a
family or household member at the time of the violations or
offenses, a violation of division (A) or (B) of this section is
a felony of the third degree, and, if the offender knew that the
victim of the violation was pregnant at the time of the
violation, the court shall impose a mandatory prison term on the
offender pursuant to division (D) (6) of this section, and a
violation of division (C) of this section is a misdemeanor of
the first degree.

(5) Except as otherwise provided in division (D) (3) or (4)
of this section, if the offender knew that the victim of the
violation was pregnant at the time of the violation, a violation
of division (A) or (B) of this section is a felony of the fifth
degree, and the court shall impose a mandatory prison term on
the offender pursuant to division (D) (6) of this section, and a
violation of division (C) of this section is a misdemeanor of
the third degree.

(6) If division (D) (3), (4), or (5) of this section
requires the court that sentences an offender for a violation of
division (A) or (B) of this section to impose a mandatory prison
term on the offender pursuant to this division, the court shall
impose the mandatory prison term as follows:

(a) If the violation of division (A) or (B) of this
section is a felony of the fourth or fifth degree, except as
otherwise provided in division (D) (6) (b) or (c) of this section,
the court shall impose a mandatory prison term on the offender
of at least six months.

(b) If the violation of division (A) or (B) of this section is a felony of the fifth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of twelve months.

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D) (6) (e) of this section and notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in section 2929.14 of

the Revised Code for felonies of the third degree. 3918

(E) Notwithstanding any provision of law to the contrary, 3919
no court or unit of state or local government shall charge any 3920
fee, cost, deposit, or money in connection with the filing of 3921
charges against a person alleging that the person violated this 3922
section or a municipal ordinance substantially similar to this 3923
section or in connection with the prosecution of any charges so 3924
filed. 3925

(F) As used in this section and sections 2919.251 and 3926
2919.26 of the Revised Code: 3927

(1) "Family or household member" means any of the 3928
following: 3929

(a) Any of the following who is residing or has resided 3930
with the offender: 3931

(i) A spouse, a person living as a spouse, or a former 3932
spouse of the offender; 3933

(ii) A parent, a foster parent, or a child of the 3934
offender, or another person related by consanguinity or affinity 3935
to the offender; 3936

(iii) A parent or a child of a spouse, person living as a 3937
spouse, or former spouse of the offender, or another person 3938
related by consanguinity or affinity to a spouse, person living 3939
as a spouse, or former spouse of the offender. 3940

(b) The natural parent of any child of whom the offender 3941
is the other natural parent or is the putative other natural 3942
parent. 3943

(2) "Person living as a spouse" means a person who is 3944
living or has lived with the offender in a common law marital 3945

relationship, who otherwise is cohabiting with the offender, or 3946
who otherwise has cohabited with the offender within five years 3947
prior to the date of the alleged commission of the act in 3948
question. 3949

(3) "Pregnant woman's unborn" has the same meaning as 3950
"such other person's unborn," as set forth in section 2903.09 of 3951
the Revised Code, as it relates to the pregnant woman. Division 3952
(C) of that section applies regarding the use of the term in 3953
this section, ~~except that the second and third sentences of~~ 3954
~~division (C) (1) of that section shall be construed for purposes~~ 3955
~~of this section as if they included a reference to this section~~ 3956
~~in the listing of Revised Code sections they contain.~~ 3957

(4) "Termination of the pregnant woman's pregnancy" has 3958
the same meaning as "unlawful termination of another's 3959
pregnancy," as set forth in section 2903.09 of the Revised Code, 3960
as it relates to the pregnant woman. Division (C) of that 3961
section applies regarding the use of the term in this section, ~~7~~ 3962
~~except that the second and third sentences of division (C) (1) of~~ 3963
~~that section shall be construed for purposes of this section as~~ 3964
~~if they included a reference to this section in the listing of~~ 3965
~~Revised Code sections they contain.~~ 3966

Sec. 2925.11. (A) No person shall knowingly obtain, 3967
possess, or use a controlled substance or a controlled substance 3968
analog. 3969

(B) (1) This section does not apply to any of the 3970
following: 3971

(a) Manufacturers, licensed health professionals 3972
authorized to prescribe drugs, pharmacists, owners of 3973
pharmacies, and other persons whose conduct was in accordance 3974

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3975
4741. of the Revised Code; 3976

(b) If the offense involves an anabolic steroid, any 3977
person who is conducting or participating in a research project 3978
involving the use of an anabolic steroid if the project has been 3979
approved by the United States food and drug administration; 3980

(c) Any person who sells, offers for sale, prescribes, 3981
dispenses, or administers for livestock or other nonhuman 3982
species an anabolic steroid that is expressly intended for 3983
administration through implants to livestock or other nonhuman 3984
species and approved for that purpose under the "Federal Food, 3985
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 3986
as amended, and is sold, offered for sale, prescribed, 3987
dispensed, or administered for that purpose in accordance with 3988
that act; 3989

(d) Any person who obtained the controlled substance 3990
pursuant to a lawful prescription issued by a licensed health 3991
professional authorized to prescribe drugs. 3992

(2) (a) As used in division (B) (2) of this section: 3993

(i) "Community addiction services provider" has the same 3994
meaning as in section 5119.01 of the Revised Code. 3995

(ii) "Community control sanction" and "drug treatment 3996
program" have the same meanings as in section 2929.01 of the 3997
Revised Code. 3998

(iii) "Health care facility" ~~has the same meaning as in~~ 3999
~~section 2919.16 of the Revised Code~~ means a hospital, clinic, 4000
ambulatory surgical treatment center, other center, medical 4001
school, office of a physician, infirmary, dispensary, medical 4002
training institution, mobile surgery facility, or other 4003

institution or location in or at which medical care, treatment, 4004
or diagnosis is provided to a person. 4005

(iv) "Minor drug possession offense" means a violation of 4006
this section that is a misdemeanor or a felony of the fifth 4007
degree. 4008

(v) "Post-release control sanction" has the same meaning 4009
as in section 2967.28 of the Revised Code. 4010

(vi) "Peace officer" has the same meaning as in section 4011
2935.01 of the Revised Code. 4012

(vii) "Public agency" has the same meaning as in section 4013
2930.01 of the Revised Code. 4014

(viii) "Qualified individual" means a person who is not on 4015
community control or post-release control and is a person acting 4016
in good faith who seeks or obtains medical assistance for 4017
another person who is experiencing a drug overdose, a person who 4018
experiences a drug overdose and who seeks medical assistance for 4019
that overdose, or a person who is the subject of another person 4020
seeking or obtaining medical assistance for that overdose as 4021
described in division (B) (2) (b) of this section. 4022

(ix) "Seek or obtain medical assistance" includes, but is 4023
not limited to making a 9-1-1 call, contacting in person or by 4024
telephone call an on-duty peace officer, or transporting or 4025
presenting a person to a health care facility. 4026

(b) Subject to division (B) (2) (f) of this section, a 4027
qualified individual shall not be arrested, charged, prosecuted, 4028
convicted, or penalized pursuant to this chapter for a minor 4029
drug possession offense if all of the following apply: 4030

(i) The evidence of the obtaining, possession, or use of 4031

the controlled substance or controlled substance analog that 4032
would be the basis of the offense was obtained as a result of 4033
the qualified individual seeking the medical assistance or 4034
experiencing an overdose and needing medical assistance. 4035

(ii) Subject to division (B)(2)(g) of this section, within 4036
thirty days after seeking or obtaining the medical assistance, 4037
the qualified individual seeks and obtains a screening and 4038
receives a referral for treatment from a community addiction 4039
services provider or a properly credentialed addiction treatment 4040
professional. 4041

(iii) Subject to division (B)(2)(g) of this section, the 4042
qualified individual who obtains a screening and receives a 4043
referral for treatment under division (B)(2)(b)(ii) of this 4044
section, upon the request of any prosecuting attorney, submits 4045
documentation to the prosecuting attorney that verifies that the 4046
qualified individual satisfied the requirements of that 4047
division. The documentation shall be limited to the date and 4048
time of the screening obtained and referral received. 4049

(c) If a person is found to be in violation of any 4050
community control sanction and if the violation is a result of 4051
either of the following, the court shall first consider ordering 4052
the person's participation or continued participation in a drug 4053
treatment program or mitigating the penalty specified in section 4054
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 4055
applicable, after which the court has the discretion either to 4056
order the person's participation or continued participation in a 4057
drug treatment program or to impose the penalty with the 4058
mitigating factor specified in any of those applicable sections: 4059

(i) Seeking or obtaining medical assistance in good faith 4060
for another person who is experiencing a drug overdose; 4061

(ii) Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.

(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;

(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.

(e) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this

section for a minor drug possession offense; 4091

(ii) Limit any seizure of evidence or contraband otherwise 4092
permitted by law; 4093

(iii) Limit or abridge the authority of a peace officer to 4094
detain or take into custody a person in the course of an 4095
investigation or to effectuate an arrest for any offense except 4096
as provided in that division; 4097

(iv) Limit, modify, or remove any immunity from liability 4098
available pursuant to law in effect prior to ~~the effective date~~ 4099
~~of this amendment~~ September 13, 2016, to any public agency or to 4100
an employee of any public agency. 4101

(f) Division (B) (2) (b) of this section does not apply to 4102
any person who twice previously has been granted an immunity 4103
under division (B) (2) (b) of this section. No person shall be 4104
granted an immunity under division (B) (2) (b) of this section 4105
more than two times. 4106

(g) Nothing in this section shall compel any qualified 4107
individual to disclose protected health information in a way 4108
that conflicts with the requirements of the "Health Insurance 4109
Portability and Accountability Act of 1996," 104 Pub. L. No. 4110
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 4111
regulations promulgated by the United States department of 4112
health and human services to implement the act or the 4113
requirements of 42 C.F.R. Part 2. 4114

(C) Whoever violates division (A) of this section is 4115
guilty of one of the following: 4116

(1) If the drug involved in the violation is a compound, 4117
mixture, preparation, or substance included in schedule I or II, 4118
with the exception of marihuana, cocaine, L.S.D., heroin, 4119

hashish, and controlled substance analogs, whoever violates 4120
division (A) of this section is guilty of aggravated possession 4121
of drugs. The penalty for the offense shall be determined as 4122
follows: 4123

(a) Except as otherwise provided in division (C) (1) (b), 4124
(c), (d), or (e) of this section, aggravated possession of drugs 4125
is a felony of the fifth degree, and division (B) of section 4126
2929.13 of the Revised Code applies in determining whether to 4127
impose a prison term on the offender. 4128

(b) If the amount of the drug involved equals or exceeds 4129
the bulk amount but is less than five times the bulk amount, 4130
aggravated possession of drugs is a felony of the third degree, 4131
and there is a presumption for a prison term for the offense. 4132

(c) If the amount of the drug involved equals or exceeds 4133
five times the bulk amount but is less than fifty times the bulk 4134
amount, aggravated possession of drugs is a felony of the second 4135
degree, and the court shall impose as a mandatory prison term 4136
one of the prison terms prescribed for a felony of the second 4137
degree. 4138

(d) If the amount of the drug involved equals or exceeds 4139
fifty times the bulk amount but is less than one hundred times 4140
the bulk amount, aggravated possession of drugs is a felony of 4141
the first degree, and the court shall impose as a mandatory 4142
prison term one of the prison terms prescribed for a felony of 4143
the first degree. 4144

(e) If the amount of the drug involved equals or exceeds 4145
one hundred times the bulk amount, aggravated possession of 4146
drugs is a felony of the first degree, the offender is a major 4147
drug offender, and the court shall impose as a mandatory prison 4148

term the maximum prison term prescribed for a felony of the 4149
first degree. 4150

(2) If the drug involved in the violation is a compound, 4151
mixture, preparation, or substance included in schedule III, IV, 4152
or V, whoever violates division (A) of this section is guilty of 4153
possession of drugs. The penalty for the offense shall be 4154
determined as follows: 4155

(a) Except as otherwise provided in division (C) (2) (b), 4156
(c), or (d) of this section, possession of drugs is a 4157
misdemeanor of the first degree or, if the offender previously 4158
has been convicted of a drug abuse offense, a felony of the 4159
fifth degree. 4160

(b) If the amount of the drug involved equals or exceeds 4161
the bulk amount but is less than five times the bulk amount, 4162
possession of drugs is a felony of the fourth degree, and 4163
division (C) of section 2929.13 of the Revised Code applies in 4164
determining whether to impose a prison term on the offender. 4165

(c) If the amount of the drug involved equals or exceeds 4166
five times the bulk amount but is less than fifty times the bulk 4167
amount, possession of drugs is a felony of the third degree, and 4168
there is a presumption for a prison term for the offense. 4169

(d) If the amount of the drug involved equals or exceeds 4170
fifty times the bulk amount, possession of drugs is a felony of 4171
the second degree, and the court shall impose upon the offender 4172
as a mandatory prison term one of the prison terms prescribed 4173
for a felony of the second degree. 4174

(3) If the drug involved in the violation is marihuana or 4175
a compound, mixture, preparation, or substance containing 4176
marihuana other than hashish, whoever violates division (A) of 4177

this section is guilty of possession of marihuana. The penalty 4178
for the offense shall be determined as follows: 4179

(a) Except as otherwise provided in division (C) (3) (b), 4180
(c), (d), (e), (f), or (g) of this section, possession of 4181
marihuana is a minor misdemeanor. 4182

(b) If the amount of the drug involved equals or exceeds 4183
one hundred grams but is less than two hundred grams, possession 4184
of marihuana is a misdemeanor of the fourth degree. 4185

(c) If the amount of the drug involved equals or exceeds 4186
two hundred grams but is less than one thousand grams, 4187
possession of marihuana is a felony of the fifth degree, and 4188
division (B) of section 2929.13 of the Revised Code applies in 4189
determining whether to impose a prison term on the offender. 4190

(d) If the amount of the drug involved equals or exceeds 4191
one thousand grams but is less than five thousand grams, 4192
possession of marihuana is a felony of the third degree, and 4193
division (C) of section 2929.13 of the Revised Code applies in 4194
determining whether to impose a prison term on the offender. 4195

(e) If the amount of the drug involved equals or exceeds 4196
five thousand grams but is less than twenty thousand grams, 4197
possession of marihuana is a felony of the third degree, and 4198
there is a presumption that a prison term shall be imposed for 4199
the offense. 4200

(f) If the amount of the drug involved equals or exceeds 4201
twenty thousand grams but is less than forty thousand grams, 4202
possession of marihuana is a felony of the second degree, and 4203
the court shall impose a mandatory prison term of five, six, 4204
seven, or eight years. 4205

(g) If the amount of the drug involved equals or exceeds 4206

forty thousand grams, possession of marihuana is a felony of the 4207
second degree, and the court shall impose as a mandatory prison 4208
term the maximum prison term prescribed for a felony of the 4209
second degree. 4210

(4) If the drug involved in the violation is cocaine or a 4211
compound, mixture, preparation, or substance containing cocaine, 4212
whoever violates division (A) of this section is guilty of 4213
possession of cocaine. The penalty for the offense shall be 4214
determined as follows: 4215

(a) Except as otherwise provided in division (C) (4) (b), 4216
(c), (d), (e), or (f) of this section, possession of cocaine is 4217
a felony of the fifth degree, and division (B) of section 4218
2929.13 of the Revised Code applies in determining whether to 4219
impose a prison term on the offender. 4220

(b) If the amount of the drug involved equals or exceeds 4221
five grams but is less than ten grams of cocaine, possession of 4222
cocaine is a felony of the fourth degree, and division (B) of 4223
section 2929.13 of the Revised Code applies in determining 4224
whether to impose a prison term on the offender. 4225

(c) If the amount of the drug involved equals or exceeds 4226
ten grams but is less than twenty grams of cocaine, possession 4227
of cocaine is a felony of the third degree, and, except as 4228
otherwise provided in this division, there is a presumption for 4229
a prison term for the offense. If possession of cocaine is a 4230
felony of the third degree under this division and if the 4231
offender two or more times previously has been convicted of or 4232
pleaded guilty to a felony drug abuse offense, the court shall 4233
impose as a mandatory prison term one of the prison terms 4234
prescribed for a felony of the third degree. 4235

(d) If the amount of the drug involved equals or exceeds 4236
twenty grams but is less than twenty-seven grams of cocaine, 4237
possession of cocaine is a felony of the second degree, and the 4238
court shall impose as a mandatory prison term one of the prison 4239
terms prescribed for a felony of the second degree. 4240

(e) If the amount of the drug involved equals or exceeds 4241
twenty-seven grams but is less than one hundred grams of 4242
cocaine, possession of cocaine is a felony of the first degree, 4243
and the court shall impose as a mandatory prison term one of the 4244
prison terms prescribed for a felony of the first degree. 4245

(f) If the amount of the drug involved equals or exceeds 4246
one hundred grams of cocaine, possession of cocaine is a felony 4247
of the first degree, the offender is a major drug offender, and 4248
the court shall impose as a mandatory prison term the maximum 4249
prison term prescribed for a felony of the first degree. 4250

(5) If the drug involved in the violation is L.S.D., 4251
whoever violates division (A) of this section is guilty of 4252
possession of L.S.D. The penalty for the offense shall be 4253
determined as follows: 4254

(a) Except as otherwise provided in division (C) (5) (b), 4255
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 4256
felony of the fifth degree, and division (B) of section 2929.13 4257
of the Revised Code applies in determining whether to impose a 4258
prison term on the offender. 4259

(b) If the amount of L.S.D. involved equals or exceeds ten 4260
unit doses but is less than fifty unit doses of L.S.D. in a 4261
solid form or equals or exceeds one gram but is less than five 4262
grams of L.S.D. in a liquid concentrate, liquid extract, or 4263
liquid distillate form, possession of L.S.D. is a felony of the 4264

fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D.

is a felony of the first degree, the offender is a major drug 4295
offender, and the court shall impose as a mandatory prison term 4296
the maximum prison term prescribed for a felony of the first 4297
degree. 4298

(6) If the drug involved in the violation is heroin or a 4299
compound, mixture, preparation, or substance containing heroin, 4300
whoever violates division (A) of this section is guilty of 4301
possession of heroin. The penalty for the offense shall be 4302
determined as follows: 4303

(a) Except as otherwise provided in division (C) (6) (b), 4304
(c), (d), (e), or (f) of this section, possession of heroin is a 4305
felony of the fifth degree, and division (B) of section 2929.13 4306
of the Revised Code applies in determining whether to impose a 4307
prison term on the offender. 4308

(b) If the amount of the drug involved equals or exceeds 4309
ten unit doses but is less than fifty unit doses or equals or 4310
exceeds one gram but is less than five grams, possession of 4311
heroin is a felony of the fourth degree, and division (C) of 4312
section 2929.13 of the Revised Code applies in determining 4313
whether to impose a prison term on the offender. 4314

(c) If the amount of the drug involved equals or exceeds 4315
fifty unit doses but is less than one hundred unit doses or 4316
equals or exceeds five grams but is less than ten grams, 4317
possession of heroin is a felony of the third degree, and there 4318
is a presumption for a prison term for the offense. 4319

(d) If the amount of the drug involved equals or exceeds 4320
one hundred unit doses but is less than five hundred unit doses 4321
or equals or exceeds ten grams but is less than fifty grams, 4322
possession of heroin is a felony of the second degree, and the 4323

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 4324
4325

(e) If the amount of the drug involved equals or exceeds 4326
five hundred unit doses but is less than one thousand unit doses 4327
or equals or exceeds fifty grams but is less than one hundred 4328
grams, possession of heroin is a felony of the first degree, and 4329
the court shall impose as a mandatory prison term one of the 4330
prison terms prescribed for a felony of the first degree. 4331

(f) If the amount of the drug involved equals or exceeds 4332
one thousand unit doses or equals or exceeds one hundred grams, 4333
possession of heroin is a felony of the first degree, the 4334
offender is a major drug offender, and the court shall impose as 4335
a mandatory prison term the maximum prison term prescribed for a 4336
felony of the first degree. 4337

(7) If the drug involved in the violation is hashish or a 4338
compound, mixture, preparation, or substance containing hashish, 4339
whoever violates division (A) of this section is guilty of 4340
possession of hashish. The penalty for the offense shall be 4341
determined as follows: 4342

(a) Except as otherwise provided in division (C) (7) (b), 4343
(c), (d), (e), (f), or (g) of this section, possession of 4344
hashish is a minor misdemeanor. 4345

(b) If the amount of the drug involved equals or exceeds 4346
five grams but is less than ten grams of hashish in a solid form 4347
or equals or exceeds one gram but is less than two grams of 4348
hashish in a liquid concentrate, liquid extract, or liquid 4349
distillate form, possession of hashish is a misdemeanor of the 4350
fourth degree. 4351

(c) If the amount of the drug involved equals or exceeds 4352

ten grams but is less than fifty grams of hashish in a solid 4353
form or equals or exceeds two grams but is less than ten grams 4354
of hashish in a liquid concentrate, liquid extract, or liquid 4355
distillate form, possession of hashish is a felony of the fifth 4356
degree, and division (B) of section 2929.13 of the Revised Code 4357
applies in determining whether to impose a prison term on the 4358
offender. 4359

(d) If the amount of the drug involved equals or exceeds 4360
fifty grams but is less than two hundred fifty grams of hashish 4361
in a solid form or equals or exceeds ten grams but is less than 4362
fifty grams of hashish in a liquid concentrate, liquid extract, 4363
or liquid distillate form, possession of hashish is a felony of 4364
the third degree, and division (C) of section 2929.13 of the 4365
Revised Code applies in determining whether to impose a prison 4366
term on the offender. 4367

(e) If the amount of the drug involved equals or exceeds 4368
two hundred fifty grams but is less than one thousand grams of 4369
hashish in a solid form or equals or exceeds fifty grams but is 4370
less than two hundred grams of hashish in a liquid concentrate, 4371
liquid extract, or liquid distillate form, possession of hashish 4372
is a felony of the third degree, and there is a presumption that 4373
a prison term shall be imposed for the offense. 4374

(f) If the amount of the drug involved equals or exceeds 4375
one thousand grams but is less than two thousand grams of 4376
hashish in a solid form or equals or exceeds two hundred grams 4377
but is less than four hundred grams of hashish in a liquid 4378
concentrate, liquid extract, or liquid distillate form, 4379
possession of hashish is a felony of the second degree, and the 4380
court shall impose a mandatory prison term of five, six, seven, 4381
or eight years. 4382

(g) If the amount of the drug involved equals or exceeds 4383
two thousand grams of hashish in a solid form or equals or 4384
exceeds four hundred grams of hashish in a liquid concentrate, 4385
liquid extract, or liquid distillate form, possession of hashish 4386
is a felony of the second degree, and the court shall impose as 4387
a mandatory prison term the maximum prison term prescribed for a 4388
felony of the second degree. 4389

(8) If the drug involved is a controlled substance analog 4390
or compound, mixture, preparation, or substance that contains a 4391
controlled substance analog, whoever violates division (A) of 4392
this section is guilty of possession of a controlled substance 4393
analog. The penalty for the offense shall be determined as 4394
follows: 4395

(a) Except as otherwise provided in division (C) (8) (b), 4396
(c), (d), (e), or (f) of this section, possession of a 4397
controlled substance analog is a felony of the fifth degree, and 4398
division (B) of section 2929.13 of the Revised Code applies in 4399
determining whether to impose a prison term on the offender. 4400

(b) If the amount of the drug involved equals or exceeds 4401
ten grams but is less than twenty grams, possession of a 4402
controlled substance analog is a felony of the fourth degree, 4403
and there is a presumption for a prison term for the offense. 4404

(c) If the amount of the drug involved equals or exceeds 4405
twenty grams but is less than thirty grams, possession of a 4406
controlled substance analog is a felony of the third degree, and 4407
there is a presumption for a prison term for the offense. 4408

(d) If the amount of the drug involved equals or exceeds 4409
thirty grams but is less than forty grams, possession of a 4410
controlled substance analog is a felony of the second degree, 4411

and the court shall impose as a mandatory prison term one of the 4412
prison terms prescribed for a felony of the second degree. 4413

(e) If the amount of the drug involved equals or exceeds 4414
forty grams but is less than fifty grams, possession of a 4415
controlled substance analog is a felony of the first degree, and 4416
the court shall impose as a mandatory prison term one of the 4417
prison terms prescribed for a felony of the first degree. 4418

(f) If the amount of the drug involved equals or exceeds 4419
fifty grams, possession of a controlled substance analog is a 4420
felony of the first degree, the offender is a major drug 4421
offender, and the court shall impose as a mandatory prison term 4422
the maximum prison term prescribed for a felony of the first 4423
degree. 4424

(D) Arrest or conviction for a minor misdemeanor violation 4425
of this section does not constitute a criminal record and need 4426
not be reported by the person so arrested or convicted in 4427
response to any inquiries about the person's criminal record, 4428
including any inquiries contained in any application for 4429
employment, license, or other right or privilege, or made in 4430
connection with the person's appearance as a witness. 4431

(E) In addition to any prison term or jail term authorized 4432
or required by division (C) of this section and sections 4433
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 4434
Code and in addition to any other sanction that is imposed for 4435
the offense under this section, sections 2929.11 to 2929.18, or 4436
sections 2929.21 to 2929.28 of the Revised Code, the court that 4437
sentences an offender who is convicted of or pleads guilty to a 4438
violation of division (A) of this section may suspend the 4439
offender's driver's or commercial driver's license or permit for 4440
not more than five years. However, if the offender pleaded 4441

guilty to or was convicted of a violation of section 4511.19 of 4442
the Revised Code or a substantially similar municipal ordinance 4443
or the law of another state or the United States arising out of 4444
the same set of circumstances as the violation, the court shall 4445
suspend the offender's driver's or commercial driver's license 4446
or permit for not more than five years. If applicable, the court 4447
also shall do the following: 4448

(1) (a) If the violation is a felony of the first, second, 4449
or third degree, the court shall impose upon the offender the 4450
mandatory fine specified for the offense under division (B) (1) 4451
of section 2929.18 of the Revised Code unless, as specified in 4452
that division, the court determines that the offender is 4453
indigent. 4454

(b) Notwithstanding any contrary provision of section 4455
3719.21 of the Revised Code, the clerk of the court shall pay a 4456
mandatory fine or other fine imposed for a violation of this 4457
section pursuant to division (A) of section 2929.18 of the 4458
Revised Code in accordance with and subject to the requirements 4459
of division (F) of section 2925.03 of the Revised Code. The 4460
agency that receives the fine shall use the fine as specified in 4461
division (F) of section 2925.03 of the Revised Code. 4462

(c) If a person is charged with a violation of this 4463
section that is a felony of the first, second, or third degree, 4464
posts bail, and forfeits the bail, the clerk shall pay the 4465
forfeited bail pursuant to division (E) (1) (b) of this section as 4466
if it were a mandatory fine imposed under division (E) (1) (a) of 4467
this section. 4468

(2) If the offender is a professionally licensed person, 4469
in addition to any other sanction imposed for a violation of 4470
this section, the court immediately shall comply with section 4471

2925.38 of the Revised Code. 4472

(F) It is an affirmative defense, as provided in section 4473
2901.05 of the Revised Code, to a charge of a fourth degree 4474
felony violation under this section that the controlled 4475
substance that gave rise to the charge is in an amount, is in a 4476
form, is prepared, compounded, or mixed with substances that are 4477
not controlled substances in a manner, or is possessed under any 4478
other circumstances, that indicate that the substance was 4479
possessed solely for personal use. Notwithstanding any contrary 4480
provision of this section, if, in accordance with section 4481
2901.05 of the Revised Code, an accused who is charged with a 4482
fourth degree felony violation of division (C) (2), (4), (5), or 4483
(6) of this section sustains the burden of going forward with 4484
evidence of and establishes by a preponderance of the evidence 4485
the affirmative defense described in this division, the accused 4486
may be prosecuted for and may plead guilty to or be convicted of 4487
a misdemeanor violation of division (C) (2) of this section or a 4488
fifth degree felony violation of division (C) (4), (5), or (6) of 4489
this section respectively. 4490

(G) When a person is charged with possessing a bulk amount 4491
or multiple of a bulk amount, division (E) of section 2925.03 of 4492
the Revised Code applies regarding the determination of the 4493
amount of the controlled substance involved at the time of the 4494
offense. 4495

(H) It is an affirmative defense to a charge of possession 4496
of a controlled substance analog under division (C) (8) of this 4497
section that the person charged with violating that offense 4498
obtained, possessed, or used an item described in division (HH) 4499
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 4500

(I) Any offender who received a mandatory suspension of 4501

the offender's driver's or commercial driver's license or permit 4502
under this section prior to ~~the effective date of this amendment~~ 4503
September 13, 2016, may file a motion with the sentencing court 4504
requesting the termination of the suspension. However, an 4505
offender who pleaded guilty to or was convicted of a violation 4506
of section 4511.19 of the Revised Code or a substantially 4507
similar municipal ordinance or law of another state or the 4508
United States that arose out of the same set of circumstances as 4509
the violation for which the offender's license or permit was 4510
suspended under this section shall not file such a motion. 4511

Upon the filing of a motion under division (I) of this 4512
section, the sentencing court, in its discretion, may terminate 4513
the suspension. 4514

Sec. 2935.36. (A) The prosecuting attorney may establish 4515
pre-trial diversion programs for adults who are accused of 4516
committing criminal offenses and whom the prosecuting attorney 4517
believes probably will not offend again. The prosecuting 4518
attorney may require, as a condition of an accused's 4519
participation in the program, the accused to pay a reasonable 4520
fee for supervision services that include, but are not limited 4521
to, monitoring and drug testing. The programs shall be operated 4522
pursuant to written standards approved by journal entry by the 4523
presiding judge or, in courts with only one judge, the judge of 4524
the court of common pleas and shall not be applicable to any of 4525
the following: 4526

(1) Repeat offenders or dangerous offenders; 4527

(2) Persons accused of an offense of violence, of a 4528
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 4529
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, ~~2919.12, 2919.13,~~ 4530
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 4531

Revised Code, or of a violation of section 2905.01, 2905.02, or 4532
2919.23 of the Revised Code that, had it occurred prior to July 4533
1, 1996, would have been a violation of section 2905.04 of the 4534
Revised Code as it existed prior to that date, with the 4535
exception that the prosecuting attorney may permit persons 4536
accused of any such offense to enter a pre-trial diversion 4537
program, if the prosecuting attorney finds any of the following: 4538

(a) The accused did not cause, threaten, or intend serious 4539
physical harm to any person; 4540

(b) The offense was the result of circumstances not likely 4541
to recur; 4542

(c) The accused has no history of prior delinquency or 4543
criminal activity; 4544

(d) The accused has led a law-abiding life for a 4545
substantial time before commission of the alleged offense; 4546

(e) Substantial grounds tending to excuse or justify the 4547
alleged offense. 4548

(3) Persons accused of a violation of Chapter 2925. or 4549
3719. of the Revised Code; 4550

(4) Persons accused of a violation of section 4511.19 of 4551
the Revised Code or a violation of any substantially similar 4552
municipal ordinance; 4553

(5) (a) Persons who are accused of an offense while 4554
operating a commercial motor vehicle or persons who hold a 4555
commercial driver's license and are accused of any offense, if 4556
conviction of the offense would disqualify the person from 4557
operating a commercial motor vehicle under Chapter 4506. of the 4558
Revised Code or would subject the person to any other sanction 4559

under that chapter; 4560

(b) As used in division (A) (5) of this section, 4561
"commercial driver's license" and "commercial motor vehicle" 4562
have the same meanings as in section 4506.01 of the Revised 4563
Code. 4564

(B) An accused who enters a diversion program shall do all 4565
of the following: 4566

(1) Waive, in writing and contingent upon the accused's 4567
successful completion of the program, the accused's right to a 4568
speedy trial, the preliminary hearing, the time period within 4569
which the grand jury may consider an indictment against the 4570
accused, and arraignment, unless the hearing, indictment, or 4571
arraignment has already occurred; 4572

(2) Agree, in writing, to the tolling while in the program 4573
of all periods of limitation established by statutes or rules of 4574
court, that are applicable to the offense with which the accused 4575
is charged and to the conditions of the diversion program 4576
established by the prosecuting attorney; 4577

(3) Agree, in writing, to pay any reasonable fee for 4578
supervision services established by the prosecuting attorney. 4579

(C) The trial court, upon the application of the 4580
prosecuting attorney, shall order the release from confinement 4581
of any accused who has agreed to enter a pre-trial diversion 4582
program and shall discharge and release any existing bail and 4583
release any sureties on recognizances and shall release the 4584
accused on a recognizance bond conditioned upon the accused's 4585
compliance with the terms of the diversion program. The 4586
prosecuting attorney shall notify every victim of the crime and 4587
the arresting officers of the prosecuting attorney's intent to 4588

permit the accused to enter a pre-trial diversion program. The 4589
victim of the crime and the arresting officers shall have the 4590
opportunity to file written objections with the prosecuting 4591
attorney prior to the commencement of the pre-trial diversion 4592
program. 4593

(D) If the accused satisfactorily completes the diversion 4594
program, the prosecuting attorney shall recommend to the trial 4595
court that the charges against the accused be dismissed, and the 4596
court, upon the recommendation of the prosecuting attorney, 4597
shall dismiss the charges. If the accused chooses not to enter 4598
the prosecuting attorney's diversion program, or if the accused 4599
violates the conditions of the agreement pursuant to which the 4600
accused has been released, the accused may be brought to trial 4601
upon the charges in the manner provided by law, and the waiver 4602
executed pursuant to division (B)(1) of this section shall be 4603
void on the date the accused is removed from the program for the 4604
violation. 4605

(E) As used in this section: 4606

(1) "Repeat offender" means a person who has a history of 4607
persistent criminal activity and whose character and condition 4608
reveal a substantial risk that the person will commit another 4609
offense. It is prima-facie evidence that a person is a repeat 4610
offender if any of the following applies: 4611

(a) Having been convicted of one or more offenses of 4612
violence and having been imprisoned pursuant to sentence for any 4613
such offense, the person commits a subsequent offense of 4614
violence; 4615

(b) Having been convicted of one or more sexually oriented 4616
offenses or child-victim oriented offenses, both as defined in 4617

section 2950.01 of the Revised Code, and having been imprisoned 4618
pursuant to sentence for one or more of those offenses, the 4619
person commits a subsequent sexually oriented offense or child- 4620
victim oriented offense; 4621

(c) Having been convicted of one or more theft offenses as 4622
defined in section 2913.01 of the Revised Code and having been 4623
imprisoned pursuant to sentence for one or more of those theft 4624
offenses, the person commits a subsequent theft offense; 4625

(d) Having been convicted of one or more felony drug abuse 4626
offenses as defined in section 2925.01 of the Revised Code and 4627
having been imprisoned pursuant to sentence for one or more of 4628
those felony drug abuse offenses, the person commits a 4629
subsequent felony drug abuse offense; 4630

(e) Having been convicted of two or more felonies and 4631
having been imprisoned pursuant to sentence for one or more 4632
felonies, the person commits a subsequent offense; 4633

(f) Having been convicted of three or more offenses of any 4634
type or degree other than traffic offenses, alcoholic 4635
intoxication offenses, or minor misdemeanors and having been 4636
imprisoned pursuant to sentence for any such offense, the person 4637
commits a subsequent offense. 4638

(2) "Dangerous offender" means a person who has committed 4639
an offense, whose history, character, and condition reveal a 4640
substantial risk that the person will be a danger to others, and 4641
whose conduct has been characterized by a pattern of repetitive, 4642
compulsive, or aggressive behavior with heedless indifference to 4643
the consequences. 4644

Sec. 2950.03. (A) Each person who has been convicted of, 4645
is convicted of, has pleaded guilty to, or pleads guilty to a 4646

sexually oriented offense or a child-victim oriented offense and 4647
who has a duty to register pursuant to section 2950.04 or 4648
2950.041 of the Revised Code and each person who is adjudicated 4649
a delinquent child for committing a sexually oriented offense or 4650
a child-victim oriented offense and who is classified a juvenile 4651
offender registrant based on that adjudication shall be provided 4652
notice in accordance with this section of the offender's or 4653
delinquent child's duties imposed under sections 2950.04, 4654
2950.041, 2950.05, and 2950.06 of the Revised Code and of the 4655
offender's duties to similarly register, provide notice of a 4656
change, and verify addresses in another state if the offender 4657
resides, is temporarily domiciled, attends a school or 4658
institution of higher education, or is employed in a state other 4659
than this state. The following official shall provide the notice 4660
required under this division to the specified person at the 4661
following time: 4662

(1) Regardless of when the person committed the sexually 4663
oriented offense or child-victim oriented offense, if the person 4664
is an offender who is sentenced to a prison term, a term of 4665
imprisonment, or any other type of confinement for any offense, 4666
and if on or after January 1, 2008, the offender is serving that 4667
term or is under that confinement, subject to division (A) (5) of 4668
this section, the official in charge of the jail, workhouse, 4669
state correctional institution, or other institution in which 4670
the offender serves the prison term, term of imprisonment, or 4671
confinement, or a designee of that official, shall provide the 4672
notice to the offender before the offender is released pursuant 4673
to any type of supervised release or before the offender 4674
otherwise is released from the prison term, term of 4675
imprisonment, or confinement. 4676

(2) Regardless of when the person committed the sexually 4677

oriented offense or child-victim oriented offense, if the person 4678
is an offender who is sentenced on or after January 1, 2008, for 4679
any offense, and if division (A)(1) of this section does not 4680
apply, the judge shall provide the notice to the offender at the 4681
time of sentencing. 4682

(3) If the person is a delinquent child who is classified 4683
a juvenile offender registrant on or after January 1, 2008, the 4684
judge shall provide the notice to the delinquent child at the 4685
time specified in division (B) of section 2152.82, division (C) 4686
of section 2152.83, division (C) of section 2152.84, or division 4687
(E) of section 2152.85 of the Revised Code, whichever is 4688
applicable. 4689

(4) If the person is a delinquent child who is classified 4690
as both a juvenile offender registrant and a public registry- 4691
qualified juvenile offender registrant on or after January 1, 4692
2008, the judge shall provide the notice to the delinquent child 4693
at the time specified in division (B) of section 2152.86 of the 4694
Revised Code. 4695

(5) If the person is an offender or delinquent child in 4696
any of the following categories, the attorney general, 4697
department of rehabilitation and correction, or department of 4698
youth services shall provide the notice to the offender or 4699
delinquent child at the time and in the manner specified in 4700
section 2950.031 or division (A) or (B) of section 2950.032 of 4701
the Revised Code, whichever is applicable: 4702

(a) An offender or delinquent child who prior to December 4703
1, 2007, has registered a residence, school, institution of 4704
higher education, or place of employment address pursuant to 4705
section 2950.04, 2950.041, or 2950.05 of the Revised Code; 4706

(b) An offender or delinquent child who registers with a sheriff pursuant to section 2950.04 or 2950.041 of the Revised Code on or after December 1, 2007, previously had not registered under either section with that sheriff or any other sheriff, and was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense upon which the registration was based prior to December 1, 2007;

(c) An offender who on December 1, 2007, is serving a prison term in a state correctional institution for a sexually oriented offense or child-victim oriented offense or each delinquent child who has been classified a juvenile offender registrant relative to a sexually oriented offense or child-victim oriented offense and who on that date is confined in an institution of the department of youth services for the sexually oriented offense or child-victim oriented offense;

(d) An offender or delinquent child who on or after December 2, 2007, commences a prison term in a state correctional institution or confinement in an institution of the department of youth services for a sexually oriented offense or child-victim oriented offense and who was convicted of, pleaded guilty to, or was classified a juvenile offender registrant relative to the sexually oriented offense or child-victim oriented offense prior to that date.

(6) If the person is an offender or delinquent child who on or after July 1, 2007, and prior to January 1, 2008, is convicted of or pleads guilty to a sexually oriented offense or a child-victim oriented offense and is not sentenced to a prison term for that offense or is classified a juvenile offender registrant relative to a sexually oriented offense or child-

victim oriented offense and is not committed to the custody of 4737
the department of youth services for that offense, the 4738
sentencing court or juvenile court shall provide the notice to 4739
the offender or delinquent child at the time and in the manner 4740
specified in division (C) of section 2950.032 of the Revised 4741
Code. 4742

(7) If the person is an offender or delinquent child who 4743
has a duty to register in this state pursuant to division (A) (4) 4744
of section 2950.04 or 2950.041 of the Revised Code, the offender 4745
or delinquent child is presumed to have knowledge of the law and 4746
of the offender's or delinquent child's duties imposed under 4747
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4748
Code. 4749

(B) (1) The notice provided under division (A) of this 4750
section shall inform the offender or delinquent child of the 4751
offender's or delinquent child's duty to register, to provide 4752
notice of a change in the offender's or delinquent child's 4753
residence address or in the offender's school, institution of 4754
higher education, or place of employment address, as applicable, 4755
and register the new address, to periodically verify the 4756
offender's or delinquent child's residence address or the 4757
offender's school, institution of higher education, or place of 4758
employment address, as applicable, and, if applicable, to 4759
provide notice of the offender's or delinquent child's intent to 4760
reside, pursuant to sections 2950.04, 2950.041, 2950.05, and 4761
2950.06 of the Revised Code. The notice shall specify that, for 4762
an offender, it applies regarding residence addresses or school, 4763
institution of higher education, and place of employment 4764
addresses and that, for a delinquent child, it applies regarding 4765
residence addresses. Additionally, it shall inform the offender 4766
of the offender's duties to similarly register, provide notice 4767

of a change in, and verify those addresses in states other than 4768
this state as described in division (A) of this section. A 4769
notice provided under division (A) (1), (2), (3), or (4) of this 4770
section shall comport with the following: 4771

(a) If the notice is provided to an offender under 4772
division (A) (1) or (2) of this section, the official, official's 4773
designee, or judge shall require the offender to read and sign a 4774
form stating that the offender's duties to register, to file a 4775
notice of intent to reside, if applicable, to register a new 4776
residence address or new school, institution of higher 4777
education, or place of employment address, and to periodically 4778
verify those addresses, and the offender's duties in other 4779
states as described in division (A) of this section have been 4780
explained to the offender. If the offender is unable to read, 4781
the official, official's designee, or judge shall certify on the 4782
form that the official, designee, or judge specifically informed 4783
the offender of those duties and that the offender indicated an 4784
understanding of those duties. 4785

(b) If the notice is provided to a delinquent child under 4786
division (A) (3) or (4) of this section, the judge shall require 4787
the delinquent child and the delinquent child's parent, 4788
guardian, or custodian to read and sign a form stating that the 4789
delinquent child's duties to register, to file a notice of 4790
intent to reside, if applicable, to register a new residence 4791
address, and to periodically verify that address have been 4792
explained to the delinquent child and to the delinquent child's 4793
parent, guardian, or custodian. If the delinquent child or the 4794
delinquent child's parent, guardian, or custodian is unable to 4795
read, the judge shall certify on the form that the judge 4796
specifically informed the delinquent child or the delinquent 4797
child's parent, guardian, or custodian of those duties and that 4798

the delinquent child or the delinquent child's parent, guardian, 4799
or custodian indicated an understanding of those duties. 4800

(2) The notice provided under divisions (A)(1) to (4) of 4801
this section shall be on a form prescribed by the bureau of 4802
criminal identification and investigation and shall contain all 4803
of the information specified in division (A) of this section and 4804
all of the information required by the bureau. The notice 4805
provided under divisions (A)(1) to (4) of this section shall 4806
include, but is not limited to, all of the following: 4807

(a) For any notice provided under divisions (A)(1) to (4) 4808
of this section, an explanation of the offender's periodic 4809
residence address or periodic school, institution of higher 4810
education, or place of employment address verification process 4811
or of the delinquent child's periodic residence address 4812
verification process, an explanation of the frequency with which 4813
the offender or delinquent child will be required to verify 4814
those addresses under that process, a statement that the 4815
offender or delinquent child must verify those addresses at the 4816
times specified under that process or face criminal prosecution 4817
or a delinquent child proceeding, and an explanation of the 4818
offender's duty to similarly register, verify, and reregister 4819
those addresses in another state if the offender resides in 4820
another state, attends a school or institution of higher 4821
education in another state, or is employed in another state. 4822

(b) If the notice is provided under division (A)(3) or (4) 4823
of this section, a statement that the delinquent child has been 4824
classified by the adjudicating juvenile court judge or the 4825
judge's successor in office a juvenile offender registrant and, 4826
if applicable, a ~~public registry qualified~~ public registry- 4827
qualified juvenile offender registrant and has a duty to comply 4828

with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 4829
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(c) If the notice is provided under division (A) (3) or (4) of this section, a statement that, if the delinquent child fails to comply with the requirements of sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, both of the following apply: 4831
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(i) If the delinquent child's failure occurs while the child is under eighteen years of age, the child is subject to proceedings under Chapter 2152. of the Revised Code based on the failure, but if the failure occurs while the child is eighteen years of age or older, the child is subject to criminal prosecution based on the failure. 4836
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(ii) If the delinquent child's failure occurs while the child is under eighteen years of age, unless the child is emancipated, as defined in section ~~2919.121~~2919.24 of the Revised Code, the failure of the parent, guardian, or custodian to ensure that the child complies with those requirements is a violation of section 2919.24 of the Revised Code and may result in the prosecution of the parent, guardian, or custodian for that violation. 4842
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(3) (a) After an offender described in division (A) (1) or (2) of this section has signed the form described in divisions (B) (1) and (2) of this section or the official, official's designee, or judge has certified on the form that the form has been explained to the offender and that the offender indicated an understanding of the duties indicated on it, the official, official's designee, or judge shall give one copy of the form to the offender, within three days shall send one copy of the form to the bureau of criminal identification and investigation in 4850
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accordance with the procedures adopted pursuant to section 4859
2950.13 of the Revised Code, shall send one copy of the form to 4860
the sheriff of the county in which the offender expects to 4861
reside, and shall send one copy of the form to the sheriff of 4862
the county in which the offender was convicted or pleaded guilty 4863
if the offender has a duty to register pursuant to division (A) 4864
(1) of section 2950.04 or 2950.041 of the Revised Code. 4865

(b) After a delinquent child described in division (A) (3) 4866
or (4) of this section and the delinquent child's parent, 4867
guardian, or custodian have signed the form described in 4868
divisions (B) (1) and (2) of this section or the judge has 4869
certified on the form that the form has been explained to the 4870
delinquent child or the delinquent child's parent, guardian, or 4871
custodian and that the delinquent child or the delinquent 4872
child's parent, guardian, or custodian indicated an 4873
understanding of the duties and information indicated on the 4874
form, the judge shall give a copy of the form to both the 4875
delinquent child and to the delinquent child's parent, guardian, 4876
or custodian, within three days shall send one copy of the form 4877
to the bureau of criminal identification and investigation in 4878
accordance with the procedures adopted pursuant to section 4879
2950.13 of the Revised Code, shall send one copy of the form to 4880
the sheriff of the county in which the delinquent child expects 4881
to reside, and shall send one copy of the form to the sheriff of 4882
the county in which the child was adjudicated a delinquent child 4883
if the delinquent child has a duty to register pursuant to 4884
division (A) (1) of section 2950.04 or 2950.041 of the Revised 4885
Code. 4886

(c) The official, official's designee, judge, chief of 4887
police, or sheriff who is required to provide notice to an 4888
offender or delinquent child under divisions (A) (1) to (4) of 4889

this section shall determine the offender's or delinquent 4890
child's name, identifying factors, and expected future residence 4891
address in this state or any other state, shall obtain the 4892
offender's or delinquent child's criminal and delinquency 4893
history, and shall obtain a photograph and the fingerprints of 4894
the offender or delinquent child. Regarding an offender, the 4895
official, designee, or judge also shall obtain from the offender 4896
the offender's current or expected future school, institution of 4897
higher education, or place of employment address in this state, 4898
if any. If the notice is provided by a judge under division (A) 4899
(2), (3), or (4) of this section, the sheriff shall provide the 4900
offender's or delinquent child's criminal and delinquency 4901
history to the judge. The official, official's designee, or 4902
judge shall obtain this information and these items prior to 4903
giving the notice, except that a judge may give the notice prior 4904
to obtaining the offender's or delinquent child's criminal and 4905
delinquency history. Within three days after receiving this 4906
information and these items, the official, official's designee, 4907
or judge shall forward the information and items to the bureau 4908
of criminal identification and investigation in accordance with 4909
the forwarding procedures adopted pursuant to section 2950.13 of 4910
the Revised Code, to the sheriff of the county in which the 4911
offender or delinquent child expects to reside and to the 4912
sheriff of the county in which the offender or delinquent child 4913
was convicted, pleaded guilty, or adjudicated a delinquent child 4914
if the offender or delinquent child has a duty to register 4915
pursuant to division (A) (1) of section 2950.04 or 2950.041 of 4916
the Revised Code, and, regarding an offender, to the sheriff of 4917
the county, if any, in which the offender attends or will attend 4918
a school or institution of higher education or is or will be 4919
employed. If the notice is provided under division (A) (3) or (4) 4920
of this section and if the delinquent child has been committed 4921

to the department of youth services or to a secure facility, the 4922
judge, in addition to the other information and items described 4923
in this division, also shall forward to the bureau and to the 4924
sheriff notification that the child has been so committed. If it 4925
has not already done so, the bureau of criminal identification 4926
and investigation shall forward a copy of the fingerprints and 4927
conviction data received under this division to the federal 4928
bureau of investigation. 4929

Sec. 2953.25. (A) As used in this section: 4930

(1) "Collateral sanction" means a penalty, disability, or 4931
disadvantage that is related to employment or occupational 4932
licensing, however denominated, as a result of the individual's 4933
conviction of or plea of guilty to an offense and that applies 4934
by operation of law in this state whether or not the penalty, 4935
disability, or disadvantage is included in the sentence or 4936
judgment imposed. 4937

"Collateral sanction" does not include imprisonment, 4938
probation, parole, supervised release, forfeiture, restitution, 4939
fine, assessment, or costs of prosecution. 4940

(2) "Decision-maker" includes, but is not limited to, the 4941
state acting through a department, agency, board, commission, or 4942
instrumentality established by the law of this state for the 4943
exercise of any function of government, a political subdivision, 4944
an educational institution, or a government contractor or 4945
subcontractor made subject to this section by contract, law, or 4946
ordinance. 4947

(3) "Department-funded program" means a residential or 4948
nonresidential program that is not a term in a state 4949
correctional institution, that is funded in whole or part by the 4950

department of rehabilitation and correction, and that is imposed 4951
as a sanction for an offense, as part of a sanction that is 4952
imposed for an offense, or as a term or condition of any 4953
sanction that is imposed for an offense. 4954

(4) "Designee" means the person designated by the deputy 4955
director of the division of parole and community services to 4956
perform the duties designated in division (B) of this section. 4957

(5) "Division of parole and community services" means the 4958
division of parole and community services of the department of 4959
rehabilitation and correction. 4960

(6) "Offense" means any felony or misdemeanor under the 4961
laws of this state. 4962

(7) "Political subdivision" has the same meaning as in 4963
section 2969.21 of the Revised Code. 4964

(8) "Discretionary civil impact," "licensing agency," and 4965
"mandatory civil impact" have the same meanings as in section 4966
2961.21 of the Revised Code. 4967

(B) (1) An individual who is subject to one or more 4968
collateral sanctions as a result of being convicted of or 4969
pleading guilty to an offense and who either has served a term 4970
in a state correctional institution for any offense or has spent 4971
time in a department-funded program for any offense may file a 4972
petition with the designee of the deputy director of the 4973
division of parole and community services for a certificate of 4974
qualification for employment. 4975

(2) An individual who is subject to one or more collateral 4976
sanctions as a result of being convicted of or pleading guilty 4977
to an offense and who is not in a category described in division 4978
(B) (1) of this section may file for a certificate of 4979

qualification for employment by doing either of the following: 4980

(a) In the case of an individual who resides in this 4981
state, filing a petition with the court of common pleas of the 4982
county in which the person resides or with the designee of the 4983
deputy director of the division of parole and community 4984
services; 4985

(b) In the case of an individual who resides outside of 4986
this state, filing a petition with the court of common pleas of 4987
any county in which any conviction or plea of guilty from which 4988
the individual seeks relief was entered or with the designee of 4989
the deputy director of the division of parole and community 4990
services. 4991

(3) A petition under division (B) (1) or (2) of this 4992
section shall be made on a copy of the form prescribed by the 4993
division of parole and community services under division (J) of 4994
this section and shall contain all of the information described 4995
in division (F) of this section. 4996

(4) (a) Except as provided in division (B) (4) (b) of this 4997
section, an individual may file a petition under division (B) (1) 4998
or (2) of this section at any time after the expiration of 4999
whichever of the following is applicable: 5000

(i) If the offense that resulted in the collateral 5001
sanction from which the individual seeks relief is a felony, at 5002
any time after the expiration of one year from the date of 5003
release of the individual from any period of incarceration in a 5004
state or local correctional facility that was imposed for that 5005
offense and all periods of supervision imposed after release 5006
from the period of incarceration or, if the individual was not 5007
incarcerated for that offense, at any time after the expiration 5008

of one year from the date of the individual's final release from 5009
all other sanctions imposed for that offense. 5010

(ii) If the offense that resulted in the collateral 5011
sanction from which the individual seeks relief is a 5012
misdemeanor, at any time after the expiration of six months from 5013
the date of release of the individual from any period of 5014
incarceration in a local correctional facility that was imposed 5015
for that offense and all periods of supervision imposed after 5016
release from the period of incarceration or, if the individual 5017
was not incarcerated for that offense, at any time after the 5018
expiration of six months from the date of the final release of 5019
the individual from all sanctions imposed for that offense 5020
including any period of supervision. 5021

(b) The department of rehabilitation and correction may 5022
establish criteria by rule adopted under Chapter 119. of the 5023
Revised Code that, if satisfied by an individual, would allow 5024
the individual to file a petition before the expiration of six 5025
months or one year from the date of final release, whichever is 5026
applicable under division (B) (4) (a) of this section. 5027

(5) (a) A designee that receives a petition for a 5028
certificate of qualification for employment from an individual 5029
under division (B) (1) or (2) of this section shall review the 5030
petition to determine whether it is complete. If the petition is 5031
complete, the designee shall forward the petition, and any other 5032
information the designee possesses that relates to the petition, 5033
to the court of common pleas of the county in which the 5034
individual resides if the individual submitting the petition 5035
resides in this state or, if the individual resides outside of 5036
this state, to the court of common pleas of the county in which 5037
the conviction or plea of guilty from which the individual seeks 5038

relief was entered. 5039

(b) A court of common pleas that receives a petition for a 5040
certificate of qualification for employment from an individual 5041
under division (B) (2) of this section, or that is forwarded a 5042
petition for such a certificate under division (B) (5) (a) of this 5043
section, shall attempt to determine all other courts in this 5044
state in which the individual was convicted of or pleaded guilty 5045
to an offense other than the offense from which the individual 5046
is seeking relief. The court that receives or is forwarded the 5047
petition shall notify all other courts in this state that it 5048
determines under this division were courts in which the 5049
individual was convicted of or pleaded guilty to an offense 5050
other than the offense from which the individual is seeking 5051
relief that the individual has filed the petition and that the 5052
court may send comments regarding the possible issuance of the 5053
certificate. 5054

A court of common pleas that receives a petition for a 5055
certificate of qualification for employment under division (B) 5056
(2) of this section shall notify the county's prosecuting 5057
attorney that the individual has filed the petition. 5058

A court of common pleas that receives a petition for a 5059
certificate of qualification for employment under division (B) 5060
(2) of this section, or that is forwarded a petition for 5061
qualification under division (B) (5) (a) of this section may 5062
direct the clerk of court to process and record all notices 5063
required in or under this section. 5064

(C) (1) Upon receiving a petition for a certificate of 5065
qualification for employment filed by an individual under 5066
division (B) (2) of this section or being forwarded a petition 5067
for such a certificate under division (B) (5) (a) of this section, 5068

the court shall review the individual's petition, the 5069
individual's criminal history, all filings submitted by the 5070
prosecutor or by the victim in accordance with rules adopted by 5071
the division of parole and community services, the applicant's 5072
military service record, if applicable, and whether the 5073
applicant has an emotional, mental, or physical condition that 5074
is traceable to the applicant's military service in the armed 5075
forces of the United States and that was a contributing factor 5076
in the commission of the offense or offenses, and all other 5077
relevant evidence. The court may order any report, 5078
investigation, or disclosure by the individual that the court 5079
believes is necessary for the court to reach a decision on 5080
whether to approve the individual's petition for a certificate 5081
of qualification for employment. 5082

(2) Upon receiving a petition for a certificate of 5083
qualification for employment filed by an individual under 5084
division (B) (2) of this section or being forwarded a petition 5085
for such a certificate under division (B) (5) (a) of this section, 5086
except as otherwise provided in this division, the court shall 5087
decide whether to issue the certificate within sixty days after 5088
the court receives or is forwarded the completed petition and 5089
all information requested for the court to make that decision. 5090
Upon request of the individual who filed the petition, the court 5091
may extend the sixty-day period specified in this division. 5092

(3) Subject to division (C) (5) of this section, a court 5093
that receives an individual's petition for a certificate of 5094
qualification for employment under division (B) (2) of this 5095
section or that is forwarded a petition for such a certificate 5096
under division (B) (5) (a) of this section may issue a certificate 5097
of qualification for employment, at the court's discretion, if 5098
the court finds that the individual has established all of the 5099

following by a preponderance of the evidence: 5100

(a) Granting the petition will materially assist the 5101
individual in obtaining employment or occupational licensing. 5102

(b) The individual has a substantial need for the relief 5103
requested in order to live a law-abiding life. 5104

(c) Granting the petition would not pose an unreasonable 5105
risk to the safety of the public or any individual. 5106

(4) The submission of an incomplete petition by an 5107
individual shall not be grounds for the designee or court to 5108
deny the petition. 5109

(5) A certificate of qualification for employment shall 5110
not create relief from any of the following collateral 5111
sanctions: 5112

(a) Requirements imposed by Chapter 2950. of the Revised 5113
Code and rules adopted under sections 2950.13 and 2950.132 of 5114
the Revised Code; 5115

(b) A driver's license, commercial driver's license, or 5116
probationary license suspension, cancellation, or revocation 5117
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 5118
the Revised Code if the relief sought is available pursuant to 5119
section 4510.021 or division (B) of section 4510.13 of the 5120
Revised Code; 5121

(c) Restrictions on employment as a prosecutor or law 5122
enforcement officer; 5123

(d) The denial, ineligibility, or automatic suspension of 5124
a license that is imposed upon an individual applying for or 5125
holding a license as a health care professional under Title 5126
XLVII of the Revised Code if the individual is convicted of, 5127

pleads guilty to, is subject to a judicial finding of 5128
eligibility for intervention in lieu of conviction in this state 5129
under section 2951.041 of the Revised Code, or is subject to 5130
treatment or intervention in lieu of conviction for a violation 5131
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 5132
2907.03, 2907.05, 2909.02, 2911.01, or 2911.11, ~~or 2919.123~~ of 5133
the Revised Code; 5134

(e) The immediate suspension of a license, certificate, or 5135
evidence of registration that is imposed upon an individual 5136
holding a license as a health care professional under Title 5137
XLVII of the Revised Code pursuant to division (C) of section 5138
3719.121 of the Revised Code; 5139

(f) The denial or ineligibility for employment in a pain 5140
clinic under division (B) (4) of section 4729.552 of the Revised 5141
Code; 5142

(g) The mandatory suspension of a license that is imposed 5143
on an individual applying for or holding a license as a health 5144
care professional under Title XLVII of the Revised Code pursuant 5145
to section 3123.43 of the Revised Code. 5146

(6) If a court that receives an individual's petition for 5147
a certificate of qualification for employment under division (B) 5148
(2) of this section or that is forwarded a petition for such a 5149
certificate under division (B) (5) (a) of this section denies the 5150
petition, the court shall provide written notice to the 5151
individual of the court's denial. The court may place conditions 5152
on the individual regarding the individual's filing of any 5153
subsequent petition for a certificate of qualification for 5154
employment. The written notice must notify the individual of any 5155
conditions placed on the individual's filing of a subsequent 5156
petition for a certificate of qualification for employment. 5157

If a court of common pleas that receives an individual's 5158
petition for a certificate of qualification for employment under 5159
division (B) (2) of this section or that is forwarded a petition 5160
for such a certificate under division (B) (5) (a) of this section 5161
denies the petition, the individual may appeal the decision to 5162
the court of appeals only if the individual alleges that the 5163
denial was an abuse of discretion on the part of the court of 5164
common pleas. 5165

(D) (1) A certificate of qualification for employment 5166
issued to an individual lifts the automatic bar of a collateral 5167
sanction, and a decision-maker shall consider on a case-by-case 5168
basis whether to grant or deny the issuance or restoration of an 5169
occupational license or an employment opportunity, 5170
notwithstanding the individual's possession of the certificate, 5171
without, however, reconsidering or rejecting any finding made by 5172
a designee or court under division (C) (3) of this section. 5173

(2) The certificate constitutes a rebuttable presumption 5174
that the person's criminal convictions are insufficient evidence 5175
that the person is unfit for the license, employment 5176
opportunity, or certification in question. Notwithstanding the 5177
presumption established under this division, the agency may deny 5178
the license or certification for the person if it determines 5179
that the person is unfit for issuance of the license. 5180

(3) If an employer that has hired a person who has been 5181
issued a certificate of qualification for employment applies to 5182
a licensing agency for a license or certification and the person 5183
has a conviction or guilty plea that otherwise would bar the 5184
person's employment with the employer or licensure for the 5185
employer because of a mandatory civil impact, the agency shall 5186
give the person individualized consideration, notwithstanding 5187

the mandatory civil impact, the mandatory civil impact shall be 5188
considered for all purposes to be a discretionary civil impact, 5189
and the certificate constitutes a rebuttable presumption that 5190
the person's criminal convictions are insufficient evidence that 5191
the person is unfit for the employment, or that the employer is 5192
unfit for the license or certification, in question. 5193

(E) A certificate of qualification for employment does not 5194
grant the individual to whom the certificate was issued relief 5195
from the mandatory civil impacts identified in division (A) (1) 5196
of section 2961.01 or division (B) of section 2961.02 of the 5197
Revised Code. 5198

(F) A petition for a certificate of qualification for 5199
employment filed by an individual under division (B) (1) or (2) 5200
of this section shall include all of the following: 5201

(1) The individual's name, date of birth, and social 5202
security number; 5203

(2) All aliases of the individual and all social security 5204
numbers associated with those aliases; 5205

(3) The individual's residence address, including the 5206
city, county, and state of residence and zip code; 5207

(4) The length of time that the individual has resided in 5208
the individual's current state of residence, expressed in years 5209
and months of residence; 5210

(5) A general statement as to why the individual has filed 5211
the petition and how the certificate of qualification for 5212
employment would assist the individual; 5213

(6) A summary of the individual's criminal history with 5214
respect to each offense that is a disqualification from 5215

employment or licensing in an occupation or profession, 5216
including the years of each conviction or plea of guilty for 5217
each of those offenses; 5218

(7) A summary of the individual's employment history, 5219
specifying the name of, and dates of employment with, each 5220
employer; 5221

(8) Verifiable references and endorsements; 5222

(9) The name of one or more immediate family members of 5223
the individual, or other persons with whom the individual has a 5224
close relationship, who support the individual's reentry plan; 5225

(10) A summary of the reason the individual believes the 5226
certificate of qualification for employment should be granted; 5227

(11) Any other information required by rule by the 5228
department of rehabilitation and correction. 5229

(G) (1) In a judicial or administrative proceeding alleging 5230
negligence or other fault, a certificate of qualification for 5231
employment issued to an individual under this section may be 5232
introduced as evidence of a person's due care in hiring, 5233
retaining, licensing, leasing to, admitting to a school or 5234
program, or otherwise transacting business or engaging in 5235
activity with the individual to whom the certificate of 5236
qualification for employment was issued if the person knew of 5237
the certificate at the time of the alleged negligence or other 5238
fault. 5239

(2) In any proceeding on a claim against an employer for 5240
negligent hiring, a certificate of qualification for employment 5241
issued to an individual under this section shall provide 5242
immunity for the employer as to the claim if the employer knew 5243
of the certificate at the time of the alleged negligence. 5244

(3) If an employer hires an individual who has been issued 5245
a certificate of qualification for employment under this 5246
section, if the individual, after being hired, subsequently 5247
demonstrates dangerousness or is convicted of or pleads guilty 5248
to a felony, and if the employer retains the individual as an 5249
employee after the demonstration of dangerousness or the 5250
conviction or guilty plea, the employer may be held liable in a 5251
civil action that is based on or relates to the retention of the 5252
individual as an employee only if it is proved by a 5253
preponderance of the evidence that the person having hiring and 5254
firing responsibility for the employer had actual knowledge that 5255
the employee was dangerous or had been convicted of or pleaded 5256
guilty to the felony and was willful in retaining the individual 5257
as an employee after the demonstration of dangerousness or the 5258
conviction or guilty plea of which the person has actual 5259
knowledge. 5260

(H) A certificate of qualification for employment issued 5261
under this section shall be revoked if the individual to whom 5262
the certificate of qualification for employment was issued is 5263
convicted of or pleads guilty to a felony offense committed 5264
subsequent to the issuance of the certificate of qualification 5265
for employment. The department of rehabilitation and correction 5266
shall periodically review the certificates listed in the 5267
database described in division (K) of this section to identify 5268
those that are subject to revocation under this division. Upon 5269
identifying a certificate of qualification for employment that 5270
is subject to revocation, the department shall note in the 5271
database that the certificate has been revoked, the reason for 5272
revocation, and the effective date of revocation, which shall be 5273
the date of the conviction or plea of guilty subsequent to the 5274
issuance of the certificate. 5275

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall prescribe the form for the petition to be used under division (B) (1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section.

(K) The department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.

Sec. 2967.193. (A) (1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A) (3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division

(D) (1), (2), (3), (4), or (5) of this section in which the 5306
person is included, toward satisfaction of the person's stated 5307
prison term for each completed month during which the person, if 5308
confined in a state correctional institution, productively 5309
participates in an education program, vocational training, 5310
employment in prison industries, treatment for substance abuse, 5311
or any other constructive program developed by the department 5312
with specific standards for performance by prisoners or during 5313
which the person, if placed in the substance use disorder 5314
treatment program, productively participates in the program. 5315
Except as provided in division (C) of this section and subject 5316
to the maximum aggregate total specified in division (A) (3) of 5317
this section, a person so confined in a state correctional 5318
institution who successfully completes two programs or 5319
activities of that type may, in addition, provisionally earn up 5320
to five days of credit toward satisfaction of the person's 5321
stated prison term for the successful completion of the second 5322
program or activity. The person shall not be awarded any 5323
provisional days of credit for the successful completion of the 5324
first program or activity or for the successful completion of 5325
any program or activity that is completed after the second 5326
program or activity. At the end of each calendar month in which 5327
a person productively participates in a program or activity 5328
listed in this division or successfully completes a program or 5329
activity listed in this division, the department of 5330
rehabilitation and correction shall determine and record the 5331
total number of days credit that the person provisionally earned 5332
in that calendar month. If the person in a state correctional 5333
institution violates prison rules or the person in the substance 5334
use disorder treatment program violates program or department 5335
rules, the department may deny the person a credit that 5336
otherwise could have been provisionally awarded to the person or 5337

may withdraw one or more credits previously provisionally earned 5338
by the person. Days of credit provisionally earned by a person 5339
shall be finalized and awarded by the department subject to 5340
administrative review by the department of the person's conduct. 5341

(2) Unless a person is serving a mandatory prison term or 5342
a prison term for an offense of violence or a sexually oriented 5343
offense, and notwithstanding the maximum aggregate total 5344
specified in division (A) (3) of this section, a person who 5345
successfully completes any of the following shall earn ninety 5346
days of credit toward satisfaction of the person's stated prison 5347
term or a ten per cent reduction of the person's stated prison 5348
term, whichever is less: 5349

(a) An Ohio high school diploma or Ohio certificate of 5350
high school equivalence certified by the Ohio central school 5351
system; 5352

(b) A therapeutic drug community program; 5353

(c) All three phases of the department of rehabilitation 5354
and correction's intensive outpatient drug treatment program; 5355

(d) A career technical vocational school program; 5356

(e) A college certification program; 5357

(f) The criteria for a certificate of achievement and 5358
employability as specified in division (A) (1) of section 2961.22 5359
of the Revised Code. 5360

(3) Except for persons described in division (A) (2) of 5361
this section, the aggregate days of credit provisionally earned 5362
by a person for program or activity participation and program 5363
and activity completion under this section and the aggregate 5364
days of credit finally credited to a person under this section 5365

shall not exceed eight per cent of the total number of days in 5366
the person's stated prison term. 5367

(B) The department of rehabilitation and correction shall 5368
adopt rules that specify the programs or activities for which 5369
credit may be earned under this section, the criteria for 5370
determining productive participation in, or completion of, the 5371
programs or activities and the criteria for awarding credit, 5372
including criteria for awarding additional credit for successful 5373
program or activity completion, and the criteria for denying or 5374
withdrawing previously provisionally earned credit as a result 5375
of a violation of prison rules, or program or department rules, 5376
whichever is applicable. 5377

(C) No person confined in a state correctional institution 5378
or placed in a substance use disorder treatment program to whom 5379
any of the following applies shall be awarded any days of credit 5380
under division (A) of this section: 5381

(1) The person is serving a prison term that section 5382
2929.13 or section 2929.14 of the Revised Code specifies cannot 5383
be reduced pursuant to this section or this chapter or is 5384
serving a sentence for which section 2967.13 or division (B) of 5385
section 2929.143 of the Revised Code specifies that the person 5386
is not entitled to any earned credit under this section. 5387

(2) The person is sentenced to death or is serving a 5388
prison term or a term of life imprisonment for aggravated 5389
murder, murder, or a conspiracy or attempt to commit, or 5390
complicity in committing, aggravated murder or murder. 5391

(3) The person is serving a sentence of life imprisonment 5392
without parole imposed pursuant to section 2929.03 or 2929.06 of 5393
the Revised Code, a prison term or a term of life imprisonment 5394

without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, ~~2919.13, 2919.151,~~ 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D) (1) (a) of this section.

(2) The offender may earn one day of credit under division 5424
(A) of this section, except as provided in division (C) of this 5425
section, if the offender is serving a stated prison term that 5426
includes a prison term imposed for a sexually oriented offense 5427
that the offender committed prior to September 30, 2011. 5428

(3) The offender may earn one day of credit under division 5429
(A) of this section, except as provided in division (C) of this 5430
section, if the offender is serving a stated prison term that 5431
includes a prison term imposed for a felony other than carrying 5432
a concealed weapon an essential element of which is any conduct 5433
or failure to act expressly involving any deadly weapon or 5434
dangerous ordnance. 5435

(4) Except as provided in division (C) of this section, if 5436
the most serious offense for which the offender is confined is a 5437
felony of the first or second degree and divisions (D) (1), (2), 5438
and (3) of this section do not apply to the offender, the 5439
offender may earn one day of credit under division (A) of this 5440
section if the offender committed that offense prior to 5441
September 30, 2011, and the offender may earn five days of 5442
credit under division (A) of this section if the offender 5443
committed that offense on or after September 30, 2011. 5444

(5) Except as provided in division (C) of this section, if 5445
the most serious offense for which the offender is confined is a 5446
felony of the third, fourth, or fifth degree or an unclassified 5447
felony and neither division (D) (2) nor (3) of this section 5448
applies to the offender, the offender may earn one day of credit 5449
under division (A) of this section if the offender committed 5450
that offense prior to September 30, 2011, and the offender may 5451
earn five days of credit under division (A) of this section if 5452
the offender committed that offense on or after September 30, 5453

2011. 5454

(E) The department annually shall seek and consider the 5455
written feedback of the Ohio prosecuting attorneys association, 5456
the Ohio judicial conference, the Ohio public defender, the Ohio 5457
association of criminal defense lawyers, and other organizations 5458
and associations that have an interest in the operation of the 5459
corrections system and the earned credits program under this 5460
section as part of its evaluation of the program and in 5461
determining whether to modify the program. 5462

(F) As used in this section: 5463

(1) "Sexually oriented offense" has the same meaning as in 5464
section 2950.01 of the Revised Code. 5465

(2) "Substance use disorder treatment program" means the 5466
substance use disorder treatment program established by the 5467
department of rehabilitation and correction under section 5468
5120.035 of the Revised Code. 5469

Sec. 3301.32. (A) (1) The chief administrator of any head 5470
start agency shall request the superintendent of the bureau of 5471
criminal identification and investigation to conduct a criminal 5472
records check with respect to any applicant who has applied to 5473
the head start agency for employment as a person responsible for 5474
the care, custody, or control of a child. If the applicant does 5475
not present proof that the applicant has been a resident of this 5476
state for the five-year period immediately prior to the date 5477
upon which the criminal records check is requested or does not 5478
provide evidence that within that five-year period the 5479
superintendent has requested information about the applicant 5480
from the federal bureau of investigation in a criminal records 5481
check, the chief administrator shall request that the 5482

superintendent obtain information from the federal bureau of 5483
investigation as a part of the criminal records check for the 5484
applicant. If the applicant presents proof that the applicant 5485
has been a resident of this state for that five-year period, the 5486
chief administrator may request that the superintendent include 5487
information from the federal bureau of investigation in the 5488
criminal records check. 5489

(2) Any person required by division (A)(1) of this section 5490
to request a criminal records check shall provide to each 5491
applicant a copy of the form prescribed pursuant to division (C) 5492
(1) of section 109.572 of the Revised Code, provide to each 5493
applicant a standard impression sheet to obtain fingerprint 5494
impressions prescribed pursuant to division (C)(2) of section 5495
109.572 of the Revised Code, obtain the completed form and 5496
impression sheet from each applicant, and forward the completed 5497
form and impression sheet to the superintendent of the bureau of 5498
criminal identification and investigation at the time the chief 5499
administrator requests a criminal records check pursuant to 5500
division (A)(1) of this section. 5501

(3) Any applicant who receives pursuant to division (A)(2) 5502
of this section a copy of the form prescribed pursuant to 5503
division (C)(1) of section 109.572 of the Revised Code and a 5504
copy of an impression sheet prescribed pursuant to division (C) 5505
(2) of that section and who is requested to complete the form 5506
and provide a set of fingerprint impressions shall complete the 5507
form or provide all the information necessary to complete the 5508
form and shall provide the impression sheets with the 5509
impressions of the applicant's fingerprints. If an applicant, 5510
upon request, fails to provide the information necessary to 5511
complete the form or fails to provide impressions of the 5512
applicant's fingerprints, the head start agency shall not employ 5513

that applicant for any position for which a criminal records 5514
check is required by division (A) (1) of this section. 5515

(B) (1) Except as provided in rules adopted by the director 5516
of job and family services in accordance with division (E) of 5517
this section, no head start agency shall employ a person as a 5518
person responsible for the care, custody, or control of a child 5519
if the person previously has been convicted of or pleaded guilty 5520
to any of the following: 5521

(a) A violation of section 2903.01, 2903.02, 2903.03, 5522
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5523
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5524
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5525
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5526
2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12~~, 2919.22, 2919.24, 5527
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 5528
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 5529
section 2905.04 of the Revised Code as it existed prior to July 5530
1, 1996, a violation of section 2919.23 of the Revised Code that 5531
would have been a violation of section 2905.04 of the Revised 5532
Code as it existed prior to July 1, 1996, had the violation 5533
occurred prior to that date, a violation of section 2925.11 of 5534
the Revised Code that is not a minor drug possession offense, or 5535
felonious sexual penetration in violation of former section 5536
2907.12 of the Revised Code; 5537

(b) A violation of an existing or former law of this 5538
state, any other state, or the United States that is 5539
substantially equivalent to any of the offenses or violations 5540
described in division (B) (1) (a) of this section. 5541

(2) A head start agency may employ an applicant 5542
conditionally until the criminal records check required by this 5543

section is completed and the agency receives the results of the 5544
criminal records check. If the results of the criminal records 5545
check indicate that, pursuant to division (B) (1) of this 5546
section, the applicant does not qualify for employment, the 5547
agency shall release the applicant from employment. 5548

(C) (1) Each head start agency shall pay to the bureau of 5549
criminal identification and investigation the fee prescribed 5550
pursuant to division (C) (3) of section 109.572 of the Revised 5551
Code for each criminal records check conducted in accordance 5552
with that section upon the request pursuant to division (A) (1) 5553
of this section of the chief administrator of the head start 5554
agency. 5555

(2) A head start agency may charge an applicant a fee for 5556
the costs it incurs in obtaining a criminal records check under 5557
this section. A fee charged under this division shall not exceed 5558
the amount of fees the agency pays under division (C) (1) of this 5559
section. If a fee is charged under this division, the agency 5560
shall notify the applicant at the time of the applicant's 5561
initial application for employment of the amount of the fee and 5562
that, unless the fee is paid, the head start agency will not 5563
consider the applicant for employment. 5564

(D) The report of any criminal records check conducted by 5565
the bureau of criminal identification and investigation in 5566
accordance with section 109.572 of the Revised Code and pursuant 5567
to a request made under division (A) (1) of this section is not a 5568
public record for the purposes of section 149.43 of the Revised 5569
Code and shall not be made available to any person other than 5570
the applicant who is the subject of the criminal records check 5571
or the applicant's representative, the head start agency 5572
requesting the criminal records check or its representative, and 5573

any court, hearing officer, or other necessary individual 5574
involved in a case dealing with the denial of employment to the 5575
applicant. 5576

(E) The director of job and family services shall adopt 5577
rules pursuant to Chapter 119. of the Revised Code to implement 5578
this section, including rules specifying circumstances under 5579
which a head start agency may hire a person who has been 5580
convicted of an offense listed in division (B)(1) of this 5581
section but who meets standards in regard to rehabilitation set 5582
by the director. 5583

(F) Any person required by division (A)(1) of this section 5584
to request a criminal records check shall inform each person, at 5585
the time of the person's initial application for employment, 5586
that the person is required to provide a set of impressions of 5587
the person's fingerprints and that a criminal records check is 5588
required to be conducted and satisfactorily completed in 5589
accordance with section 109.572 of the Revised Code if the 5590
person comes under final consideration for appointment or 5591
employment as a precondition to employment for that position. 5592

(G) As used in this section: 5593

(1) "Applicant" means a person who is under final 5594
consideration for appointment or employment in a position with a 5595
head start agency as a person responsible for the care, custody, 5596
or control of a child. 5597

(2) "Head start agency" means an entity in this state that 5598
has been approved to be an agency for purposes of the "Head 5599
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 5600

(3) "Criminal records check" has the same meaning as in 5601
section 109.572 of the Revised Code. 5602

(4) "Minor drug possession offense" has the same meaning 5603
as in section 2925.01 of the Revised Code. 5604

Sec. 3301.541. (A) (1) The director, head teacher, 5605
elementary principal, or site administrator of a preschool 5606
program shall request the superintendent of the bureau of 5607
criminal identification and investigation to conduct a criminal 5608
records check with respect to any applicant who has applied to 5609
the preschool program for employment as a person responsible for 5610
the care, custody, or control of a child. If the applicant does 5611
not present proof that the applicant has been a resident of this 5612
state for the five-year period immediately prior to the date 5613
upon which the criminal records check is requested or does not 5614
provide evidence that within that five-year period the 5615
superintendent has requested information about the applicant 5616
from the federal bureau of investigation in a criminal records 5617
check, the director, head teacher, or elementary principal shall 5618
request that the superintendent obtain information from the 5619
federal bureau of investigation as a part of the criminal 5620
records check for the applicant. If the applicant presents proof 5621
that the applicant has been a resident of this state for that 5622
five-year period, the director, head teacher, or elementary 5623
principal may request that the superintendent include 5624
information from the federal bureau of investigation in the 5625
criminal records check. 5626

(2) Any director, head teacher, elementary principal, or 5627
site administrator required by division (A) (1) of this section 5628
to request a criminal records check shall provide to each 5629
applicant a copy of the form prescribed pursuant to division (C) 5630
(1) of section 109.572 of the Revised Code, provide to each 5631
applicant a standard impression sheet to obtain fingerprint 5632
impressions prescribed pursuant to division (C) (2) of section 5633

109.572 of the Revised Code, obtain the completed form and 5634
impression sheet from each applicant, and forward the completed 5635
form and impression sheet to the superintendent of the bureau of 5636
criminal identification and investigation at the time the person 5637
requests a criminal records check pursuant to division (A) (1) of 5638
this section. 5639

(3) Any applicant who receives pursuant to division (A) (2) 5640
of this section a copy of the form prescribed pursuant to 5641
division (C) (1) of section 109.572 of the Revised Code and a 5642
copy of an impression sheet prescribed pursuant to division (C) 5643
(2) of that section and who is requested to complete the form 5644
and provide a set of fingerprint impressions shall complete the 5645
form or provide all the information necessary to complete the 5646
form and provide the impression sheet with the impressions of 5647
the applicant's fingerprints. If an applicant, upon request, 5648
fails to provide the information necessary to complete the form 5649
or fails to provide impressions of the applicant's fingerprints, 5650
the preschool program shall not employ that applicant for any 5651
position for which a criminal records check is required by 5652
division (A) (1) of this section. 5653

(B) (1) Except as provided in rules adopted by the 5654
department of education in accordance with division (E) of this 5655
section, no preschool program shall employ a person as a person 5656
responsible for the care, custody, or control of a child if the 5657
person previously has been convicted of or pleaded guilty to any 5658
of the following: 5659

(a) A violation of section 2903.01, 2903.02, 2903.03, 5660
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5661
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5662
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5663

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5664
2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12~~, 2919.22, 2919.24, 5665
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 5666
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 5667
section 2905.04 of the Revised Code as it existed prior to July 5668
1, 1996, a violation of section 2919.23 of the Revised Code that 5669
would have been a violation of section 2905.04 of the Revised 5670
Code as it existed prior to July 1, 1996, had the violation 5671
occurred prior to that date, a violation of section 2925.11 of 5672
the Revised Code that is not a minor drug possession offense, or 5673
felonious sexual penetration in violation of former section 5674
2907.12 of the Revised Code; 5675

(b) A violation of an existing or former law of this 5676
state, any other state, or the United States that is 5677
substantially equivalent to any of the offenses or violations 5678
described in division (B) (1) (a) of this section. 5679

(2) A preschool program may employ an applicant 5680
conditionally until the criminal records check required by this 5681
section is completed and the preschool program receives the 5682
results of the criminal records check. If the results of the 5683
criminal records check indicate that, pursuant to division (B) 5684
(1) of this section, the applicant does not qualify for 5685
employment, the preschool program shall release the applicant 5686
from employment. 5687

(C) (1) Each preschool program shall pay to the bureau of 5688
criminal identification and investigation the fee prescribed 5689
pursuant to division (C) (3) of section 109.572 of the Revised 5690
Code for each criminal records check conducted in accordance 5691
with that section upon the request pursuant to division (A) (1) 5692
of this section of the director, head teacher, elementary 5693

principal, or site administrator of the preschool program. 5694

(2) A preschool program may charge an applicant a fee for 5695
the costs it incurs in obtaining a criminal records check under 5696
this section. A fee charged under this division shall not exceed 5697
the amount of fees the preschool program pays under division (C) 5698
(1) of this section. If a fee is charged under this division, 5699
the preschool program shall notify the applicant at the time of 5700
the applicant's initial application for employment of the amount 5701
of the fee and that, unless the fee is paid, the applicant will 5702
not be considered for employment. 5703

(D) The report of any criminal records check conducted by 5704
the bureau of criminal identification and investigation in 5705
accordance with section 109.572 of the Revised Code and pursuant 5706
to a request under division (A)(1) of this section is not a 5707
public record for the purposes of section 149.43 of the Revised 5708
Code and shall not be made available to any person other than 5709
the applicant who is the subject of the criminal records check 5710
or the applicant's representative, the preschool program 5711
requesting the criminal records check or its representative, and 5712
any court, hearing officer, or other necessary individual in a 5713
case dealing with the denial of employment to the applicant. 5714

(E) The department of education shall adopt rules pursuant 5715
to Chapter 119. of the Revised Code to implement this section, 5716
including rules specifying circumstances under which a preschool 5717
program may hire a person who has been convicted of an offense 5718
listed in division (B)(1) of this section but who meets 5719
standards in regard to rehabilitation set by the department. 5720

(F) Any person required by division (A)(1) of this section 5721
to request a criminal records check shall inform each person, at 5722
the time of the person's initial application for employment, 5723

that the person is required to provide a set of impressions of 5724
the person's fingerprints and that a criminal records check is 5725
required to be conducted and satisfactorily completed in 5726
accordance with section 109.572 of the Revised Code if the 5727
person comes under final consideration for appointment or 5728
employment as a precondition to employment for that position. 5729

(G) As used in this section: 5730

(1) "Applicant" means a person who is under final 5731
consideration for appointment or employment in a position with a 5732
preschool program as a person responsible for the care, custody, 5733
or control of a child, except that "applicant" does not include 5734
a person already employed by a board of education, community 5735
school, or chartered nonpublic school in a position of care, 5736
custody, or control of a child who is under consideration for a 5737
different position with such board or school. 5738

(2) "Criminal records check" has the same meaning as in 5739
section 109.572 of the Revised Code. 5740

(3) "Minor drug possession offense" has the same meaning 5741
as in section 2925.01 of the Revised Code. 5742

(H) If the board of education of a local school district 5743
adopts a resolution requesting the assistance of the educational 5744
service center in which the local district has territory in 5745
conducting criminal records checks of substitute teachers under 5746
this section, the appointing or hiring officer of such 5747
educational service center governing board shall serve for 5748
purposes of this section as the appointing or hiring officer of 5749
the local board in the case of hiring substitute teachers for 5750
employment in the local district. 5751

Sec. 3301.88. (A) A recipient of a grant under section 5752

3301.86 of the Revised Code may request from the bureau of 5753
criminal identification and investigation a criminal records 5754
check on any individual, other than an individual described in 5755
division (B) of this section, who applies to participate in 5756
providing directly to children any program or service funded in 5757
whole or in part by the grant. If a recipient elects to request 5758
a criminal records check, the request shall consist of a request 5759
for the information a school district board of education may 5760
request under division (F) (2) (a) of section 109.57 of the 5761
Revised Code and shall be accompanied by one of the following 5762
identification options: 5763

(1) The form and standard impression sheet prescribed by 5764
the bureau under division (C) of section 109.572 of the Revised 5765
Code; 5766

(2) A form prescribed by the bureau on which is specified 5767
the individual's name, social security number, and date of 5768
birth. 5769

(B) A grant recipient shall not request a criminal records 5770
check under division (A) of this section with respect to any 5771
individual who furnishes the grant recipient with a certified 5772
copy of a report of a criminal records check completed by the 5773
bureau within one year prior to applying to participate in 5774
providing programs or services under the grant. 5775

(C) Except as provided in rules adopted under division (G) 5776
(2) of this section, a grant recipient shall not allow an 5777
individual to participate in providing directly to children any 5778
program or service funded in whole or in part by the grant if 5779
the information requested under this section from the bureau 5780
indicates that the individual has ever pleaded guilty to or been 5781
found guilty by a jury or court of any of the following: 5782

(1) A felony;	5783
(2) A violation of section 2903.16, 2903.34, 2905.05,	5784
2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25,	5785
2907.31, 2919.12 , 2919.22, 2919.24, 2925.04, or 3716.11 of the	5786
Revised Code; a violation of section 2905.04 of the Revised Code	5787
as it existed prior to July 1, 1996; or a violation of section	5788
2919.23 of the Revised Code that would have been a violation of	5789
section 2905.04 of the Revised Code as it existed prior to July	5790
1, 1996, had it been committed prior to that date;	5791
(3) An offense of violence;	5792
(4) A theft offense, as defined in section 2913.01 of the	5793
Revised Code;	5794
(5) A drug abuse offense, as defined in section 2925.01 of	5795
the Revised Code;	5796
(6) A violation of an existing or former ordinance of a	5797
municipal corporation or law of the United States or another	5798
state that is substantively comparable to an offense listed in	5799
divisions (C) (1) to (5) of this section.	5800
(D) A grant recipient that elects to request criminal	5801
records checks may conditionally allow an individual to	5802
participate in providing programs or services directly to	5803
children until the criminal records check is completed and the	5804
grant recipient receives the results. If the results of the	5805
criminal records check indicate that the individual has been	5806
convicted of or pleaded guilty to an offense listed in division	5807
(C) of this section, the grant recipient shall not allow the	5808
individual to further participate in providing directly to	5809
children any program or service funded in whole or in part by	5810
the grant, except as provided in the rules adopted under	5811

division (G) (2) of this section. 5812

(E) The report of any criminal records check conducted in 5813
accordance with division (F) (5) of section 109.57 of the Revised 5814
Code pursuant to a request under this section is not a public 5815
record for purposes of section 149.43 of the Revised Code. The 5816
report shall not be made available to any person other than the 5817
individual who is the subject of the criminal records check or 5818
the individual's representative, the grant recipient or the 5819
grant recipient's representative, and any court, hearing 5820
officer, or other necessary individual in a case dealing with 5821
the denial of the individual's participation in a program or 5822
service funded by a grant awarded under section 3301.86 of the 5823
Revised Code. 5824

(F) The department of education shall reimburse each grant 5825
recipient for each criminal records check the actual amount paid 5826
by the grant recipient for the portion of the criminal records 5827
check conducted by the bureau of criminal identification and 5828
investigation. Reimbursement shall be paid under this division 5829
only for criminal records checks on individuals who apply to 5830
participate in providing directly to children any program or 5831
service funded in whole or in part by the grant. To receive it, 5832
the grant recipient must submit information to the department in 5833
the form and manner required by the department. The 5834
reimbursement is in addition to the grant awarded to the 5835
recipient under section 3301.86 of the Revised Code. 5836

(G) The state board of education shall adopt rules in 5837
accordance with Chapter 119. of the Revised Code: 5838

(1) Prescribing the form and manner in which grant 5839
recipients must submit information to the department to receive 5840
reimbursement under division (F) of this section; 5841

(2) Specifying circumstances under which a grant recipient 5842
may allow an individual whose criminal records check report 5843
indicates that the individual has been convicted of or pleaded 5844
guilty to an offense listed in division (C) of this section, but 5845
who meets standards in regard to rehabilitation set forth in the 5846
rules, to participate in providing directly to children any 5847
program or service funded in whole or in part by the grant. 5848

Sec. 3319.31. (A) As used in this section and sections 5849
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 5850
means a certificate, license, or permit described in this 5851
chapter or in division (B) of section 3301.071 or in section 5852
3301.074 of the Revised Code. 5853

(B) For any of the following reasons, the state board of 5854
education, in accordance with Chapter 119. and section 3319.311 5855
of the Revised Code, may refuse to issue a license to an 5856
applicant; may limit a license it issues to an applicant; may 5857
suspend, revoke, or limit a license that has been issued to any 5858
person; or may revoke a license that has been issued to any 5859
person and has expired: 5860

(1) Engaging in an immoral act, incompetence, negligence, 5861
or conduct that is unbecoming to the applicant's or person's 5862
position; 5863

(2) A plea of guilty to, a finding of guilt by a jury or 5864
court of, or a conviction of any of the following: 5865

(a) A felony other than a felony listed in division (C) of 5866
this section; 5867

(b) An offense of violence other than an offense of 5868
violence listed in division (C) of this section; 5869

(c) A theft offense, as defined in section 2913.01 of the 5870

Revised Code, other than a theft offense listed in division (C)	5871
of this section;	5872
(d) A drug abuse offense, as defined in section 2925.01 of	5873
the Revised Code, that is not a minor misdemeanor, other than a	5874
drug abuse offense listed in division (C) of this section;	5875
(e) A violation of an ordinance of a municipal corporation	5876
that is substantively comparable to an offense listed in	5877
divisions (B) (2) (a) to (d) of this section.	5878
(3) A judicial finding of eligibility for intervention in	5879
lieu of conviction under section 2951.041 of the Revised Code,	5880
or agreeing to participate in a pre-trial diversion program	5881
under section 2935.36 of the Revised Code, or a similar	5882
diversion program under rules of a court, for any offense listed	5883
in division (B) (2) or (C) of this section;	5884
(4) Failure to comply with section 3313.536, 3314.40,	5885
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	5886
(C) Upon learning of a plea of guilty to, a finding of	5887
guilt by a jury or court of, or a conviction of any of the	5888
offenses listed in this division by a person who holds a current	5889
or expired license or is an applicant for a license or renewal	5890
of a license, the state board or the superintendent of public	5891
instruction, if the state board has delegated the duty pursuant	5892
to division (D) of this section, shall by a written order revoke	5893
the person's license or deny issuance or renewal of the license	5894
to the person. The state board or the superintendent shall	5895
revoke a license that has been issued to a person to whom this	5896
division applies and has expired in the same manner as a license	5897
that has not expired.	5898
Revocation of a license or denial of issuance or renewal	5899

of a license under this division is effective immediately at the 5900
time and date that the board or superintendent issues the 5901
written order and is not subject to appeal in accordance with 5902
Chapter 119. of the Revised Code. Revocation of a license or 5903
denial of issuance or renewal of license under this division 5904
remains in force during the pendency of an appeal by the person 5905
of the plea of guilty, finding of guilt, or conviction that is 5906
the basis of the action taken under this division. 5907

The state board or superintendent shall take the action 5908
required by this division for a violation of division (B) (1), 5909
(2), (3), or (4) of section 2919.22 of the Revised Code; a 5910
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 5911
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 5912
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 5913
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 5914
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 5915
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 5916
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 5917
2917.33, ~~2919.12, 2919.121, 2919.13,~~ 2921.02, 2921.03, 2921.04, 5918
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 5919
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 5920
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 5921
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 5922
violation of section 2905.04 of the Revised Code as it existed 5923
prior to July 1, 1996; a violation of section 2919.23 of the 5924
Revised Code that would have been a violation of section 2905.04 5925
of the Revised Code as it existed prior to July 1, 1996, had the 5926
violation been committed prior to that date; felonious sexual 5927
penetration in violation of former section 2907.12 of the 5928
Revised Code; or a violation of an ordinance of a municipal 5929
corporation that is substantively comparable to an offense 5930

listed in this paragraph. 5931

(D) The state board may delegate to the superintendent of 5932
public instruction the authority to revoke a person's license or 5933
to deny issuance or renewal of a license to a person under 5934
division (C) or (F) of this section. 5935

(E) (1) If the plea of guilty, finding of guilt, or 5936
conviction that is the basis of the action taken under division 5937
(B) (2) or (C) of this section, or under the version of division 5938
(F) of section 3319.311 of the Revised Code in effect prior to 5939
September 12, 2008, is overturned on appeal, upon exhaustion of 5940
the criminal appeal, the clerk of the court that overturned the 5941
plea, finding, or conviction or, if applicable, the clerk of the 5942
court that accepted an appeal from the court that overturned the 5943
plea, finding, or conviction, shall notify the state board that 5944
the plea, finding, or conviction has been overturned. Within 5945
thirty days after receiving the notification, the state board 5946
shall initiate proceedings to reconsider the revocation or 5947
denial of the person's license in accordance with division (E) 5948
(2) of this section. In addition, the person whose license was 5949
revoked or denied may file with the state board a petition for 5950
reconsideration of the revocation or denial along with 5951
appropriate court documents. 5952

(2) Upon receipt of a court notification or a petition and 5953
supporting court documents under division (E) (1) of this 5954
section, the state board, after offering the person an 5955
opportunity for an adjudication hearing under Chapter 119. of 5956
the Revised Code, shall determine whether the person committed 5957
the act in question in the prior criminal action against the 5958
person that is the basis of the revocation or denial and may 5959
continue the revocation or denial, may reinstate the person's 5960

license, with or without limits, or may grant the person a new 5961
license, with or without limits. The decision of the board shall 5962
be based on grounds for revoking, denying, suspending, or 5963
limiting a license adopted by rule under division (G) of this 5964
section and in accordance with the evidentiary standards the 5965
board employs for all other licensure hearings. The decision of 5966
the board under this division is subject to appeal under Chapter 5967
119. of the Revised Code. 5968

(3) A person whose license is revoked or denied under 5969
division (C) of this section shall not apply for any license if 5970
the plea of guilty, finding of guilt, or conviction that is the 5971
basis of the revocation or denial, upon completion of the 5972
criminal appeal, either is upheld or is overturned but the state 5973
board continues the revocation or denial under division (E) (2) 5974
of this section and that continuation is upheld on final appeal. 5975

(F) The state board may take action under division (B) of 5976
this section, and the state board or the superintendent shall 5977
take the action required under division (C) of this section, on 5978
the basis of substantially comparable conduct occurring in a 5979
jurisdiction outside this state or occurring before a person 5980
applies for or receives any license. 5981

(G) The state board may adopt rules in accordance with 5982
Chapter 119. of the Revised Code to carry out this section and 5983
section 3319.311 of the Revised Code. 5984

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 5985
(b) of section 109.57 of the Revised Code, the appointing or 5986
hiring officer of the board of education of a school district, 5987
the governing board of an educational service center, or of a 5988
chartered nonpublic school shall request the superintendent of 5989
the bureau of criminal identification and investigation to 5990

conduct a criminal records check with respect to any applicant 5991
who has applied to the school district, educational service 5992
center, or school for employment in any position. The appointing 5993
or hiring officer shall request that the superintendent include 5994
information from the federal bureau of investigation in the 5995
criminal records check, unless all of the following apply to the 5996
applicant: 5997

(a) The applicant is applying to be an instructor of adult 5998
education. 5999

(b) The duties of the position for which the applicant is 6000
applying do not involve routine interaction with a child or 6001
regular responsibility for the care, custody, or control of a 6002
child or, if the duties do involve such interaction or 6003
responsibility, during any period of time in which the 6004
applicant, if hired, has such interaction or responsibility, 6005
another employee of the school district, educational service 6006
center, or chartered nonpublic school will be present in the 6007
same room with the child or, if outdoors, will be within a 6008
thirty-yard radius of the child or have visual contact with the 6009
child. 6010

(c) The applicant presents proof that the applicant has 6011
been a resident of this state for the five-year period 6012
immediately prior to the date upon which the criminal records 6013
check is requested or provides evidence that within that five- 6014
year period the superintendent has requested information about 6015
the applicant from the federal bureau of investigation in a 6016
criminal records check. 6017

(2) A person required by division (A) (1) of this section 6018
to request a criminal records check shall provide to each 6019
applicant a copy of the form prescribed pursuant to division (C) 6020

(1) of section 109.572 of the Revised Code, provide to each 6021
applicant a standard impression sheet to obtain fingerprint 6022
impressions prescribed pursuant to division (C) (2) of section 6023
109.572 of the Revised Code, obtain the completed form and 6024
impression sheet from each applicant, and forward the completed 6025
form and impression sheet to the superintendent of the bureau of 6026
criminal identification and investigation at the time the person 6027
requests a criminal records check pursuant to division (A) (1) of 6028
this section. 6029

(3) An applicant who receives pursuant to division (A) (2) 6030
of this section a copy of the form prescribed pursuant to 6031
division (C) (1) of section 109.572 of the Revised Code and a 6032
copy of an impression sheet prescribed pursuant to division (C) 6033
(2) of that section and who is requested to complete the form 6034
and provide a set of fingerprint impressions shall complete the 6035
form or provide all the information necessary to complete the 6036
form and shall provide the impression sheet with the impressions 6037
of the applicant's fingerprints. If an applicant, upon request, 6038
fails to provide the information necessary to complete the form 6039
or fails to provide impressions of the applicant's fingerprints, 6040
the board of education of a school district, governing board of 6041
an educational service center, or governing authority of a 6042
chartered nonpublic school shall not employ that applicant for 6043
any position. 6044

(4) Notwithstanding any provision of this section to the 6045
contrary, an applicant who meets the conditions prescribed in 6046
divisions (A) (1) (a) and (b) of this section and who, within the 6047
two-year period prior to the date of application, was the 6048
subject of a criminal records check under this section prior to 6049
being hired for short-term employment with the school district, 6050
educational service center, or chartered nonpublic school to 6051

which application is being made shall not be required to undergo 6052
a criminal records check prior to the applicant's rehiring by 6053
that district, service center, or school. 6054

(B) (1) Except as provided in rules adopted by the 6055
department of education in accordance with division (E) of this 6056
section and as provided in division (B) (3) of this section, no 6057
board of education of a school district, no governing board of 6058
an educational service center, and no governing authority of a 6059
chartered nonpublic school shall employ a person if the person 6060
previously has been convicted of or pleaded guilty to any of the 6061
following: 6062

(a) A violation of section 2903.01, 2903.02, 2903.03, 6063
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6064
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 6065
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 6066
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6067
2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12~~, 2919.22, 2919.24, 6068
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 6069
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 6070
section 2905.04 of the Revised Code as it existed prior to July 6071
1, 1996, a violation of section 2919.23 of the Revised Code that 6072
would have been a violation of section 2905.04 of the Revised 6073
Code as it existed prior to July 1, 1996, had the violation been 6074
committed prior to that date, a violation of section 2925.11 of 6075
the Revised Code that is not a minor drug possession offense, or 6076
felonious sexual penetration in violation of former section 6077
2907.12 of the Revised Code; 6078

(b) A violation of an existing or former law of this 6079
state, another state, or the United States that is substantially 6080
equivalent to any of the offenses or violations described in 6081

division (B) (1) (a) of this section. 6082

(2) A board, governing board of an educational service 6083
center, or a governing authority of a chartered nonpublic school 6084
may employ an applicant conditionally until the criminal records 6085
check required by this section is completed and the board or 6086
governing authority receives the results of the criminal records 6087
check. If the results of the criminal records check indicate 6088
that, pursuant to division (B) (1) of this section, the applicant 6089
does not qualify for employment, the board or governing 6090
authority shall release the applicant from employment. 6091

(3) No board and no governing authority of a chartered 6092
nonpublic school shall employ a teacher who previously has been 6093
convicted of or pleaded guilty to any of the offenses listed in 6094
section 3319.31 of the Revised Code. 6095

(C) (1) Each board and each governing authority of a 6096
chartered nonpublic school shall pay to the bureau of criminal 6097
identification and investigation the fee prescribed pursuant to 6098
division (C) (3) of section 109.572 of the Revised Code for each 6099
criminal records check conducted in accordance with that section 6100
upon the request pursuant to division (A) (1) of this section of 6101
the appointing or hiring officer of the board or governing 6102
authority. 6103

(2) A board and the governing authority of a chartered 6104
nonpublic school may charge an applicant a fee for the costs it 6105
incurs in obtaining a criminal records check under this section. 6106
A fee charged under this division shall not exceed the amount of 6107
fees the board or governing authority pays under division (C) (1) 6108
of this section. If a fee is charged under this division, the 6109
board or governing authority shall notify the applicant at the 6110
time of the applicant's initial application for employment of 6111

the amount of the fee and that, unless the fee is paid, the 6112
board or governing authority will not consider the applicant for 6113
employment. 6114

(D) The report of any criminal records check conducted by 6115
the bureau of criminal identification and investigation in 6116
accordance with section 109.572 of the Revised Code and pursuant 6117
to a request under division (A)(1) of this section is not a 6118
public record for the purposes of section 149.43 of the Revised 6119
Code and shall not be made available to any person other than 6120
the applicant who is the subject of the criminal records check 6121
or the applicant's representative, the board or governing 6122
authority requesting the criminal records check or its 6123
representative, and any court, hearing officer, or other 6124
necessary individual involved in a case dealing with the denial 6125
of employment to the applicant. 6126

(E) The department of education shall adopt rules pursuant 6127
to Chapter 119. of the Revised Code to implement this section, 6128
including rules specifying circumstances under which the board 6129
or governing authority may hire a person who has been convicted 6130
of an offense listed in division (B)(1) or (3) of this section 6131
but who meets standards in regard to rehabilitation set by the 6132
department. 6133

The department shall amend rule 3301-83-23 of the Ohio 6134
Administrative Code that took effect August 27, 2009, and that 6135
specifies the offenses that disqualify a person for employment 6136
as a school bus or school van driver and establishes 6137
rehabilitation standards for school bus and school van drivers. 6138

(F) Any person required by division (A)(1) of this section 6139
to request a criminal records check shall inform each person, at 6140
the time of the person's initial application for employment, of 6141

the requirement to provide a set of fingerprint impressions and 6142
that a criminal records check is required to be conducted and 6143
satisfactorily completed in accordance with section 109.572 of 6144
the Revised Code if the person comes under final consideration 6145
for appointment or employment as a precondition to employment 6146
for the school district, educational service center, or school 6147
for that position. 6148

(G) As used in this section: 6149

(1) "Applicant" means a person who is under final 6150
consideration for appointment or employment in a position with a 6151
board of education, governing board of an educational service 6152
center, or a chartered nonpublic school, except that "applicant" 6153
does not include a person already employed by a board or 6154
chartered nonpublic school who is under consideration for a 6155
different position with such board or school. 6156

(2) "Teacher" means a person holding an educator license 6157
or permit issued under section 3319.22 or 3319.301 of the 6158
Revised Code and teachers in a chartered nonpublic school. 6159

(3) "Criminal records check" has the same meaning as in 6160
section 109.572 of the Revised Code. 6161

(4) "Minor drug possession offense" has the same meaning 6162
as in section 2925.01 of the Revised Code. 6163

(H) If the board of education of a local school district 6164
adopts a resolution requesting the assistance of the educational 6165
service center in which the local district has territory in 6166
conducting criminal records checks of substitute teachers and 6167
substitutes for other district employees under this section, the 6168
appointing or hiring officer of such educational service center 6169
shall serve for purposes of this section as the appointing or 6170

hiring officer of the local board in the case of hiring 6171
substitute teachers and other substitute employees for the local 6172
district. 6173

Sec. 3701.034. (A) As used in this section: 6174

(1) "Affiliate" means an entity that has with another 6175
entity a legal relationship created or governed by at least one 6176
written instrument that demonstrates any of the following: 6177

(a) Common ownership, management, or control; 6178

(b) A franchise agreement; 6179

(c) The granting or extension of a license or other 6180
agreement that authorizes an entity to use the other entity's 6181
brand name, trademark, service mark, or other registered 6182
identification mark. 6183

(2) "Violence Against Women Act" means section 1910A of 6184
section 40151 of the "Violent Crime Control and Law Enforcement 6185
Act of 1994," part A of Title XIX of the "Public Health and 6186
Human Services Act," 108 Stat. 1920 (1994), former 42 U.S.C. 6187
300w, 42 U.S.C. 280b-1b, as amended. 6188

(3) "Breast and Cervical Cancer Mortality Prevention Act" 6189
means the "Breast and Cervical Cancer Mortality Prevention Act 6190
of 1990," 104 Stat. 409 (1990), 42 U.S.C. 300k, as amended. 6191

(4) "Infertility prevention project" means the infertility 6192
prevention project operated by the United States centers for 6193
disease control and prevention. 6194

(5) "Minority HIV/AIDS initiative" means the minority 6195
HIV/AIDS initiative operated by the office of minority health in 6196
the United States department of health and human services. 6197

(6) "Personal responsibility education program" means the program administered by the administration for children and families in the United States department of health and human services to educate adolescents on abstinence and contraception for the prevention of pregnancy and sexually transmitted infections.

(7) ~~"Nontherapeutic abortion"~~ "Abortion" has the same meaning as in section ~~9.04-2919.11~~ of the Revised Code.

(8) "Promote" means to advocate for, assist with, encourage, or popularize through advertising or publicity.

(B) The department of health shall ensure that all funds it receives through the Violence Against Women Act to distribute as grants for the purpose of education and prevention of violence against women are not used to do any of the following:

(1) Perform ~~nontherapeutic~~ abortions;

(2) Promote ~~nontherapeutic~~ abortions;

(3) Contract with any entity that performs or promotes ~~nontherapeutic~~ abortions;

(4) Become or continue to be an affiliate of any entity that performs or promotes ~~nontherapeutic~~ abortions.

(C) The department shall ensure that all funds it receives through the Breast and Cervical Cancer Mortality Prevention Act for a program to provide breast and cervical cancer screening and diagnostic testing and all federal and state funds that it uses to operate such a program are not used to do any of the following:

(1) Perform ~~nontherapeutic~~ abortions;

(2) Promote nontherapeutic -abortions;	6225
(3) Contract with any entity that performs or promotes nontherapeutic -abortions;	6226 6227
(4) Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic -abortions.	6228 6229
(D) The department shall ensure that all materials it receives through the infertility prevention project are not distributed to entities that do any of the following and shall ensure that all funds it uses for treatment associated with the infertility prevention project are not used to do any of the following:	6230 6231 6232 6233 6234 6235
(1) Perform nontherapeutic -abortions;	6236
(2) Promote nontherapeutic -abortions;	6237
(3) Contract with any entity that performs or promotes nontherapeutic -abortions;	6238 6239
(4) Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic -abortions.	6240 6241
(E) The department shall ensure that all funds it receives through the minority HIV/AIDS initiative to distribute as grants and all other federal and state funds that are part of the grants distributed under this initiative are not used to do any of the following:	6242 6243 6244 6245 6246
(1) Perform nontherapeutic -abortions;	6247
(2) Promote nontherapeutic -abortions;	6248
(3) Contract with any entity that performs or promotes nontherapeutic -abortions;	6249 6250
(4) Become or continue to be an affiliate of any entity	6251

that performs or promotes ~~nontherapeutic~~-abortions. 6252

(F) The department shall ensure that all state funds it 6253
receives, including funding for infant mortality reduction or 6254
infant vitality initiatives, are not used to do any of the 6255
following: 6256

(1) Perform ~~nontherapeutic~~-abortions; 6257

(2) Promote ~~nontherapeutic~~-abortions; 6258

(3) Contract with any entity that performs or promotes 6259
~~nontherapeutic~~-abortions; 6260

(4) Become or continue to be an affiliate of any entity 6261
that performs or promotes ~~nontherapeutic~~-abortions. 6262

(G) The department shall ensure that all funds it receives 6263
through an allotment to the state under the personal 6264
responsibility education program and all other funds that are 6265
part of the grants distributed under this program are not used 6266
to do any of the following: 6267

(1) Perform ~~nontherapeutic~~-abortions; 6268

(2) Promote ~~nontherapeutic~~-abortions; 6269

(3) Contract with any entity that performs or promotes 6270
~~nontherapeutic~~-abortions; 6271

(4) Become or continue to be an affiliate of any entity 6272
that performs or promotes ~~nontherapeutic~~-abortions. 6273

Sec. 3701.046. The director of health is authorized to 6274
make grants for women's health services from funds appropriated 6275
for that purpose by the general assembly. 6276

None of the funds received through grants for women's 6277
health services shall be used to provide abortion services. None 6278

of the funds received through these grants shall be used for 6279
counseling for or referrals for abortion, ~~except in the case of~~ 6280
~~a medical emergency~~. These funds shall be distributed by the 6281
director to programs that the department of health determines 6282
will provide services that are physically and financially 6283
separate from abortion-providing and abortion-promoting 6284
activities, and that do not include counseling for or referrals 6285
for abortion, ~~other than in the case of medical emergency~~. 6286

These women's health services include and are limited to 6287
the following: pelvic examinations and laboratory testing; 6288
breast examinations and patient education on breast cancer; 6289
screening for cervical cancer; screening and treatment for 6290
sexually transmitted diseases and HIV screening; voluntary 6291
choice of contraception, including abstinence and natural family 6292
planning; patient education and pre-pregnancy counseling on the 6293
dangers of smoking, alcohol, and drug use during pregnancy; 6294
education on sexual coercion and violence in relationships; ~~and~~ 6295
prenatal care or referral for prenatal care; and education, 6296
screening, and counseling referral for post-partum depression. 6297
These health care services shall be provided in a medical clinic 6298
setting by persons authorized under Chapter 4731. of the Revised 6299
Code to practice medicine and surgery or osteopathic medicine 6300
and surgery; authorized under Chapter 4730. of the Revised Code 6301
to practice as a physician assistant; licensed under Chapter 6302
4723. of the Revised Code as a registered nurse or licensed 6303
practical nurse; or licensed under Chapter 4757. of the Revised 6304
Code as a social worker, independent social worker, licensed 6305
professional clinical counselor, or licensed professional 6306
counselor. 6307

The director shall adopt rules under Chapter 119. of the 6308
Revised Code specifying reasonable eligibility standards that 6309

must be met to receive the state funding and provide reasonable 6310
methods by which a grantee wishing to be eligible for federal 6311
funding may comply with these requirements for state funding 6312
without losing its eligibility for federal funding. 6313

Each applicant for these funds shall provide sufficient 6314
assurance to the director of all of the following: 6315

(A) The program shall not discriminate in the provision of 6316
services based on an individual's religion, race, national 6317
origin, handicapping condition, age, sex, number of pregnancies, 6318
or marital status; 6319

(B) The program shall provide services without subjecting 6320
individuals to any coercion to accept services or to employ any 6321
particular methods of family planning; 6322

(C) Acceptance of services shall be solely on a voluntary 6323
basis and may not be made a prerequisite to eligibility for, or 6324
receipt of, any other service, assistance from, or participation 6325
in, any other program of the service provider; 6326

(D) Any charges for services provided by the program shall 6327
be based on the patient's ability to pay and priority in the 6328
provision of services shall be given to persons from low-income 6329
families. 6330

In distributing these grant funds, the director shall give 6331
priority to grant requests from local departments of health for 6332
women's health services to be provided directly by personnel of 6333
the local department of health. The director shall issue a 6334
single request for proposals for all grants for women's health 6335
services. The director shall send a notification of this request 6336
for proposals to every local department of health in this state 6337
and shall place a notification on the department's web site. The 6338

director shall allow at least thirty days after issuing this 6339
notification before closing the period to receive applications. 6340

After the closing date for receiving grant applications, 6341
the director shall first consider grant applications from local 6342
departments of health that apply for grants for women's health 6343
services to be provided directly by personnel of the local 6344
department of health. Local departments of health that apply for 6345
grants for women's health services to be provided directly by 6346
personnel of the local department of health need not provide all 6347
the listed women's health services in order to qualify for a 6348
grant. However, in prioritizing awards among local departments 6349
of health that qualify for funding under this paragraph, the 6350
director may consider, among other reasonable factors, the 6351
comprehensiveness of the women's health services to be offered, 6352
provided that no local department of health shall be 6353
discriminated against in the process of awarding these grant 6354
funds because the applicant does not provide contraception. 6355

If funds remain after awarding grants to all local 6356
departments of health that qualify for the priority, the 6357
director may make grants to other applicants. Awards to other 6358
applicants may be made to those applicants that will offer all 6359
eight of the listed women's health services or that will offer 6360
all of the services except contraception. No applicant shall be 6361
discriminated against in the process of awarding these grant 6362
funds because the applicant does not provide contraception. 6363

Sec. 3701.511. None of the funds appropriated to 6364
administer the programs authorized by sections 3701.501 and 6365
3701.502 of the Revised Code shall be used to counsel or refer 6366
for abortion, ~~except in the case of a medical emergency.~~ 6367

Sec. 3702.30. (A) As used in this section: 6368

(1) "Ambulatory surgical facility" means a facility, 6369
whether or not part of the same organization as a hospital, that 6370
is located in a building distinct from another in which 6371
inpatient care is provided, and to which any of the following 6372
apply: 6373

(a) Outpatient surgery is routinely performed in the 6374
facility, and the facility functions separately from a 6375
hospital's inpatient surgical service and from the offices of 6376
private physicians, podiatrists, and dentists. 6377

(b) Anesthesia is administered in the facility by an 6378
anesthesiologist or certified registered nurse anesthetist, and 6379
the facility functions separately from a hospital's inpatient 6380
surgical service and from the offices of private physicians, 6381
podiatrists, and dentists. 6382

(c) The facility applies to be certified by the United 6383
States centers for medicare and medicaid services as an 6384
ambulatory surgical center for purposes of reimbursement under 6385
Part B of the medicare program, Part B of Title XVIII of the 6386
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as 6387
amended. 6388

(d) The facility applies to be certified by a national 6389
accrediting body approved by the centers for medicare and 6390
medicaid services for purposes of deemed compliance with the 6391
conditions for participating in the medicare program as an 6392
ambulatory surgical center. 6393

(e) The facility bills or receives from any third-party 6394
payer, governmental health care program, or other person or 6395
government entity any ambulatory surgical facility fee that is 6396
billed or paid in addition to any fee for professional services. 6397

(f) The facility is held out to any person or government 6398
entity as an ambulatory surgical facility or similar facility by 6399
means of signage, advertising, or other promotional efforts. 6400

"Ambulatory surgical facility" does not include a hospital 6401
emergency department. 6402

(2) "Ambulatory surgical facility fee" means a fee for 6403
certain overhead costs associated with providing surgical 6404
services in an outpatient setting. A fee is an ambulatory 6405
surgical facility fee only if it directly or indirectly pays for 6406
costs associated with any of the following: 6407

(a) Use of operating and recovery rooms, preparation 6408
areas, and waiting rooms and lounges for patients and relatives; 6409

(b) Administrative functions, record keeping, 6410
housekeeping, utilities, and rent; 6411

(c) Services provided by nurses, orderlies, technical 6412
personnel, and others involved in patient care related to 6413
providing surgery. 6414

"Ambulatory surgical facility fee" does not include any 6415
additional payment in excess of a professional fee that is 6416
provided to encourage physicians, podiatrists, and dentists to 6417
perform certain surgical procedures in their office or their 6418
group practice's office rather than a health care facility, if 6419
the purpose of the additional fee is to compensate for 6420
additional cost incurred in performing office-based surgery. 6421

(3) "Governmental health care program" has the same 6422
meaning as in section 4731.65 of the Revised Code. 6423

(4) "Health care facility" means any of the following: 6424

(a) An ambulatory surgical facility; 6425

(b) A freestanding dialysis center;	6426
(c) A freestanding inpatient rehabilitation facility;	6427
(d) A freestanding birthing center;	6428
(e) A freestanding radiation therapy center;	6429
(f) A freestanding or mobile diagnostic imaging center.	6430
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	6431 6432
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	6433 6434 6435 6436 6437 6438
In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.	6439 6440 6441 6442 6443 6444 6445 6446 6447 6448 6449 6450 6451 6452 6453

(C) Every ambulatory surgical facility shall require that 6454
each physician who practices at the facility comply with all 6455
relevant provisions in the Revised Code that relate to the 6456
obtaining of informed consent from a patient. 6457

(D) The director shall issue a license to each health care 6458
facility that makes application for a license and demonstrates 6459
to the director that it meets the quality standards established 6460
by the rules adopted under division (B) of this section and 6461
satisfies the informed consent compliance requirements specified 6462
in division (C) of this section. 6463

(E) (1) Except as provided in division ~~(H)~~ (G) of this 6464
section and in section 3702.301 of the Revised Code, no health 6465
care facility shall operate without a license issued under this 6466
section. 6467

(2) If the department of health finds that a physician who 6468
practices at a health care facility is not complying with any 6469
provision of the Revised Code related to the obtaining of 6470
informed consent from a patient, the department shall report its 6471
finding to the state medical board, the physician, and the 6472
health care facility. 6473

(3) This division does not create, and shall not be 6474
construed as creating, a new cause of action or substantive 6475
legal right against a health care facility and in favor of a 6476
patient who allegedly sustains harm as a result of the failure 6477
of the patient's physician to obtain informed consent from the 6478
patient prior to performing a procedure on or otherwise caring 6479
for the patient in the health care facility. 6480

(F) The rules adopted under division (B) of this section 6481
shall include all of the following: 6482

(1) Provisions governing application for, renewal, 6483
suspension, and revocation of a license under this section; 6484

(2) Provisions governing orders issued pursuant to section 6485
3702.32 of the Revised Code for a health care facility to cease 6486
its operations or to prohibit certain types of services provided 6487
by a health care facility; 6488

(3) Provisions governing the imposition under section 6489
3702.32 of the Revised Code of civil penalties for violations of 6490
this section or the rules adopted under this section, including 6491
a scale for determining the amount of the penalties; 6492

(4) Provisions specifying the form inspectors must use 6493
when conducting inspections of ambulatory surgical facilities. 6494

~~(G) An ambulatory surgical facility that performs or 6495
induces abortions shall comply with section 3701.791 of the 6496
Revised Code. 6497~~

~~(H) The following entities are not required to obtain a 6498
license as a freestanding diagnostic imaging center issued under 6499
this section: 6500~~

(1) A hospital registered under section 3701.07 of the 6501
Revised Code that provides diagnostic imaging; 6502

(2) An entity that is reviewed as part of a hospital 6503
accreditation or certification program and that provides 6504
diagnostic imaging; 6505

(3) An ambulatory surgical facility that provides 6506
diagnostic imaging in conjunction with or during any portion of 6507
a surgical procedure. 6508

Sec. 3901.87. (A) No qualified health plan shall provide 6509
coverage for ~~a nontherapeutic an~~ abortion. 6510

- (B) As used in this section: 6511
- (1) ~~"Nontherapeutic abortion"~~ "Abortion" has the same 6512
meaning as in section ~~124.85~~ 2919.11 of the Revised Code. 6513
- (2) "Qualified health plan" means any qualified health 6514
plan as defined in section 1301 of the "Patient Protection and 6515
Affordable Care Act," 42 U.S.C. 18021, offered in this state 6516
through an exchange created under that act. 6517
- Sec. 4112.01.** (A) As used in this chapter: 6518
- (1) "Person" includes one or more individuals, 6519
partnerships, associations, organizations, corporations, legal 6520
representatives, trustees, trustees in bankruptcy, receivers, 6521
and other organized groups of persons. "Person" also includes, 6522
but is not limited to, any owner, lessor, assignor, builder, 6523
manager, broker, salesperson, appraiser, agent, employee, 6524
lending institution, and the state and all political 6525
subdivisions, authorities, agencies, boards, and commissions of 6526
the state. 6527
- (2) "Employer" includes the state, any political 6528
subdivision of the state, any person employing four or more 6529
persons within the state, and any person acting directly or 6530
indirectly in the interest of an employer. 6531
- (3) "Employee" means an individual employed by any 6532
employer but does not include any individual employed in the 6533
domestic service of any person. 6534
- (4) "Labor organization" includes any organization that 6535
exists, in whole or in part, for the purpose of collective 6536
bargaining or of dealing with employers concerning grievances, 6537
terms or conditions of employment, or other mutual aid or 6538
protection in relation to employment. 6539

(5) "Employment agency" includes any person regularly 6540
undertaking, with or without compensation, to procure 6541
opportunities to work or to procure, recruit, refer, or place 6542
employees. 6543

(6) "Commission" means the Ohio civil rights commission 6544
created by section 4112.03 of the Revised Code. 6545

(7) "Discriminate" includes segregate or separate. 6546

(8) "Unlawful discriminatory practice" means any act 6547
prohibited by section 4112.02, 4112.021, or 4112.022 of the 6548
Revised Code. 6549

(9) "Place of public accommodation" means any inn, 6550
restaurant, eating house, barbershop, public conveyance by air, 6551
land, or water, theater, store, other place for the sale of 6552
merchandise, or any other place of public accommodation or 6553
amusement of which the accommodations, advantages, facilities, 6554
or privileges are available to the public. 6555

(10) "Housing accommodations" includes any building or 6556
structure, or portion of a building or structure, that is used 6557
or occupied or is intended, arranged, or designed to be used or 6558
occupied as the home residence, dwelling, dwelling unit, or 6559
sleeping place of one or more individuals, groups, or families 6560
whether or not living independently of each other; and any 6561
vacant land offered for sale or lease. "Housing accommodations" 6562
also includes any housing accommodations held or offered for 6563
sale or rent by a real estate broker, salesperson, or agent, by 6564
any other person pursuant to authorization of the owner, by the 6565
owner, or by the owner's legal representative. 6566

(11) "Restrictive covenant" means any specification 6567
limiting the transfer, rental, lease, or other use of any 6568

housing accommodations because of race, color, religion, sex, 6569
military status, familial status, national origin, disability, 6570
or ancestry, or any limitation based upon affiliation with or 6571
approval by any person, directly or indirectly, employing race, 6572
color, religion, sex, military status, familial status, national 6573
origin, disability, or ancestry as a condition of affiliation or 6574
approval. 6575

(12) "Burial lot" means any lot for the burial of deceased 6576
persons within any public burial ground or cemetery, including, 6577
but not limited to, cemeteries owned and operated by municipal 6578
corporations, townships, or companies or associations 6579
incorporated for cemetery purposes. 6580

(13) "Disability" means a physical or mental impairment 6581
that substantially limits one or more major life activities, 6582
including the functions of caring for one's self, performing 6583
manual tasks, walking, seeing, hearing, speaking, breathing, 6584
learning, and working; a record of a physical or mental 6585
impairment; or being regarded as having a physical or mental 6586
impairment. 6587

(14) Except as otherwise provided in section 4112.021 of 6588
the Revised Code, "age" means at least forty years old. 6589

(15) "Familial status" means either of the following: 6590

(a) One or more individuals who are under eighteen years 6591
of age and who are domiciled with a parent or guardian having 6592
legal custody of the individual or domiciled, with the written 6593
permission of the parent or guardian having legal custody, with 6594
a designee of the parent or guardian; 6595

(b) Any person who is pregnant or in the process of 6596
securing legal custody of any individual who is under eighteen 6597

years of age. 6598

(16) (a) Except as provided in division (A) (16) (b) of this 6599
section, "physical or mental impairment" includes any of the 6600
following: 6601

(i) Any physiological disorder or condition, cosmetic 6602
disfigurement, or anatomical loss affecting one or more of the 6603
following body systems: neurological; musculoskeletal; special 6604
sense organs; respiratory, including speech organs; 6605
cardiovascular; reproductive; digestive; genito-urinary; hemic 6606
and lymphatic; skin; and endocrine; 6607

(ii) Any mental or psychological disorder, including, but 6608
not limited to, intellectual disability, organic brain syndrome, 6609
emotional or mental illness, and specific learning disabilities; 6610

(iii) Diseases and conditions, including, but not limited 6611
to, orthopedic, visual, speech, and hearing impairments, 6612
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 6613
sclerosis, cancer, heart disease, diabetes, human 6614
immunodeficiency virus infection, intellectual disability, 6615
emotional illness, drug addiction, and alcoholism. 6616

(b) "Physical or mental impairment" does not include any 6617
of the following: 6618

(i) Homosexuality and bisexuality; 6619

(ii) Transvestism, transsexualism, pedophilia, 6620
exhibitionism, voyeurism, gender identity disorders not 6621
resulting from physical impairments, or other sexual behavior 6622
disorders; 6623

(iii) Compulsive gambling, kleptomania, or pyromania; 6624

(iv) Psychoactive substance use disorders resulting from 6625

the current illegal use of a controlled substance or the current use of alcoholic beverages. 6626
6627

(17) "Dwelling unit" means a single unit of residence for a family of one or more persons. 6628
6629

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings. 6630
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(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public. 6636
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(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 6639
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(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability. 6641
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(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code. 6643
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(23) "Aggrieved person" includes both of the following: 6646

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code; 6647
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(b) Any person who believes that the person will be injured by, any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur. 6650
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(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be construed to require an employer to pay for health insurance benefits for abortion, ~~except where the life of the mother would be endangered if the fetus were carried to term or except where medical complications have arisen from the abortion, provided that nothing in this division precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.~~

Sec. 4729.291. (A) Except when provided under section 4731.97 of the Revised Code, when a licensed health professional authorized to prescribe drugs personally furnishes drugs to a patient pursuant to division (B) of section 4729.29 of the Revised Code, the prescriber shall ensure that the drugs are labeled and packaged in accordance with state and federal drug laws and any rules and regulations adopted pursuant to those laws. Records of purchase and disposition of all drugs personally furnished to patients shall be maintained by the prescriber in accordance with state and federal drug statutes and any rules adopted pursuant to those statutes.

~~(B) When personally furnishing to a patient RU 486~~

~~(mifepristone), a prescriber is subject to section 2919.123 of the Revised Code. A prescription for RU-486 (mifepristone) shall be in writing and in accordance with section 2919.123 of the Revised Code.~~

~~(C)~~(1) Except as provided in divisions (D) and (E) of this section, no prescriber shall do either of the following:

(a) In any thirty-day period, personally furnish to or for patients, taken as a whole, controlled substances in an amount that exceeds a total of two thousand five hundred dosage units;

(b) In any seventy-two-hour period, personally furnish to or for a patient an amount of a controlled substance that exceeds the amount necessary for the patient's use in a seventy-two-hour period.

(2) The state board of pharmacy may impose a fine of not more than five thousand dollars on a prescriber who fails to comply with the limits established under division (C)(1) of this section. A separate fine may be imposed for each instance of failing to comply with the limits. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

~~(D)~~(C) None of the following shall be counted in determining whether the amounts specified in division ~~(C)~~(B)(1) of this section have been exceeded:

(1) Methadone personally furnished to patients for the purpose of treating drug dependence or addiction, if the prescriber meets the conditions specified in 21 C.F.R. 1306.07;

(2) Buprenorphine personally furnished to patients for the purpose of treating drug dependence or addiction as part of an opioid treatment program that possesses a terminal distributor

of dangerous drugs license issued under section 4729.54 of the Revised Code, is the subject of a current, valid certification from the substance abuse and mental health services administration of the United States department of health and human services pursuant to 42 C.F.R. 8.11, and meets either of the following criteria:

(a) Buprenorphine and methadone are personally furnished by physicians treating patients participating in the program.

(b) Buprenorphine, but not methadone, is personally furnished by physicians treating patients participating in the program, the program is accredited by a national accrediting organization approved by the substance abuse and mental health services administration, the service of personally furnishing buprenorphine has, notwithstanding section 5119.361 of the Revised Code, been certified by the department of mental health and addiction services under section 5119.36 of the Revised Code, and the program maintains in the record of a patient to whom buprenorphine has been administered or personally furnished a copy of the physician's signed and dated written order for that act.

(c) Controlled substances personally furnished to research subjects by a facility conducting clinical research in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs.

~~(E)~~ (D) Division ~~(C)~~ (B) (1) of this section does not apply to a prescriber who is a veterinarian.

Sec. 4729.292. The state board of pharmacy shall annually conduct an on-site inspection of a community mental health

services provider or community addiction services provider that 6743
is an opioid treatment program described in division ~~(D)~~(C) (2) 6744
(b) of section 4729.291 of the Revised Code. 6745

Sec. 4731.22. (A) The state medical board, by an 6746
affirmative vote of not fewer than six of its members, may 6747
limit, revoke, or suspend a license or certificate to practice 6748
or certificate to recommend, refuse to grant a license or 6749
certificate, refuse to renew a license or certificate, refuse to 6750
reinstate a license or certificate, or reprimand or place on 6751
probation the holder of a license or certificate if the 6752
individual applying for or holding the license or certificate is 6753
found by the board to have committed fraud during the 6754
administration of the examination for a license or certificate 6755
to practice or to have committed fraud, misrepresentation, or 6756
deception in applying for, renewing, or securing any license or 6757
certificate to practice or certificate to recommend issued by 6758
the board. 6759

(B) The board, by an affirmative vote of not fewer than 6760
six members, shall, to the extent permitted by law, limit, 6761
revoke, or suspend a license or certificate to practice or 6762
certificate to recommend, refuse to issue a license or 6763
certificate, refuse to renew a license or certificate, refuse to 6764
reinstate a license or certificate, or reprimand or place on 6765
probation the holder of a license or certificate for one or more 6766
of the following reasons: 6767

(1) Permitting one's name or one's license or certificate 6768
to practice to be used by a person, group, or corporation when 6769
the individual concerned is not actually directing the treatment 6770
given; 6771

(2) Failure to maintain minimal standards applicable to 6772

the selection or administration of drugs, or failure to employ 6773
acceptable scientific methods in the selection of drugs or other 6774
modalities for treatment of disease; 6775

(3) Except as provided in section 4731.97 of the Revised 6776
Code, selling, giving away, personally furnishing, prescribing, 6777
or administering drugs for other than legal and legitimate 6778
therapeutic purposes or a plea of guilty to, a judicial finding 6779
of guilt of, or a judicial finding of eligibility for 6780
intervention in lieu of conviction of, a violation of any 6781
federal or state law regulating the possession, distribution, or 6782
use of any drug; 6783

(4) Willfully betraying a professional confidence. 6784

For purposes of this division, "willfully betraying a 6785
professional confidence" does not include providing any 6786
information, documents, or reports under sections 307.621 to 6787
307.629 of the Revised Code to a child fatality review board; 6788
does not include providing any information, documents, or 6789
reports to the director of health pursuant to guidelines 6790
established under section 3701.70 of the Revised Code; does not 6791
include written notice to a mental health professional under 6792
section 4731.62 of the Revised Code; and does not include the 6793
making of a report of an employee's use of a drug of abuse, or a 6794
report of a condition of an employee other than one involving 6795
the use of a drug of abuse, to the employer of the employee as 6796
described in division (B) of section 2305.33 of the Revised 6797
Code. Nothing in this division affects the immunity from civil 6798
liability conferred by section 2305.33 or 4731.62 of the Revised 6799
Code upon a physician who makes a report in accordance with 6800
section 2305.33 or notifies a mental health professional in 6801
accordance with section 4731.62 of the Revised Code. As used in 6802

this division, "employee," "employer," and "physician" have the 6803
same meanings as in section 2305.33 of the Revised Code. 6804

(5) Making a false, fraudulent, deceptive, or misleading 6805
statement in the solicitation of or advertising for patients; in 6806
relation to the practice of medicine and surgery, osteopathic 6807
medicine and surgery, podiatric medicine and surgery, or a 6808
limited branch of medicine; or in securing or attempting to 6809
secure any license or certificate to practice issued by the 6810
board. 6811

As used in this division, "false, fraudulent, deceptive, 6812
or misleading statement" means a statement that includes a 6813
misrepresentation of fact, is likely to mislead or deceive 6814
because of a failure to disclose material facts, is intended or 6815
is likely to create false or unjustified expectations of 6816
favorable results, or includes representations or implications 6817
that in reasonable probability will cause an ordinarily prudent 6818
person to misunderstand or be deceived. 6819

(6) A departure from, or the failure to conform to, 6820
minimal standards of care of similar practitioners under the 6821
same or similar circumstances, whether or not actual injury to a 6822
patient is established; 6823

(7) Representing, with the purpose of obtaining 6824
compensation or other advantage as personal gain or for any 6825
other person, that an incurable disease or injury, or other 6826
incurable condition, can be permanently cured; 6827

(8) The obtaining of, or attempting to obtain, money or 6828
anything of value by fraudulent misrepresentations in the course 6829
of practice; 6830

(9) A plea of guilty to, a judicial finding of guilt of, 6831

or a judicial finding of eligibility for intervention in lieu of 6832
conviction for, a felony; 6833

(10) Commission of an act that constitutes a felony in 6834
this state, regardless of the jurisdiction in which the act was 6835
committed; 6836

(11) A plea of guilty to, a judicial finding of guilt of, 6837
or a judicial finding of eligibility for intervention in lieu of 6838
conviction for, a misdemeanor committed in the course of 6839
practice; 6840

(12) Commission of an act in the course of practice that 6841
constitutes a misdemeanor in this state, regardless of the 6842
jurisdiction in which the act was committed; 6843

(13) A plea of guilty to, a judicial finding of guilt of, 6844
or a judicial finding of eligibility for intervention in lieu of 6845
conviction for, a misdemeanor involving moral turpitude; 6846

(14) Commission of an act involving moral turpitude that 6847
constitutes a misdemeanor in this state, regardless of the 6848
jurisdiction in which the act was committed; 6849

(15) Violation of the conditions of limitation placed by 6850
the board upon a license or certificate to practice; 6851

(16) Failure to pay license renewal fees specified in this 6852
chapter; 6853

(17) Except as authorized in section 4731.31 of the 6854
Revised Code, engaging in the division of fees for referral of 6855
patients, or the receiving of a thing of value in return for a 6856
specific referral of a patient to utilize a particular service 6857
or business; 6858

(18) Subject to section 4731.226 of the Revised Code, 6859

violation of any provision of a code of ethics of the American 6860
medical association, the American osteopathic association, the 6861
American podiatric medical association, or any other national 6862
professional organizations that the board specifies by rule. The 6863
state medical board shall obtain and keep on file current copies 6864
of the codes of ethics of the various national professional 6865
organizations. The individual whose license or certificate is 6866
being suspended or revoked shall not be found to have violated 6867
any provision of a code of ethics of an organization not 6868
appropriate to the individual's profession. 6869

For purposes of this division, a "provision of a code of 6870
ethics of a national professional organization" does not include 6871
any provision that would preclude the making of a report by a 6872
physician of an employee's use of a drug of abuse, or of a 6873
condition of an employee other than one involving the use of a 6874
drug of abuse, to the employer of the employee as described in 6875
division (B) of section 2305.33 of the Revised Code. Nothing in 6876
this division affects the immunity from civil liability 6877
conferred by that section upon a physician who makes either type 6878
of report in accordance with division (B) of that section. As 6879
used in this division, "employee," "employer," and "physician" 6880
have the same meanings as in section 2305.33 of the Revised 6881
Code. 6882

(19) Inability to practice according to acceptable and 6883
prevailing standards of care by reason of mental illness or 6884
physical illness, including, but not limited to, physical 6885
deterioration that adversely affects cognitive, motor, or 6886
perceptive skills. 6887

In enforcing this division, the board, upon a showing of a 6888
possible violation, may compel any individual authorized to 6889

practice by this chapter or who has submitted an application 6890
pursuant to this chapter to submit to a mental examination, 6891
physical examination, including an HIV test, or both a mental 6892
and a physical examination. The expense of the examination is 6893
the responsibility of the individual compelled to be examined. 6894
Failure to submit to a mental or physical examination or consent 6895
to an HIV test ordered by the board constitutes an admission of 6896
the allegations against the individual unless the failure is due 6897
to circumstances beyond the individual's control, and a default 6898
and final order may be entered without the taking of testimony 6899
or presentation of evidence. If the board finds an individual 6900
unable to practice because of the reasons set forth in this 6901
division, the board shall require the individual to submit to 6902
care, counseling, or treatment by physicians approved or 6903
designated by the board, as a condition for initial, continued, 6904
reinstated, or renewed authority to practice. An individual 6905
affected under this division shall be afforded an opportunity to 6906
demonstrate to the board the ability to resume practice in 6907
compliance with acceptable and prevailing standards under the 6908
provisions of the individual's license or certificate. For the 6909
purpose of this division, any individual who applies for or 6910
receives a license or certificate to practice under this chapter 6911
accepts the privilege of practicing in this state and, by so 6912
doing, shall be deemed to have given consent to submit to a 6913
mental or physical examination when directed to do so in writing 6914
by the board, and to have waived all objections to the 6915
admissibility of testimony or examination reports that 6916
constitute a privileged communication. 6917

(20) Except as provided in division (F)(1)(b) of section 6918
4731.282 of the Revised Code or when civil penalties are imposed 6919
under section 4731.225 of the Revised Code, and subject to 6920

section 4731.226 of the Revised Code, violating or attempting to 6921
violate, directly or indirectly, or assisting in or abetting the 6922
violation of, or conspiring to violate, any provisions of this 6923
chapter or any rule promulgated by the board. 6924

This division does not apply to a violation or attempted 6925
violation of, assisting in or abetting the violation of, or a 6926
conspiracy to violate, any provision of this chapter or any rule 6927
adopted by the board that would preclude the making of a report 6928
by a physician of an employee's use of a drug of abuse, or of a 6929
condition of an employee other than one involving the use of a 6930
drug of abuse, to the employer of the employee as described in 6931
division (B) of section 2305.33 of the Revised Code. Nothing in 6932
this division affects the immunity from civil liability 6933
conferred by that section upon a physician who makes either type 6934
of report in accordance with division (B) of that section. As 6935
used in this division, "employee," "employer," and "physician" 6936
have the same meanings as in section 2305.33 of the Revised 6937
Code. 6938

~~(21) The violation of section 3701.79 of the Revised Code— 6939
or of any abortion rule adopted by the director of health— 6940
pursuant to section 3701.341 of the Revised Code;— 6941~~

~~(22) Any of the following actions taken by an agency 6942
responsible for authorizing, certifying, or regulating an 6943
individual to practice a health care occupation or provide 6944
health care services in this state or another jurisdiction, for 6945
any reason other than the nonpayment of fees: the limitation, 6946
revocation, or suspension of an individual's license to 6947
practice; acceptance of an individual's license surrender; 6948
denial of a license; refusal to renew or reinstate a license; 6949
imposition of probation; or issuance of an order of censure or 6950~~

other reprimand; 6951

~~(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H) (2) of that section would apply in a civil action authorized by division (H) (1) of that section;~~ 6952
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~~(24)~~ (22) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 6961
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~~(25)~~ (23) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B) (2), (3), (6), (8), or (19) of this section; 6967
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~~(26)~~ (24) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. 6972
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For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to 6976
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practice under this chapter, an individual shall be deemed to 6980
have given consent to submit to a mental or physical examination 6981
when ordered to do so by the board in writing, and to have 6982
waived all objections to the admissibility of testimony or 6983
examination reports that constitute privileged communications. 6984

If it has reason to believe that any individual authorized 6985
to practice by this chapter or any applicant for licensure or 6986
certification to practice suffers such impairment, the board may 6987
compel the individual to submit to a mental or physical 6988
examination, or both. The expense of the examination is the 6989
responsibility of the individual compelled to be examined. Any 6990
mental or physical examination required under this division 6991
shall be undertaken by a treatment provider or physician who is 6992
qualified to conduct the examination and who is chosen by the 6993
board. 6994

Failure to submit to a mental or physical examination 6995
ordered by the board constitutes an admission of the allegations 6996
against the individual unless the failure is due to 6997
circumstances beyond the individual's control, and a default and 6998
final order may be entered without the taking of testimony or 6999
presentation of evidence. If the board determines that the 7000
individual's ability to practice is impaired, the board shall 7001
suspend the individual's license or certificate or deny the 7002
individual's application and shall require the individual, as a 7003
condition for initial, continued, reinstated, or renewed 7004
licensure or certification to practice, to submit to treatment. 7005

Before being eligible to apply for reinstatement of a 7006
license or certificate suspended under this division, the 7007
impaired practitioner shall demonstrate to the board the ability 7008
to resume practice in compliance with acceptable and prevailing 7009

standards of care under the provisions of the practitioner's 7010
license or certificate. The demonstration shall include, but 7011
shall not be limited to, the following: 7012

(a) Certification from a treatment provider approved under 7013
section 4731.25 of the Revised Code that the individual has 7014
successfully completed any required inpatient treatment; 7015

(b) Evidence of continuing full compliance with an 7016
aftercare contract or consent agreement; 7017

(c) Two written reports indicating that the individual's 7018
ability to practice has been assessed and that the individual 7019
has been found capable of practicing according to acceptable and 7020
prevailing standards of care. The reports shall be made by 7021
individuals or providers approved by the board for making the 7022
assessments and shall describe the basis for their 7023
determination. 7024

The board may reinstate a license or certificate suspended 7025
under this division after that demonstration and after the 7026
individual has entered into a written consent agreement. 7027

When the impaired practitioner resumes practice, the board 7028
shall require continued monitoring of the individual. The 7029
monitoring shall include, but not be limited to, compliance with 7030
the written consent agreement entered into before reinstatement 7031
or with conditions imposed by board order after a hearing, and, 7032
upon termination of the consent agreement, submission to the 7033
board for at least two years of annual written progress reports 7034
made under penalty of perjury stating whether the individual has 7035
maintained sobriety. 7036

~~(27)~~ (25) A second or subsequent violation of section 7037
4731.66 or 4731.69 of the Revised Code; 7038

(28) -(26) Except as provided in division (N) of this section:	7039 7040
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	7041 7042 7043 7044 7045 7046
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	7047 7048 7049 7050 7051
(29) -(27) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	7052 7053 7054
(30) -(28) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;	7055 7056 7057 7058 7059
(31) -(29) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	7060 7061 7062 7063
(32) -(30) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in	7064 7065 7066 7067

collaboration pursuant to section 4731.27 of the Revised Code or 7068
failure to fulfill the responsibilities of collaboration after 7069
entering into a standard care arrangement; 7070

~~(33)~~ (31) Failure to comply with the terms of a consult 7071
agreement entered into with a pharmacist pursuant to section 7072
4729.39 of the Revised Code; 7073

~~(34)~~ (32) Failure to cooperate in an investigation 7074
conducted by the board under division (F) of this section, 7075
including failure to comply with a subpoena or order issued by 7076
the board or failure to answer truthfully a question presented 7077
by the board in an investigative interview, an investigative 7078
office conference, at a deposition, or in written 7079
interrogatories, except that failure to cooperate with an 7080
investigation shall not constitute grounds for discipline under 7081
this section if a court of competent jurisdiction has issued an 7082
order that either quashes a subpoena or permits the individual 7083
to withhold the testimony or evidence in issue; 7084

~~(35)~~ (33) Failure to supervise an oriental medicine 7085
practitioner or acupuncturist in accordance with Chapter 4762. 7086
of the Revised Code and the board's rules for providing that 7087
supervision; 7088

~~(36)~~ (34) Failure to supervise an anesthesiologist 7089
assistant in accordance with Chapter 4760. of the Revised Code 7090
and the board's rules for supervision of an anesthesiologist 7091
assistant; 7092

~~(37)~~ (35) Assisting suicide, as defined in section 3795.01 7093
of the Revised Code; 7094

~~(38) Failure to comply with the requirements of section 7095
2317.561 of the Revised Code; 7096~~

(39) <u>(36)</u> Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	7097 7098 7099
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	7100 7101 7102 7103
(41) <u>(37)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	7104 7105 7106 7107
(42) <u>(38)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	7108 7109 7110 7111
(43) <u>(39)</u> Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	7112 7113 7114 7115
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	7116 7117 7118 7119 7120
(45) <u>(40)</u> Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	7121 7122 7123 7124 7125

~~(46)~~ (41) Owning a facility that is subject to licensure 7126
as a category III terminal distributor of dangerous drugs with a 7127
pain management clinic classification unless the facility is 7128
licensed with the classification; 7129

~~(47)~~ Failure to comply with the requirement regarding 7130
maintaining notes described in division (B) of section 2919.191- 7131
of the Revised Code or failure to satisfy the requirements of 7132
section 2919.191 of the Revised Code prior to performing or 7133
inducing an abortion upon a pregnant woman; 7134

~~(48)~~ (42) Failure to comply with the requirements in 7135
section 3719.061 of the Revised Code before issuing for a minor 7136
a prescription for an opioid analgesic, as defined in section 7137
3719.01 of the Revised Code; 7138

~~(49)~~ (43) Failure to comply with the requirements of 7139
section 4731.30 of the Revised Code or rules adopted under 7140
section 4731.301 of the Revised Code when recommending treatment 7141
with medical marijuana; 7142

~~(50)~~ (44) Practicing at a facility, clinic, or other 7143
location that is subject to licensure as a category III terminal 7144
distributor of dangerous drugs with an office-based opioid 7145
treatment classification unless the person operating that place 7146
has obtained and maintains the license with the classification; 7147

~~(51)~~ (45) Owning a facility, clinic, or other location 7148
that is subject to licensure as a category III terminal 7149
distributor of dangerous drugs with an office-based opioid 7150
treatment classification unless that place is licensed with the 7151
classification. 7152

(C) Disciplinary actions taken by the board under 7153
divisions (A) and (B) of this section shall be taken pursuant to 7154

an adjudication under Chapter 119. of the Revised Code, except 7155
that in lieu of an adjudication, the board may enter into a 7156
consent agreement with an individual to resolve an allegation of 7157
a violation of this chapter or any rule adopted under it. A 7158
consent agreement, when ratified by an affirmative vote of not 7159
fewer than six members of the board, shall constitute the 7160
findings and order of the board with respect to the matter 7161
addressed in the agreement. If the board refuses to ratify a 7162
consent agreement, the admissions and findings contained in the 7163
consent agreement shall be of no force or effect. 7164

A telephone conference call may be utilized for 7165
ratification of a consent agreement that revokes or suspends an 7166
individual's license or certificate to practice or certificate 7167
to recommend. The telephone conference call shall be considered 7168
a special meeting under division (F) of section 121.22 of the 7169
Revised Code. 7170

~~If the board takes disciplinary action against an 7171
individual under division (B) of this section for a second or 7172
subsequent plea of guilty to, or judicial finding of guilt of, a 7173
violation of section 2919.123 of the Revised Code, the 7174
disciplinary action shall consist of a suspension of the 7175
individual's license or certificate to practice for a period of 7176
at least one year or, if determined appropriate by the board, a 7177
more serious sanction involving the individual's license or 7178
certificate to practice. Any consent agreement entered into 7179
under this division with an individual that pertains to a second 7180
or subsequent plea of guilty to, or judicial finding of guilt 7181
of, a violation of that section shall provide for a suspension 7182
of the individual's license or certificate to practice for a 7183
period of at least one year or, if determined appropriate by the 7184
board, a more serious sanction involving the individual's 7185~~

~~license or certificate to practice.~~ 7186

(D) For purposes of divisions (B) (10), (12), and (14) of 7187
this section, the commission of the act may be established by a 7188
finding by the board, pursuant to an adjudication under Chapter 7189
119. of the Revised Code, that the individual committed the act. 7190
The board does not have jurisdiction under those divisions if 7191
the trial court renders a final judgment in the individual's 7192
favor and that judgment is based upon an adjudication on the 7193
merits. The board has jurisdiction under those divisions if the 7194
trial court issues an order of dismissal upon technical or 7195
procedural grounds. 7196

(E) The sealing of conviction records by any court shall 7197
have no effect upon a prior board order entered under this 7198
section or upon the board's jurisdiction to take action under 7199
this section if, based upon a plea of guilty, a judicial finding 7200
of guilt, or a judicial finding of eligibility for intervention 7201
in lieu of conviction, the board issued a notice of opportunity 7202
for a hearing prior to the court's order to seal the records. 7203
The board shall not be required to seal, destroy, redact, or 7204
otherwise modify its records to reflect the court's sealing of 7205
conviction records. 7206

(F) (1) The board shall investigate evidence that appears 7207
to show that a person has violated any provision of this chapter 7208
or any rule adopted under it. Any person may report to the board 7209
in a signed writing any information that the person may have 7210
that appears to show a violation of any provision of this 7211
chapter or any rule adopted under it. In the absence of bad 7212
faith, any person who reports information of that nature or who 7213
testifies before the board in any adjudication conducted under 7214
Chapter 119. of the Revised Code shall not be liable in damages 7215

in a civil action as a result of the report or testimony. Each 7216
complaint or allegation of a violation received by the board 7217
shall be assigned a case number and shall be recorded by the 7218
board. 7219

(2) Investigations of alleged violations of this chapter 7220
or any rule adopted under it shall be supervised by the 7221
supervising member elected by the board in accordance with 7222
section 4731.02 of the Revised Code and by the secretary as 7223
provided in section 4731.39 of the Revised Code. The president 7224
may designate another member of the board to supervise the 7225
investigation in place of the supervising member. No member of 7226
the board who supervises the investigation of a case shall 7227
participate in further adjudication of the case. 7228

(3) In investigating a possible violation of this chapter 7229
or any rule adopted under this chapter, or in conducting an 7230
inspection under division (E) of section 4731.054 of the Revised 7231
Code, the board may question witnesses, conduct interviews, 7232
administer oaths, order the taking of depositions, inspect and 7233
copy any books, accounts, papers, records, or documents, issue 7234
subpoenas, and compel the attendance of witnesses and production 7235
of books, accounts, papers, records, documents, and testimony, 7236
except that a subpoena for patient record information shall not 7237
be issued without consultation with the attorney general's 7238
office and approval of the secretary and supervising member of 7239
the board. 7240

(a) Before issuance of a subpoena for patient record 7241
information, the secretary and supervising member shall 7242
determine whether there is probable cause to believe that the 7243
complaint filed alleges a violation of this chapter or any rule 7244
adopted under it and that the records sought are relevant to the 7245

alleged violation and material to the investigation. The 7246
subpoena may apply only to records that cover a reasonable 7247
period of time surrounding the alleged violation. 7248

(b) On failure to comply with any subpoena issued by the 7249
board and after reasonable notice to the person being 7250
subpoenaed, the board may move for an order compelling the 7251
production of persons or records pursuant to the Rules of Civil 7252
Procedure. 7253

(c) A subpoena issued by the board may be served by a 7254
sheriff, the sheriff's deputy, or a board employee designated by 7255
the board. Service of a subpoena issued by the board may be made 7256
by delivering a copy of the subpoena to the person named 7257
therein, reading it to the person, or leaving it at the person's 7258
usual place of residence, usual place of business, or address on 7259
file with the board. When serving a subpoena to an applicant for 7260
or the holder of a license or certificate issued under this 7261
chapter, service of the subpoena may be made by certified mail, 7262
return receipt requested, and the subpoena shall be deemed 7263
served on the date delivery is made or the date the person 7264
refuses to accept delivery. If the person being served refuses 7265
to accept the subpoena or is not located, service may be made to 7266
an attorney who notifies the board that the attorney is 7267
representing the person. 7268

(d) A sheriff's deputy who serves a subpoena shall receive 7269
the same fees as a sheriff. Each witness who appears before the 7270
board in obedience to a subpoena shall receive the fees and 7271
mileage provided for under section 119.094 of the Revised Code. 7272

(4) All hearings, investigations, and inspections of the 7273
board shall be considered civil actions for the purposes of 7274
section 2305.252 of the Revised Code. 7275

(5) A report required to be submitted to the board under 7276
this chapter, a complaint, or information received by the board 7277
pursuant to an investigation or pursuant to an inspection under 7278
division (E) of section 4731.054 of the Revised Code is 7279
confidential and not subject to discovery in any civil action. 7280

The board shall conduct all investigations or inspections 7281
and proceedings in a manner that protects the confidentiality of 7282
patients and persons who file complaints with the board. The 7283
board shall not make public the names or any other identifying 7284
information about patients or complainants unless proper consent 7285
is given or, in the case of a patient, a waiver of the patient 7286
privilege exists under division (B) of section 2317.02 of the 7287
Revised Code, except that consent or a waiver of that nature is 7288
not required if the board possesses reliable and substantial 7289
evidence that no bona fide physician-patient relationship 7290
exists. 7291

The board may share any information it receives pursuant 7292
to an investigation or inspection, including patient records and 7293
patient record information, with law enforcement agencies, other 7294
licensing boards, and other governmental agencies that are 7295
prosecuting, adjudicating, or investigating alleged violations 7296
of statutes or administrative rules. An agency or board that 7297
receives the information shall comply with the same requirements 7298
regarding confidentiality as those with which the state medical 7299
board must comply, notwithstanding any conflicting provision of 7300
the Revised Code or procedure of the agency or board that 7301
applies when it is dealing with other information in its 7302
possession. In a judicial proceeding, the information may be 7303
admitted into evidence only in accordance with the Rules of 7304
Evidence, but the court shall require that appropriate measures 7305
are taken to ensure that confidentiality is maintained with 7306

respect to any part of the information that contains names or 7307
other identifying information about patients or complainants 7308
whose confidentiality was protected by the state medical board 7309
when the information was in the board's possession. Measures to 7310
ensure confidentiality that may be taken by the court include 7311
sealing its records or deleting specific information from its 7312
records. 7313

(6) On a quarterly basis, the board shall prepare a report 7314
that documents the disposition of all cases during the preceding 7315
three months. The report shall contain the following information 7316
for each case with which the board has completed its activities: 7317

(a) The case number assigned to the complaint or alleged 7318
violation; 7319

(b) The type of license or certificate to practice, if 7320
any, held by the individual against whom the complaint is 7321
directed; 7322

(c) A description of the allegations contained in the 7323
complaint; 7324

(d) The disposition of the case. 7325

The report shall state how many cases are still pending 7326
and shall be prepared in a manner that protects the identity of 7327
each person involved in each case. The report shall be a public 7328
record under section 149.43 of the Revised Code. 7329

(G) If the secretary and supervising member determine both 7330
of the following, they may recommend that the board suspend an 7331
individual's license or certificate to practice or certificate 7332
to recommend without a prior hearing: 7333

(1) That there is clear and convincing evidence that an 7334

individual has violated division (B) of this section; 7335

(2) That the individual's continued practice presents a 7336
danger of immediate and serious harm to the public. 7337

Written allegations shall be prepared for consideration by 7338
the board. The board, upon review of those allegations and by an 7339
affirmative vote of not fewer than six of its members, excluding 7340
the secretary and supervising member, may suspend a license or 7341
certificate without a prior hearing. A telephone conference call 7342
may be utilized for reviewing the allegations and taking the 7343
vote on the summary suspension. 7344

The board shall issue a written order of suspension by 7345
certified mail or in person in accordance with section 119.07 of 7346
the Revised Code. The order shall not be subject to suspension 7347
by the court during pendency of any appeal filed under section 7348
119.12 of the Revised Code. If the individual subject to the 7349
summary suspension requests an adjudicatory hearing by the 7350
board, the date set for the hearing shall be within fifteen 7351
days, but not earlier than seven days, after the individual 7352
requests the hearing, unless otherwise agreed to by both the 7353
board and the individual. 7354

Any summary suspension imposed under this division shall 7355
remain in effect, unless reversed on appeal, until a final 7356
adjudicative order issued by the board pursuant to this section 7357
and Chapter 119. of the Revised Code becomes effective. The 7358
board shall issue its final adjudicative order within seventy- 7359
five days after completion of its hearing. A failure to issue 7360
the order within seventy-five days shall result in dissolution 7361
of the summary suspension order but shall not invalidate any 7362
subsequent, final adjudicative order. 7363

(H) If the board takes action under division (B) (9), (11), 7364
or (13) of this section and the judicial finding of guilt, 7365
guilty plea, or judicial finding of eligibility for intervention 7366
in lieu of conviction is overturned on appeal, upon exhaustion 7367
of the criminal appeal, a petition for reconsideration of the 7368
order may be filed with the board along with appropriate court 7369
documents. Upon receipt of a petition of that nature and 7370
supporting court documents, the board shall reinstate the 7371
individual's license or certificate to practice. The board may 7372
then hold an adjudication under Chapter 119. of the Revised Code 7373
to determine whether the individual committed the act in 7374
question. Notice of an opportunity for a hearing shall be given 7375
in accordance with Chapter 119. of the Revised Code. If the 7376
board finds, pursuant to an adjudication held under this 7377
division, that the individual committed the act or if no hearing 7378
is requested, the board may order any of the sanctions 7379
identified under division (B) of this section. 7380

(I) The license or certificate to practice issued to an 7381
individual under this chapter and the individual's practice in 7382
this state are automatically suspended as of the date ~~of the~~ 7383
~~individual's second or subsequent plea of guilty to, or judicial~~ 7384
~~finding of guilt of, a violation of section 2919.123 of the~~ 7385
~~Revised Code. In addition, the license or certificate to~~ 7386
~~practice or certificate to recommend issued to an individual~~ 7387
~~under this chapter and the individual's practice in this state~~ 7388
~~are automatically suspended as of the date~~ the individual pleads 7389
guilty to, is found by a judge or jury to be guilty of, or is 7390
subject to a judicial finding of eligibility for intervention in 7391
lieu of conviction in this state or treatment or intervention in 7392
lieu of conviction in another jurisdiction for any of the 7393
following criminal offenses in this state or a substantially 7394

equivalent criminal offense in another jurisdiction: aggravated 7395
murder, murder, voluntary manslaughter, felonious assault, 7396
kidnapping, rape, sexual battery, gross sexual imposition, 7397
aggravated arson, aggravated robbery, or aggravated burglary. 7398
Continued practice after suspension shall be considered 7399
practicing without a license or certificate. 7400

The board shall notify the individual subject to the 7401
suspension by certified mail or in person in accordance with 7402
section 119.07 of the Revised Code. If an individual whose 7403
license or certificate is automatically suspended under this 7404
division fails to make a timely request for an adjudication 7405
under Chapter 119. of the Revised Code, the board shall ~~do~~ 7406
~~whichever of the following is applicable:~~ 7407

~~(1) If the automatic suspension under this division is for 7408
a second or subsequent plea of guilty to, or judicial finding of 7409
guilt of, a violation of section 2919.123 of the Revised Code, 7410
the board shall enter an order suspending the individual's 7411
license or certificate to practice for a period of at least one 7412
year or, if determined appropriate by the board, imposing a more 7413
serious sanction involving the individual's license or 7414
certificate to practice.~~ 7415

~~(2) In all circumstances in which division (I) (1) of this 7416
section does not apply, enter a final order permanently revoking 7417
the individual's license or certificate to practice.~~ 7418

(J) If the board is required by Chapter 119. of the 7419
Revised Code to give notice of an opportunity for a hearing and 7420
if the individual subject to the notice does not timely request 7421
a hearing in accordance with section 119.07 of the Revised Code, 7422
the board is not required to hold a hearing, but may adopt, by 7423
an affirmative vote of not fewer than six of its members, a 7424

final order that contains the board's findings. In that final 7425
order, the board may order any of the sanctions identified under 7426
division (A) or (B) of this section. 7427

(K) Any action taken by the board under division (B) of 7428
this section resulting in a suspension from practice shall be 7429
accompanied by a written statement of the conditions under which 7430
the individual's license or certificate to practice may be 7431
reinstated. The board shall adopt rules governing conditions to 7432
be imposed for reinstatement. Reinstatement of a license or 7433
certificate suspended pursuant to division (B) of this section 7434
requires an affirmative vote of not fewer than six members of 7435
the board. 7436

(L) When the board refuses to grant or issue a license or 7437
certificate to practice to an applicant, revokes an individual's 7438
license or certificate to practice, refuses to renew an 7439
individual's license or certificate to practice, or refuses to 7440
reinstatement an individual's license or certificate to practice, 7441
the board may specify that its action is permanent. An 7442
individual subject to a permanent action taken by the board is 7443
forever thereafter ineligible to hold a license or certificate 7444
to practice and the board shall not accept an application for 7445
reinstatement of the license or certificate or for issuance of a 7446
new license or certificate. 7447

(M) Notwithstanding any other provision of the Revised 7448
Code, all of the following apply: 7449

(1) The surrender of a license or certificate issued under 7450
this chapter shall not be effective unless or until accepted by 7451
the board. A telephone conference call may be utilized for 7452
acceptance of the surrender of an individual's license or 7453
certificate to practice. The telephone conference call shall be 7454

considered a special meeting under division (F) of section 7455
121.22 of the Revised Code. Reinstatement of a license or 7456
certificate surrendered to the board requires an affirmative 7457
vote of not fewer than six members of the board. 7458

(2) An application for a license or certificate made under 7459
the provisions of this chapter may not be withdrawn without 7460
approval of the board. 7461

(3) Failure by an individual to renew a license or 7462
certificate to practice in accordance with this chapter or a 7463
certificate to recommend in accordance with rules adopted under 7464
section 4731.301 of the Revised Code shall not remove or limit 7465
the board's jurisdiction to take any disciplinary action under 7466
this section against the individual. 7467

(4) At the request of the board, a license or certificate 7468
holder shall immediately surrender to the board a license or 7469
certificate that the board has suspended, revoked, or 7470
permanently revoked. 7471

(N) Sanctions shall not be imposed under division (B) ~~(28)~~ 7472
(26) of this section against any person who waives deductibles 7473
and copayments as follows: 7474

(1) In compliance with the health benefit plan that 7475
expressly allows such a practice. Waiver of the deductibles or 7476
copayments shall be made only with the full knowledge and 7477
consent of the plan purchaser, payer, and third-party 7478
administrator. Documentation of the consent shall be made 7479
available to the board upon request. 7480

(2) For professional services rendered to any other person 7481
authorized to practice pursuant to this chapter, to the extent 7482
allowed by this chapter and rules adopted by the board. 7483

(O) Under the board's investigative duties described in 7484
this section and subject to division (F) of this section, the 7485
board shall develop and implement a quality intervention program 7486
designed to improve through remedial education the clinical and 7487
communication skills of individuals authorized under this 7488
chapter to practice medicine and surgery, osteopathic medicine 7489
and surgery, and podiatric medicine and surgery. In developing 7490
and implementing the quality intervention program, the board may 7491
do all of the following: 7492

(1) Offer in appropriate cases as determined by the board 7493
an educational and assessment program pursuant to an 7494
investigation the board conducts under this section; 7495

(2) Select providers of educational and assessment 7496
services, including a quality intervention program panel of case 7497
reviewers; 7498

(3) Make referrals to educational and assessment service 7499
providers and approve individual educational programs 7500
recommended by those providers. The board shall monitor the 7501
progress of each individual undertaking a recommended individual 7502
educational program. 7503

(4) Determine what constitutes successful completion of an 7504
individual educational program and require further monitoring of 7505
the individual who completed the program or other action that 7506
the board determines to be appropriate; 7507

(5) Adopt rules in accordance with Chapter 119. of the 7508
Revised Code to further implement the quality intervention 7509
program. 7510

An individual who participates in an individual 7511
educational program pursuant to this division shall pay the 7512

financial obligations arising from that educational program. 7513

Sec. 4731.223. (A) As used in this section, "prosecutor" 7514
has the same meaning as in section 2935.01 of the Revised Code. 7515

(B) Whenever any person holding a valid license or 7516
certificate issued pursuant to this chapter pleads guilty to, is 7517
subject to a judicial finding of guilt of, or is subject to a 7518
judicial finding of eligibility for intervention in lieu of 7519
conviction for a violation of Chapter 2907., 2925., or 3719. of 7520
the Revised Code or of any substantively comparable ordinance of 7521
a municipal corporation in connection with the person's 7522
practice, ~~or for a second or subsequent time pleads guilty to,~~ 7523
~~or is subject to a judicial finding of guilt of, a violation of~~ 7524
~~section 2919.123 of the Revised Code,~~ the prosecutor in the 7525
case, on forms prescribed and provided by the state medical 7526
board, shall promptly notify the board of the conviction or 7527
guilty plea. Within thirty days of receipt of that information, 7528
the board shall initiate action in accordance with Chapter 119. 7529
of the Revised Code to determine whether to suspend or revoke 7530
the license or certificate under section 4731.22 of the Revised 7531
Code. 7532

(C) The prosecutor in any case against any person holding 7533
a valid license or certificate issued pursuant to this chapter, 7534
on forms prescribed and provided by the state medical board, 7535
shall notify the board of any of the following: 7536

(1) A plea of guilty to, a finding of guilt by a jury or 7537
court of, or judicial finding of eligibility for intervention in 7538
lieu of conviction for a felony, or a case in which the trial 7539
court issues an order of dismissal upon technical or procedural 7540
grounds of a felony charge; 7541

(2) A plea of guilty to, a finding of guilt by a jury or 7542
court of, or judicial finding of eligibility for intervention in 7543
lieu of conviction for a misdemeanor committed in the course of 7544
practice, or a case in which the trial court issues an order of 7545
dismissal upon technical or procedural grounds of a charge of a 7546
misdemeanor, if the alleged act was committed in the course of 7547
practice; 7548

(3) A plea of guilty to, a finding of guilt by a jury or 7549
court of, or judicial finding of eligibility for intervention in 7550
lieu of conviction for a misdemeanor involving moral turpitude, 7551
or a case in which the trial court issues an order of dismissal 7552
upon technical or procedural grounds of a charge of a 7553
misdemeanor involving moral turpitude. 7554

The report shall include the name and address of the 7555
license or certificate holder, the nature of the offense for 7556
which the action was taken, and the certified court documents 7557
recording the action. 7558

Sec. 4731.224. (A) Within sixty days after the imposition 7559
of any formal disciplinary action taken by any health care 7560
facility, including a hospital, health care facility operated by 7561
a health insuring corporation, ambulatory surgical center, or 7562
similar facility, against any individual holding a valid license 7563
or certificate to practice issued pursuant to this chapter, the 7564
chief administrator or executive officer of the facility shall 7565
report to the state medical board the name of the individual, 7566
the action taken by the facility, and a summary of the 7567
underlying facts leading to the action taken. Upon request, the 7568
board shall be provided certified copies of the patient records 7569
that were the basis for the facility's action. Prior to release 7570
to the board, the summary shall be approved by the peer review 7571

committee that reviewed the case or by the governing board of 7572
the facility. As used in this division, "formal disciplinary 7573
action" means any action resulting in the revocation, 7574
restriction, reduction, or termination of clinical privileges 7575
for violations of professional ethics, or for reasons of medical 7576
incompetence, medical malpractice, or drug or alcohol abuse. 7577
"Formal disciplinary action" includes a summary action, an 7578
action that takes effect notwithstanding any appeal rights that 7579
may exist, and an action that results in an individual 7580
surrendering clinical privileges while under investigation and 7581
during proceedings regarding the action being taken or in return 7582
for not being investigated or having proceedings held. "Formal 7583
disciplinary action" does not include any action taken for the 7584
sole reason of failure to maintain records on a timely basis or 7585
failure to attend staff or section meetings. 7586

The filing or nonfiling of a report with the board, 7587
investigation by the board, or any disciplinary action taken by 7588
the board, shall not preclude any action by a health care 7589
facility to suspend, restrict, or revoke the individual's 7590
clinical privileges. 7591

In the absence of fraud or bad faith, no individual or 7592
entity that provides patient records to the board shall be 7593
liable in damages to any person as a result of providing the 7594
records. 7595

(B) If any individual authorized to practice under this 7596
chapter or any professional association or society of such 7597
individuals believes that a violation of any provision of this 7598
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 7599
4778. of the Revised Code, or any rule of the board has 7600
occurred, the individual, association, or society shall report 7601

to the board the information upon which the belief is based. 7602
This division does not require any treatment provider approved 7603
by the board under section 4731.25 of the Revised Code or any 7604
employee, agent, or representative of such a provider to make 7605
reports with respect to an impaired practitioner participating 7606
in treatment or aftercare for substance abuse as long as the 7607
practitioner maintains participation in accordance with the 7608
requirements of section 4731.25 of the Revised Code, and as long 7609
as the treatment provider or employee, agent, or representative 7610
of the provider has no reason to believe that the practitioner 7611
has violated any provision of this chapter or any rule adopted 7612
under it, other than the provisions of division (B) ~~(26)~~ (24) of 7613
section 4731.22 of the Revised Code. This division does not 7614
require reporting by any member of an impaired practitioner 7615
committee established by a health care facility or by any 7616
representative or agent of a committee or program sponsored by a 7617
professional association or society of individuals authorized to 7618
practice under this chapter to provide peer assistance to 7619
practitioners with substance abuse problems with respect to a 7620
practitioner who has been referred for examination to a 7621
treatment program approved by the board under section 4731.25 of 7622
the Revised Code if the practitioner cooperates with the 7623
referral for examination and with any determination that the 7624
practitioner should enter treatment and as long as the committee 7625
member, representative, or agent has no reason to believe that 7626
the practitioner has ceased to participate in the treatment 7627
program in accordance with section 4731.25 of the Revised Code 7628
or has violated any provision of this chapter or any rule 7629
adopted under it, other than the provisions of division (B) ~~(26)~~ (24) of 7630
(24) of section 4731.22 of the Revised Code. 7631

(C) Any professional association or society composed 7632

primarily of doctors of medicine and surgery, doctors of 7633
osteopathic medicine and surgery, doctors of podiatric medicine 7634
and surgery, or practitioners of limited branches of medicine 7635
that suspends or revokes an individual's membership for 7636
violations of professional ethics, or for reasons of 7637
professional incompetence or professional malpractice, within 7638
sixty days after a final decision shall report to the board, on 7639
forms prescribed and provided by the board, the name of the 7640
individual, the action taken by the professional organization, 7641
and a summary of the underlying facts leading to the action 7642
taken. 7643

The filing of a report with the board or decision not to 7644
file a report, investigation by the board, or any disciplinary 7645
action taken by the board, does not preclude a professional 7646
organization from taking disciplinary action against an 7647
individual. 7648

(D) Any insurer providing professional liability insurance 7649
to an individual authorized to practice under this chapter, or 7650
any other entity that seeks to indemnify the professional 7651
liability of such an individual, shall notify the board within 7652
thirty days after the final disposition of any written claim for 7653
damages where such disposition results in a payment exceeding 7654
twenty-five thousand dollars. The notice shall contain the 7655
following information: 7656

(1) The name and address of the person submitting the 7657
notification; 7658

(2) The name and address of the insured who is the subject 7659
of the claim; 7660

(3) The name of the person filing the written claim; 7661

(4) The date of final disposition; 7662

(5) If applicable, the identity of the court in which the 7663
final disposition of the claim took place. 7664

(E) The board may investigate possible violations of this 7665
chapter or the rules adopted under it that are brought to its 7666
attention as a result of the reporting requirements of this 7667
section, except that the board shall conduct an investigation if 7668
a possible violation involves repeated malpractice. As used in 7669
this division, "repeated malpractice" means three or more claims 7670
for medical malpractice within the previous five-year period, 7671
each resulting in a judgment or settlement in excess of twenty- 7672
five thousand dollars in favor of the claimant, and each 7673
involving negligent conduct by the practicing individual. 7674

(F) All summaries, reports, and records received and 7675
maintained by the board pursuant to this section shall be held 7676
in confidence and shall not be subject to discovery or 7677
introduction in evidence in any federal or state civil action 7678
involving a health care professional or facility arising out of 7679
matters that are the subject of the reporting required by this 7680
section. The board may use the information obtained only as the 7681
basis for an investigation, as evidence in a disciplinary 7682
hearing against an individual whose practice is regulated under 7683
this chapter, or in any subsequent trial or appeal of a board 7684
action or order. 7685

The board may disclose the summaries and reports it 7686
receives under this section only to health care facility 7687
committees within or outside this state that are involved in 7688
credentialing or recredentialing the individual or in reviewing 7689
the individual's clinical privileges. The board shall indicate 7690
whether or not the information has been verified. Information 7691

transmitted by the board shall be subject to the same 7692
confidentiality provisions as when maintained by the board. 7693

(G) Except for reports filed by an individual pursuant to 7694
division (B) of this section, the board shall send a copy of any 7695
reports or summaries it receives pursuant to this section to the 7696
individual who is the subject of the reports or summaries. The 7697
individual shall have the right to file a statement with the 7698
board concerning the correctness or relevance of the 7699
information. The statement shall at all times accompany that 7700
part of the record in contention. 7701

(H) An individual or entity that, pursuant to this 7702
section, reports to the board or refers an impaired practitioner 7703
to a treatment provider approved by the board under section 7704
4731.25 of the Revised Code shall not be subject to suit for 7705
civil damages as a result of the report, referral, or provision 7706
of the information. 7707

(I) In the absence of fraud or bad faith, no professional 7708
association or society of individuals authorized to practice 7709
under this chapter that sponsors a committee or program to 7710
provide peer assistance to practitioners with substance abuse 7711
problems, no representative or agent of such a committee or 7712
program, and no member of the state medical board shall be held 7713
liable in damages to any person by reason of actions taken to 7714
refer a practitioner to a treatment provider approved under 7715
section 4731.25 of the Revised Code for examination or 7716
treatment. 7717

Sec. 4731.225. (A) If the holder of a license or 7718
certificate issued under this chapter violates division (A), 7719
(B), or (C) of section 4731.66 or section 4731.69 of the Revised 7720
Code, or if any other person violates division (B) or (C) of 7721

section 4731.66 or section 4731.69 of the Revised Code, the 7722
state medical board, pursuant to an adjudication under Chapter 7723
119. of the Revised Code and an affirmative vote of not fewer 7724
than six of its members, shall: 7725

(1) For a first violation, impose a civil penalty of not 7726
more than five thousand dollars; 7727

(2) For each subsequent violation, impose a civil penalty 7728
of not more than twenty thousand dollars and, if the violator is 7729
a license or certificate holder, proceed under division (B) ~~(27)~~ 7730
(25) of section 4731.22 of the Revised Code. 7731

(B) (1) If the holder of a license or certificate issued 7732
under this chapter violates any section of this chapter other 7733
than section 4731.281 or 4731.282 of the Revised Code or the 7734
sections specified in division (A) of this section, or violates 7735
any rule adopted under this chapter, the board may, pursuant to 7736
an adjudication under Chapter 119. of the Revised Code and an 7737
affirmative vote of not fewer than six of its members, impose a 7738
civil penalty. The amount of the civil penalty shall be 7739
determined by the board in accordance with the guidelines 7740
adopted under division (B) (2) of this section. The civil penalty 7741
may be in addition to any other action the board may take under 7742
section 4731.22 of the Revised Code. 7743

(2) The board shall adopt and may amend guidelines 7744
regarding the amounts of civil penalties to be imposed under 7745
this section. Adoption or amendment of the guidelines requires 7746
the approval of not fewer than six board members. 7747

Under the guidelines, no civil penalty amount shall exceed 7748
twenty thousand dollars. 7749

(C) Amounts received from payment of civil penalties 7750

imposed under this section shall be deposited by the board in 7751
accordance with section 4731.24 of the Revised Code. Amounts 7752
received from payment of civil penalties imposed for violations 7753
of division (B) ~~(26)~~ (24) of section 4731.22 of the Revised Code 7754
shall be used by the board solely for investigations, 7755
enforcement, and compliance monitoring. 7756

Sec. 4731.25. The state medical board, in accordance with 7757
Chapter 119. of the Revised Code, shall adopt and may amend and 7758
rescind rules establishing standards for approval of physicians 7759
and facilities as treatment providers for impaired practitioners 7760
who are regulated under this chapter or Chapter 4730., 4759., 7761
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 7762
rules shall include standards for both inpatient and outpatient 7763
treatment. The rules shall provide that in order to be approved, 7764
a treatment provider must have the capability of making an 7765
initial examination to determine what type of treatment an 7766
impaired practitioner requires. Subject to the rules, the board 7767
shall review and approve treatment providers on a regular basis. 7768
The board, at its discretion, may withdraw or deny approval 7769
subject to the rules. 7770

An approved impaired practitioner treatment provider 7771
shall: 7772

(A) Report to the board the name of any practitioner 7773
suffering or showing evidence of suffering impairment as 7774
described in division (B) (5) of section 4730.25 of the Revised 7775
Code, division (B) ~~(26)~~ (24) of section 4731.22 of the Revised 7776
Code, division (A) (4) of section 4759.07 of the Revised Code, 7777
division (B) (6) of section 4760.13 of the Revised Code, division 7778
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 7779
of section 4774.13 of the Revised Code, or division (B) (6) of 7780

section 4778.14 of the Revised Code who fails to comply within 7781
one week with a referral for examination; 7782

(B) Report to the board the name of any impaired 7783
practitioner who fails to enter treatment within forty-eight 7784
hours following the provider's determination that the 7785
practitioner needs treatment; 7786

(C) Require every practitioner who enters treatment to 7787
agree to a treatment contract establishing the terms of 7788
treatment and aftercare, including any required supervision or 7789
restrictions of practice during treatment or aftercare; 7790

(D) Require a practitioner to suspend practice upon entry 7791
into any required inpatient treatment; 7792

(E) Report to the board any failure by an impaired 7793
practitioner to comply with the terms of the treatment contract 7794
during inpatient or outpatient treatment or aftercare; 7795

(F) Report to the board the resumption of practice of any 7796
impaired practitioner before the treatment provider has made a 7797
clear determination that the practitioner is capable of 7798
practicing according to acceptable and prevailing standards of 7799
care; 7800

(G) Require a practitioner who resumes practice after 7801
completion of treatment to comply with an aftercare contract 7802
that meets the requirements of rules adopted by the board for 7803
approval of treatment providers; 7804

(H) Report the identity of any practitioner practicing 7805
under the terms of an aftercare contract to hospital 7806
administrators, medical chiefs of staff, and chairpersons of 7807
impaired practitioner committees of all health care institutions 7808
at which the practitioner holds clinical privileges or otherwise 7809

practices. If the practitioner does not hold clinical privileges 7810
at any health care institution, the treatment provider shall 7811
report the practitioner's identity to the impaired practitioner 7812
committee of the county medical society, osteopathic academy, or 7813
podiatric medical association in every county in which the 7814
practitioner practices. If there are no impaired practitioner 7815
committees in the county, the treatment provider shall report 7816
the practitioner's identity to the president or other designated 7817
member of the county medical society, osteopathic academy, or 7818
podiatric medical association. 7819

(I) Report to the board the identity of any practitioner 7820
who suffers a relapse at any time during or following aftercare. 7821

Any individual authorized to practice under this chapter 7822
who enters into treatment by an approved treatment provider 7823
shall be deemed to have waived any confidentiality requirements 7824
that would otherwise prevent the treatment provider from making 7825
reports required under this section. 7826

In the absence of fraud or bad faith, no person or 7827
organization that conducts an approved impaired practitioner 7828
treatment program, no member of such an organization, and no 7829
employee, representative, or agent of the treatment provider 7830
shall be held liable in damages to any person by reason of 7831
actions taken or recommendations made by the treatment provider 7832
or its employees, representatives, or agents. 7833

Sec. 4731.281. (A) (1) Each person holding a license issued 7834
under this chapter to practice medicine and surgery, osteopathic 7835
medicine and surgery, or podiatric medicine and surgery wishing 7836
to renew that license shall apply to the board for renewal. 7837
Applications shall be submitted to the board in a manner 7838
prescribed by the board. Each application shall be accompanied 7839

by a biennial renewal fee of three hundred five dollars. 7840

Applications shall be submitted according to the following 7841
schedule: 7842

(a) Persons whose last name begins with the letters "A" 7843
through "B," on or before the first day of July of every odd- 7844
numbered year; 7845

(b) Persons whose last name begins with the letters "C" 7846
through "D," on or before the first day of April of every odd- 7847
numbered year; 7848

(c) Persons whose last name begins with the letters "E" 7849
through "G," on or before the first day of January of every odd- 7850
numbered year; 7851

(d) Persons whose last name begins with the letters "H" 7852
through "K," on or before the first day of October of every 7853
even-numbered year; 7854

(e) Persons whose last name begins with the letters "L" 7855
through "M," on or before the first day of July of every even- 7856
numbered year; 7857

(f) Persons whose last name begins with the letters "N" 7858
through "R," on or before the first day of April of every even- 7859
numbered year; 7860

(g) Persons whose last name begins with the letter "S," on 7861
or before the first day of January of every even-numbered year; 7862

(h) Persons whose last name begins with the letters "T" 7863
through "Z," on or before the first day of October of every odd- 7864
numbered year. 7865

The board shall deposit the fee in accordance with section 7866
4731.24 of the Revised Code, except that the board shall deposit 7867

twenty dollars of the fee into the state treasury to the credit 7868
of the physician loan repayment fund created by section 3702.78 7869
of the Revised Code. 7870

(2) The board shall provide to every person holding a 7871
license to practice medicine and surgery, osteopathic medicine 7872
and surgery, or podiatric medicine and surgery, a renewal notice 7873
or may provide the notice to the person through the secretary of 7874
any recognized medical, osteopathic, or podiatric society. The 7875
notice shall be provided to the person at least one month prior 7876
to the date on which the person's license expires. 7877

(3) Failure of any person to receive a notice of renewal 7878
from the board shall not excuse the person from the requirements 7879
contained in this section. 7880

(4) The board's notice shall inform the applicant of the 7881
renewal procedure. The board shall provide the application for 7882
renewal in a form determined by the board. 7883

(5) The applicant shall provide in the application the 7884
applicant's full name; the applicant's residence address, 7885
business address, and electronic mail address; the number of the 7886
applicant's license to practice; and any other information 7887
required by the board. 7888

(6) (a) Except as provided in division (A) (6) (b) of this 7889
section, in the case of an applicant who prescribes or 7890
personally furnishes opioid analgesics or benzodiazepines, as 7891
defined in section 3719.01 of the Revised Code, the applicant 7892
shall certify to the board whether the applicant has been 7893
granted access to the drug database established and maintained 7894
by the state board of pharmacy pursuant to section 4729.75 of 7895
the Revised Code. 7896

(b) The requirement in division (A) (6) (a) of this section 7897
does not apply if any of the following is the case: 7898

(i) The state board of pharmacy notifies the state medical 7899
board pursuant to section 4729.861 of the Revised Code that the 7900
applicant has been restricted from obtaining further information 7901
from the drug database. 7902

(ii) The state board of pharmacy no longer maintains the 7903
drug database. 7904

(iii) The applicant does not practice medicine and 7905
surgery, osteopathic medicine and surgery, or podiatric medicine 7906
and surgery in this state. 7907

(c) If an applicant certifies to the state medical board 7908
that the applicant has been granted access to the drug database 7909
and the board finds through an audit or other means that the 7910
applicant has not been granted access, the board may take action 7911
under section 4731.22 of the Revised Code. 7912

(7) The applicant shall indicate whether the applicant 7913
currently collaborates, as that term is defined in section 7914
4723.01 of the Revised Code, with any clinical nurse 7915
specialists, certified nurse-midwives, or certified nurse 7916
practitioners. 7917

(8) The applicant shall report any criminal offense to 7918
which the applicant has pleaded guilty, of which the applicant 7919
has been found guilty, or for which the applicant has been found 7920
eligible for intervention in lieu of conviction, since last 7921
submitting an application for a license to practice or renewal 7922
of a license. 7923

(9) The applicant shall execute and deliver the 7924
application to the board in a manner prescribed by the board. 7925

(B) The board shall renew a license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period.

(C) Failure of any license holder to renew and comply with this section shall operate automatically to suspend the holder's license to practice and if applicable, the holder's certificate to recommend issued under section 4731.30 of the Revised Code. Continued practice after the suspension shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code.

If the license has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a license to practice suspended for failure to renew upon an applicant's submission of a renewal application and payment of a reinstatement fee of four hundred five dollars.

If the license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a license to practice suspended for failure to renew upon an applicant's submission of a restoration application, payment of a restoration fee of five hundred five dollars, and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a license to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4731.14 or 4731.56 of the Revised Code. Any reinstatement or restoration of a license to practice under this section shall operate automatically to renew

the holder's certificate to recommend. 7956

(D) The state medical board may obtain information not 7957
protected by statutory or common law privilege from courts and 7958
other sources concerning malpractice claims against any person 7959
holding a license to practice under this chapter or practicing 7960
as provided in section 4731.36 of the Revised Code. 7961

~~(E) Each mailing sent by the board under division (A) (2) 7962
of this section to a person holding a license to practice 7963
medicine and surgery or osteopathic medicine and surgery shall 7964
inform the applicant of the reporting requirement established by 7965
division (H) of section 3701.79 of the Revised Code. At the 7966
discretion of the board, the information may be included on the 7967
application for renewal or on an accompanying page. 7968~~

~~(F) Each person holding a license to practice medicine and 7969
surgery, osteopathic medicine and surgery, or podiatric medicine 7970
and surgery shall give notice to the board of a change in the 7971
license holder's residence address, business address, or 7972
electronic mail address not later than thirty days after the 7973
change occurs. 7974~~

Sec. 4731.293. (A) The state medical board may issue, 7975
without examination, a clinical research faculty certificate to 7976
practice medicine and surgery, osteopathic medicine and surgery, 7977
or podiatric medicine and surgery to any person who applies for 7978
the certificate and provides to the board all of the following: 7979

(1) Evidence satisfactory to the board of all of the 7980
following: 7981

(a) That the applicant holds a current, unrestricted 7982
license to practice medicine and surgery, osteopathic medicine 7983
and surgery, or podiatric medicine and surgery issued by another 7984

state or country; 7985

(b) That the applicant has been appointed to serve in this 7986
state on the academic staff of a medical school accredited by 7987
the liaison committee on medical education, an osteopathic 7988
medical school accredited by the American osteopathic 7989
association, or a college of podiatric medicine and surgery in 7990
good standing with the board; 7991

(c) That the applicant is an international medical 7992
graduate who holds a medical degree from an educational 7993
institution listed in the international medical education 7994
directory. 7995

(2) An affidavit and supporting documentation from the 7996
dean of the school or college, or the department director or 7997
chairperson of a teaching hospital affiliated with the school or 7998
college, that the applicant is qualified to perform teaching and 7999
research activities and will be permitted to work only under the 8000
authority of the department director or chairperson of a 8001
teaching hospital affiliated with the school or college where 8002
the applicant's teaching and research activities will occur; 8003

(3) A description from the school, college, or teaching 8004
hospital of the scope of practice in which the applicant will be 8005
involved, including the types of teaching, research, and 8006
procedures in which the applicant will be engaged; 8007

(4) A description from the school, college, or teaching 8008
hospital of the type and amount of patient contact that will 8009
occur in connection with the applicant's teaching and research 8010
activities. 8011

(B) An applicant for an initial clinical research faculty 8012
certificate shall pay a fee of three hundred seventy-five 8013

dollars. 8014

(C) The holder of a clinical research faculty certificate 8015
may do one of the following, as applicable: 8016

(1) Practice medicine and surgery or osteopathic medicine 8017
and surgery only as is incidental to the certificate holder's 8018
teaching or research duties at the medical school or a teaching 8019
hospital affiliated with the school; 8020

(2) Practice podiatric medicine and surgery only as is 8021
incidental to the certificate holder's teaching or research 8022
duties at the college of podiatric medicine and surgery or a 8023
teaching hospital affiliated with the college. 8024

(D) The board may revoke a certificate on receiving proof 8025
satisfactory to the board that the certificate holder has 8026
engaged in practice in this state outside the scope of the 8027
certificate or that there are grounds for action against the 8028
certificate holder under section 4731.22 of the Revised Code. 8029

(E) A clinical research faculty certificate is valid for 8030
three years, except that the certificate ceases to be valid if 8031
the holder's academic staff appointment described in division 8032
(A) (1) (b) of this section is no longer valid or the certificate 8033
is revoked pursuant to division (D) of this section. 8034

(F) (1) The board shall provide a renewal notice to the 8035
certificate holder at least one month before the certificate 8036
expires. Failure of a certificate holder to receive a notice of 8037
renewal from the board shall not excuse the certificate holder 8038
from the requirements contained in this section. The notice 8039
shall inform the certificate holder of the renewal procedure. 8040
~~The notice also shall inform the certificate holder of the~~ 8041
~~reporting requirement established by division (H) of section~~ 8042

~~3701.79 of the Revised Code.~~ At the discretion of the board, the 8043
information may be included on the application for renewal or on 8044
an accompanying page. 8045

(2) A clinical research faculty certificate may be renewed 8046
for an additional three-year period. There is no limit on the 8047
number of times a certificate may be renewed. A person seeking 8048
renewal of a certificate shall apply to the board. The board 8049
shall provide the application for renewal in a form determined 8050
by the board. 8051

(3) An applicant is eligible for renewal if the applicant 8052
does all of the following: 8053

(a) Pays a renewal fee of three hundred seventy-five 8054
dollars; 8055

(b) Reports any criminal offense to which the applicant 8056
has pleaded guilty, of which the applicant has been found 8057
guilty, or for which the applicant has been found eligible for 8058
intervention in lieu of conviction, since last filing an 8059
application for a clinical research faculty certificate; 8060

(c) Provides to the board an affidavit and supporting 8061
documentation from the dean of the school or college, or the 8062
department director or chairperson of a teaching hospital 8063
affiliated with the school or college, that the applicant is in 8064
compliance with the applicant's current clinical research 8065
faculty certificate; 8066

(d) Provides evidence satisfactory to the board of all of 8067
the following: 8068

(i) That the applicant continues to maintain a current, 8069
unrestricted license to practice medicine and surgery, 8070
osteopathic medicine and surgery, or podiatric medicine and 8071

surgery issued by another state or country; 8072

(ii) That the applicant's initial appointment to serve in 8073
this state on the academic staff of a school or college is still 8074
valid or has been renewed; 8075

(iii) That the applicant has completed one hundred fifty 8076
hours of continuing medical education that meet the requirements 8077
set forth in section 4731.282 of the Revised Code. 8078

(4) Regardless of whether the certificate has expired, a 8079
person who was granted a visiting medical faculty certificate 8080
under this section as it existed immediately prior to June 6, 8081
2012, may apply for a clinical research faculty certificate as a 8082
renewal. The board may issue the clinical research faculty 8083
certificate if the applicant meets the requirements of division 8084
(F)(3) of this section. The board may not issue a clinical 8085
research faculty certificate if the visiting medical faculty 8086
certificate was revoked. 8087

(G) The board shall maintain a register of all persons who 8088
hold clinical research faculty certificates. 8089

(H) The board may adopt any rules it considers necessary 8090
to implement this section. The rules shall be adopted in 8091
accordance with Chapter 119. of the Revised Code. 8092

Sec. 4731.91. (A) No private hospital, private hospital 8093
director, or governing board of a private hospital ~~is required~~ 8094
~~to~~ shall permit an abortion. 8095

(B) No public hospital, public hospital director, or 8096
governing board of a public hospital ~~is required to~~ shall permit 8097
an abortion. 8098

(C) Refusal to permit an abortion is not grounds for civil 8099

liability nor a basis for disciplinary or other recriminatory 8100
action. 8101

(D) No person ~~is~~ shall be required to perform or 8102
participate in medical procedures which result in abortion, and 8103
refusal to perform or participate in the medical procedures is 8104
not grounds for civil liability nor a basis for disciplinary or 8105
other recriminatory action. 8106

(E) Whoever violates division (D) of this section is 8107
liable in civil damages. 8108

Sec. 5101.55. (A) No person shall be ordered by a public 8109
agency or any person to submit to an abortion. 8110

(B) The refusal of any person to submit to an abortion or 8111
to give consent therefor shall not result in the loss of public 8112
assistance benefits or any other rights or privileges. 8113

(C) State or local public funds shall not be used to 8114
subsidize an abortion, ~~except as provided in section 5101.56 of~~ 8115
~~the Revised Code.~~ 8116

Sec. 5103.0319. (A) No foster caregiver or prospective 8117
foster caregiver shall fail to notify the recommending agency 8118
that recommended or is recommending the foster caregiver or 8119
prospective foster caregiver for certification in writing if a 8120
person at least twelve years of age but less than eighteen years 8121
of age residing with the foster caregiver or prospective foster 8122
caregiver has been convicted of or pleaded guilty to any of the 8123
following or has been adjudicated to be a delinquent child for 8124
committing an act that if committed by an adult would have 8125
constituted such a violation: 8126

(1) A violation of section 2903.01, 2903.02, 2903.03, 8127
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 8128

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 8129
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 8130
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 8131
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12,~~ 8132
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 8133
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 8134
Revised Code, a violation of section 2905.04 of the Revised Code 8135
as it existed prior to July 1, 1996, a violation of section 8136
2919.23 of the Revised Code that would have been a violation of 8137
section 2905.04 of the Revised Code as it existed prior to July 8138
1, 1996, had the violation been committed prior to that date, a 8139
violation of section 2925.11 of the Revised Code that is not a 8140
minor drug possession offense, a violation of section 2923.01 of 8141
the Revised Code that involved an attempt to commit aggravated 8142
murder or murder, an OVI or OVUAC violation if the person 8143
previously was convicted of or pleaded guilty to one or more OVI 8144
or OVUAC violations within the three years immediately preceding 8145
the current violation, or felonious sexual penetration in 8146
violation of former section 2907.12 of the Revised Code; 8147

(2) An offense that would be a felony if committed by an 8148
adult and the court determined that the child, if an adult, 8149
would be guilty of a specification found in section 2941.141, 8150
2941.144, or 2941.145 of the Revised Code or in another section 8151
of the Revised Code that relates to the possession or use of a 8152
firearm, as defined in section 2923.11 of the Revised Code, 8153
during the commission of the act for which the child was 8154
adjudicated a delinquent child; 8155

(3) A violation of an existing or former law of this 8156
state, any other state, or the United States that is 8157
substantially equivalent to any of the offenses described in 8158
division (A) (1) or (2) of this section. 8159

(B) If a recommending agency learns that a foster 8160
caregiver has failed to comply with division (A) of this 8161
section, it shall notify the department of job and family 8162
services and the department shall revoke the foster caregiver's 8163
foster home certificate. 8164

(C) As used in this section, "OVI or OVUAC violation" 8165
means a violation of section 4511.19 of the Revised Code or a 8166
violation of an existing or former law of this state, any other 8167
state, or the United States that is substantially equivalent to 8168
section 4511.19 of the Revised Code. 8169

Sec. 5119.367. The director of mental health and addiction 8170
services shall annually conduct an on-site review of each 8171
community mental health services provider and community 8172
addiction services provider that is an opioid treatment program 8173
described in division ~~(D)~~(C) (2) (b) of section 4729.291 of the 8174
Revised Code. The review may include an inspection of pharmacy 8175
records as described in section 3719.13 of the Revised Code and 8176
an inspection of patient treatment records. If the director has 8177
reason to believe that a violation of local, state, or federal 8178
drug law, including any provision of Chapter 2925., 3715., 8179
3719., or 4729. of the Revised Code, has occurred, the director 8180
shall report that information to the state board of pharmacy. 8181

The director may adopt rules in accordance with Chapter 8182
119. of the Revised Code to implement this section. 8183

Sec. 5153.111. (A) (1) The executive director of a public 8184
children services agency shall request the superintendent of the 8185
bureau of criminal identification and investigation to conduct a 8186
criminal records check with respect to any applicant who has 8187
applied to the agency for employment as a person responsible for 8188
the care, custody, or control of a child. If the applicant does 8189

not present proof that the applicant has been a resident of this 8190
state for the five-year period immediately prior to the date 8191
upon which the criminal records check is requested or does not 8192
provide evidence that within that five-year period the 8193
superintendent has requested information about the applicant 8194
from the federal bureau of investigation in a criminal records 8195
check, the executive director shall request that the 8196
superintendent obtain information from the federal bureau of 8197
investigation as a part of the criminal records check for the 8198
applicant. If the applicant presents proof that the applicant 8199
has been a resident of this state for that five-year period, the 8200
executive director may request that the superintendent include 8201
information from the federal bureau of investigation in the 8202
criminal records check. 8203

(2) Any person required by division (A) (1) of this section 8204
to request a criminal records check shall provide to each 8205
applicant a copy of the form prescribed pursuant to division (C) 8206
(1) of section 109.572 of the Revised Code, provide to each 8207
applicant a standard impression sheet to obtain fingerprint 8208
impressions prescribed pursuant to division (C) (2) of section 8209
109.572 of the Revised Code, obtain the completed form and 8210
impression sheet from each applicant, and forward the completed 8211
form and impression sheet to the superintendent of the bureau of 8212
criminal identification and investigation at the time the person 8213
requests a criminal records check pursuant to division (A) (1) of 8214
this section. 8215

(3) Any applicant who receives pursuant to division (A) (2) 8216
of this section a copy of the form prescribed pursuant to 8217
division (C) (1) of section 109.572 of the Revised Code and a 8218
copy of an impression sheet prescribed pursuant to division (C) 8219
(2) of that section and who is requested to complete the form 8220

and provide a set of fingerprint impressions shall complete the 8221
form or provide all the information necessary to complete the 8222
form and shall provide the impression sheet with the impressions 8223
of the applicant's fingerprints. If an applicant, upon request, 8224
fails to provide the information necessary to complete the form 8225
or fails to provide impressions of the applicant's fingerprints, 8226
that agency shall not employ that applicant for any position for 8227
which a criminal records check is required by division (A)(1) of 8228
this section. 8229

(B)(1) Except as provided in rules adopted by the director 8230
of job and family services in accordance with division (E) of 8231
this section, no public children services agency shall employ a 8232
person as a person responsible for the care, custody, or control 8233
of a child if the person previously has been convicted of or 8234
pleaded guilty to any of the following: 8235

(a) A violation of section 2903.01, 2903.02, 2903.03, 8236
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 8237
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 8238
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 8239
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 8240
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, ~~2919.12,~~ 8241
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 8242
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 8243
Code, a violation of section 2905.04 of the Revised Code as it 8244
existed prior to July 1, 1996, a violation of section 2919.23 of 8245
the Revised Code that would have been a violation of section 8246
2905.04 of the Revised Code as it existed prior to July 1, 1996, 8247
had the violation occurred prior to that date, a violation of 8248
section 2925.11 of the Revised Code that is not a minor drug 8249
possession offense, or felonious sexual penetration in violation 8250
of former section 2907.12 of the Revised Code; 8251

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A public children services agency may employ an applicant conditionally until the criminal records check required by this section is completed and the agency receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment.

(C) (1) Each public children services agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the executive director of the agency.

(2) A public children services agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C) (1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in

accordance with section 109.572 of the Revised Code and pursuant 8282
to a request under division (A) (1) of this section is not a 8283
public record for the purposes of section 149.43 of the Revised 8284
Code and shall not be made available to any person other than 8285
the applicant who is the subject of the criminal records check 8286
or the applicant's representative, the public children services 8287
agency requesting the criminal records check or its 8288
representative, and any court, hearing officer, or other 8289
necessary individual involved in a case dealing with the denial 8290
of employment to the applicant. 8291

(E) The director of job and family services shall adopt 8292
rules pursuant to Chapter 119. of the Revised Code to implement 8293
this section, including rules specifying circumstances under 8294
which a public children services agency may hire a person who 8295
has been convicted of an offense listed in division (B) (1) of 8296
this section but who meets standards in regard to rehabilitation 8297
set by the department. 8298

(F) Any person required by division (A) (1) of this section 8299
to request a criminal records check shall inform each person, at 8300
the time of the person's initial application for employment, 8301
that the person is required to provide a set of impressions of 8302
the person's fingerprints and that a criminal records check is 8303
required to be conducted and satisfactorily completed in 8304
accordance with section 109.572 of the Revised Code if the 8305
person comes under final consideration for appointment or 8306
employment as a precondition to employment for that position. 8307

(G) As used in this section: 8308

(1) "Applicant" means a person who is under final 8309
consideration for appointment or employment in a position with 8310
the agency as a person responsible for the care, custody, or 8311

control of a child. 8312

(2) "Criminal records check" has the same meaning as in 8313
section 109.572 of the Revised Code. 8314

(3) "Minor drug possession offense" has the same meaning 8315
as in section 2925.01 of the Revised Code. 8316

Section 2. That existing sections 9.04, 109.572, 149.43, 8317
2151.414, 2151.421, 2305.11, 2305.234, 2307.52, 2307.53, 8318
2307.54, 2317.56, 2505.02, 2901.01, 2903.09, 2919.11, 2919.122, 8319
2919.17, 2919.191, 2919.193, 2919.201, 2919.24, 2919.25, 8320
2925.11, 2935.36, 2950.03, 2953.25, 2967.193, 3301.32, 3301.541, 8321
3301.88, 3319.31, 3319.39, 3701.034, 3701.046, 3701.511, 8322
3702.30, 3901.87, 4112.01, 4729.291, 4729.292, 4731.22, 8323
4731.223, 4731.224, 4731.225, 4731.25, 4731.281, 4731.293, 8324
4731.91, 5101.55, 5103.0319, 5119.367, and 5153.111 and sections 8325
9.041, 2151.85, 2305.114, 2317.561, 2505.073, 2919.12, 2919.121, 8326
2919.123, 2919.13, 2919.151, 2919.16, 2919.171, 2919.18, 8327
2919.19, 2919.192, 2919.20, 2919.202, 2919.203, 2919.204, 8328
2919.205, 3701.341, 3701.79, 3701.791, 3727.60, 5101.56, and 8329
5101.57 of the Revised Code are hereby repealed. 8330

Section 3. Whoever commits an act that was criminally 8331
prohibited prior to the effective date of ...B... of the 132nd 8332
General Assembly at a time prior to the effective date of 8333
...B... of the 132nd General Assembly shall be prosecuted under 8334
the law as it existed prior to the effective date of ...B... of 8335
the 132nd General Assembly. 8336

Section 4. The General Assembly, applying the principle 8337
stated in division (B) of section 1.52 of the Revised Code that 8338
amendments are to be harmonized if reasonably capable of 8339
simultaneous operation, finds that the following sections, 8340

presented in this act as composites of the sections as amended 8341
by the acts indicated, are the resulting versions of the 8342
sections in effect prior to the effective date of the sections 8343
as presented in this act: 8344

Section 2151.421 of the Revised Code as amended by both 8345
Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 8346
Assembly. 8347

Section 2925.11 of the Revised Code as amended by Sub. 8348
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 8349
Assembly. 8350

Section 4729.291 of the Revised Code as amended by both 8351
Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly. 8352