

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 24, 2020

ONE HUNDRED NINETY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 24, 2020, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Hearcel F. Craig, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

President Obhof and Senator Yuko recognized Wendy Estes on her retirement from the Ohio Senate.

Senator Coley requested a moment of silence in memory of Brenda Lee Harmon.

Senator Peterson requested a moment of silence in memory of Yvonne C. Lesicko

Senator Rulli requested a moment of silence in memory of Bishop George V. Murry.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Obhof reports for the standing committee on Rules and Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 263 -Representative Koehler, et al.

To amend sections 9.78, 101.721, 101.921, 109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 173.381, 173.391, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 1751.05, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3721.07, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3931.11, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 4701.06, 4701.07, 4701.08,

4701.09, 4701.17, 4703.07, 4703.10, 4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 5123.452, and 5502.011; to enact section 9.79; and to repeal section 4743.06 of the Revised Code to revise the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses.

To the Committee on Transportation, Commerce and Workforce.

Sub. H. B. No. 425 -Representative Wiggam, et al.

To amend sections 2923.12, 2923.126, 2923.128, and 2923.16 of the Revised Code to modify the requirement that a concealed handgun licensee must notify a law enforcement officer that the licensee is authorized to carry a concealed handgun and is carrying a concealed handgun when stopped.

To the Committee on Government Oversight and Reform.

Am. Sub. H. B. No. 673 -Representative Roemer, et al.

To amend sections 4709.02, 4709.05, 4709.12, 4709.13, and 4729.41 and to enact sections 4709.071, 4713.351, and 4729.42 of the Revised Code and to amend Section 30 of H.B. 197 of the 133rd General Assembly regarding the operation of businesses, practice of certain professions, and completion of education as it relates to COVID-19.

To the Committee on General Government and Agency Review.

S. B. No. 324 -Senator Maharath, et al.

To amend sections 3702.511 and 3702.53 and to enact section 3702.513 of the Revised Code to permit long-term care projects to be initiated during a public health emergency without approval through the Certificate of Need Program.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 325 -Senator Roegner, et al.

To amend sections 3781.19 and 3781.20 and to enact section 3781.21 of the Revised Code to make changes to the law relating to building inspections.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 326 -Senators Kunze, Antonio, et al.

To amend sections 149.43, 3738.01, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 (3738.08), 3738.08 (3738.09), and 3738.09 (3738.11); and to enact new section 3738.05 and sections 5.266, 3701.954, 3702.35, 3727.25, 3738.10, and 3738.99 of the Revised Code to modify the laws governing the Pregnancy-Associated Mortality Review Board and to designate May as "Maternal Mortality Awareness Month."

To the Committee on Health, Human Services and Medicaid.

S. B. No. 327 -Senators Maharath, Kunze, et al.

To enact sections 3702.35, 3702.36, and 3738.20 of the Revised Code to enact the "Save Our Mothers Act" for the purpose of establishing continuing education requirements for birthing facility personnel and an initiative to improve birth equity, reduce peripartum racial and ethnic disparities, and address implicit bias in the healthcare system.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 328 -Senators Maharath, Kunze, et al.

To enact sections 5164.071 and 5164.072 of the Revised Code related to Medicaid coverage of doula services.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 329 -Senator Lehner, et al.

To amend sections 4713.50, 4713.51, and 4713.64 of the Revised Code to prohibit the provision of sun lamp tanning services to individuals under age 18.

To the Committee on Government Oversight and Reform.

S. B. No. 330 -Senator Brenner

To amend section 3314.08 and to enact section 3314.089 of the Revised Code and to amend Section 265.230 of H.B. 166 of the 133rd General Assembly to establish a new method of school financing for internet- and computer-based community schools in which a majority of the students are enrolled in a dropout prevention and recovery program.

To the Committee on Education.

YES - 14: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL THOMAS, SANDRA R. WILLIAMS, STEVE WILSON, KENNY YUKO

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator McColley submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **S. C. R. No. 15**-Senator Hackett having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Maharath, Hoagland, Roegner.

YES - 11: ROB MCCOLLEY, TERRY JOHNSON, NICKIE J. ANTONIO, JAY HOTTINGER, STEPHANIE KUNZE, MICHAEL A. RULLI, NATHAN H. MANNING, VERNON SYKES, TINA MAHARATH, FRANK HOAGLAND, KRISTINA D. ROEGNER

NO - 0.

The question being, "Shall the report of the committee be accepted?"
The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 10-Senator Wilson.

Cosponsors: Senators Peterson, Uecker, Coley, Hoagland, Gavarone, Antonio, Craig, Dolan, Eklund, Hackett, Hill, Hottinger, Huffman, M., Huffman, S., Kunze, Lehner, Maharath, McColley, Obhof, O'Brien, Roegner, Rulli, Sykes, Thomas, Williams. Representatives Plummer, Leland, Crossman, Cupp, Galonski, Rogers, Smith, T., West, Lang, Grendell, Seitz, Clites, Greenspan, Hambley, Manning, G., Patton, Perales.

To amend sections 319.16, 2307.382, 2921.41, 2953.32, 2953.321, 2953.36, 2953.51, 2953.54, and 5747.12 and to enact section 117.116 of the Revised Code and to amend Section 22 of H.B. 197 of the 133rd General Assembly to expand the penalties for theft in office based on the amount stolen, to include as restitution audit costs of the entity that suffered the loss, to modify various aspects of the laws regarding criminal and delinquency record sealing and expungement, to expand the list of debts toward satisfaction of which the Tax Commissioner may apply a tax refund due to a taxpayer, to expand the basis of a court's exercise of personal jurisdiction, to specify a separate standard for the issuing of warrants upon presentation of a court order, and to declare an emergency, having been informally passed, were taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 10**, be informally passed and retain their place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 55-Senator Gavarone.

Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson. Representatives Butler, Cupp, Manning, D., Smith, T., Abrams, Baldrige, Carruthers, Cross, Ghanbari, Holmes, A., Jones, LaRe, Lipps, McClain, Merrin, Plummer, Roemer, Rogers, Seitz, Stein, Wiggam, Wilkin.

To amend sections 2925.01, 2925.03, 3701.99, 3707.99, and 3709.99 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider, to modify penalties for violations of public health orders related to a pandemic, and to designate certain provisions as the "Relapse Reduction Act.", having been informally passed, were taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 55**, be informally passed and retain their place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The amendments of the House of Representatives to:

Sub. S. B. No. 163-Senator Kunze.

Cosponsors: Senators Williams, Yuko, Schaffer, Fedor, Antonio, Johnson, Manning, Hoagland, Sykes, Maharath, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Gavarone, Hackett, Hottinger, Huffman, M., Huffman, S., Lehner, McColley, Obhof, O'Brien, Peterson, Rulli, Thomas, Wilson. Representatives Green, Sheehy, Manning, G., O'Brien, Abrams, Butler, Carruthers, Crossman, DeVitis, Galonski, Ginter, Grendell, Hambley, Ingram, Lanese, Lepore-Hagan, Liston, Richardson, Riedel, Roemer, Rogers, Scherer.

To amend sections 4501.21, 4503.571, 4503.68, and 4503.70 and to enact sections 4503.506, 4503.557, 4503.558, 4503.581, 4503.596, 4503.714, 4503.716, 4503.725, 4503.767, 4503.881, 4503.883, 4503.893, 4503.899, 4503.931, 4503.932, 4503.942, 4503.945, 4503.956, 4503.957, 4503.958, 4503.961, 4503.962, and 4503.963 of the Revised Code to create and amend multiple nonstandard license plates, having been informally passed, were taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Sub. S. B. No. 163**, be informally passed and retain their place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 4 -Senators Rulli, Kunze

Cosponsors: Senators Hottinger, Antonio, Brenner, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hill, Hoagland, Huffman, S., Lehner, Manning, Obhof, O'Brien, Peterson, Sykes, Terhar, Thomas, Uecker, Williams, Yuko
Representatives Blessing, Jones, Robinson, Crawley, Patterson, Sobecki, Scherer, Perales, Rogers, Antani, Crossman, Cupp, Ghanbari, Howse, Roemer, Seitz, West

To amend sections 307.86, 339.05, 505.08, 731.14, 749.37, and 5540.03 of the Revised Code to apply the Prevailing Wage Law to transportation improvement district projects under certain circumstances, to temporarily expand the use of certain tax increment financing payments, to exempt personal protective equipment from certain political subdivision competitive bidding law during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and to make capital appropriations to the Facilities Construction Commission and the Public Works Commission for the biennium ending June 30, 2022.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 1 of the title, delete "Section 237.30 of H.B. 529 of the 132nd"

In line 2 of the title, delete "General Assembly and Section 237.10 of H.B. 529" and insert "section 5540.03"

In line 3 of the title, delete "132 General Assembly, as subsequently"

In line 4 of the title, delete "amended," and insert "Revised Code"; delete "make a capital appropriation for"

Delete line 5 and insert "apply the Prevailing Wage Law to transportation improvement district projects under certain circumstances, and to make capital appropriations to the Facilities Construction Commission and the Public Works Commission for the biennium ending June 30, 2022."

Delete lines 6 through 21

After line 21, insert:

"Section 1. That section 5540.03 of the Revised Code be amended to read as follows:

Sec. 5540.03. (A) A transportation improvement district may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal;

(3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;

(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;

(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:

(a) Transportation improvement district revenue bonds;

(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;

(6) Maintain such funds as it considers necessary;

(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;

(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;

(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;

(10) Receive and accept from the federal or any state or local government, including, but not limited to, any agency, entity, or instrumentality of any of the foregoing, loans and grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, and contributions are made. Nothing in division (A)(10) of this section shall be construed as imposing any liability on this state for any

loan received by a transportation improvement district from a third party unless this state has entered into an agreement to accept such liability.

(11) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter;

(12) Establish and collect tolls or user charges for its projects;

(13) Subject to section 5540.18 of the Revised Code, enter into an agreement with a contiguous board of county commissioners other than the board of county commissioners that created the transportation improvement district, for the district to exercise all or any portion of its powers with respect to a project that is located wholly or partially within the county that is party to the agreement;

(14) Do all acts necessary and proper to carry out the powers expressly granted in this chapter.

(B)(1) Chapters 123., 124., 125., and 153., ~~and 4115.~~, and sections 9.331 to 9.335 and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district.

(2) A transportation improvement district is subject to sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, unless the amount of state or local government funds, including, but not limited to, those provided by any agency, entity, or instrumentality of the state or a local government as described in division (A)(10) of this section received for the contract or project, is, in the aggregate, less than the amounts described in or calculated under section 4115.03 of the Revised Code."

Delete lines 22 and 23

After line 23, insert:

"Section 2. That existing section 5540.03 of the Revised Code is hereby repealed."

Delete lines 24 through 35

After line 35, insert:

"Section 3. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated for the capital biennium ending June 30, 2022."

Delete lines 36 through 38

After line 38, insert:

"Section 4. FCC FACILITIES CONSTRUCTION COMMISSION

	1	2	3
A	School Building Program Assistance Fund (Fund 7032)		
B	C23002	School Building Program Assistance	\$ 300,000,000
C	TOTAL School Building Program Assistance Fund		\$ 300,000,000
D	TOTAL ALL FUNDS		\$ 300,000,000

SCHOOL BUILDING PROGRAM ASSISTANCE

Capital appropriations in this section made from appropriation item C23002, School Building Program Assistance, shall be used by the Facilities Construction Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

Section 5. PWC PUBLIC WORKS COMMISSION

	1	2	3
A	State Capital Improvements Fund (Fund 7038)		
B	C15000	Local Public Infrastructure/State CIP	\$ 175,000,000
C	TOTAL State Capital Improvements Fund		\$ 175,000,000
D	State Capital Improvements Revolving Loan Fund (Fund 7040)		
E	C15030	Revolving Loan	\$ 42,500,000
F	TOTAL State Capital Improvements Revolving Loan Fund		\$ 42,500,000
G	Clean Ohio Conservation Fund (Fund 7056)		

H	C15060	Clean Ohio Conservation Program	\$ 37,500,000
I		TOTAL Clean Ohio Conservation Fund	\$ 37,500,000
J		TOTAL ALL FUNDS	\$ 255,000,000

LOCAL PUBLIC INFRASTRUCTURE

Capital appropriations in this section made from the State Capital Improvements Fund (Fund 7038) shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15000, Local Public Infrastructure/State CIP.

REVOLVING LOAN

Capital appropriations in this section made from the State Capital Improvements Revolving Loan Fund (Fund 7040) shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and

Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

CLEAN OHIO CONSERVATION GRANT REPAYMENTS

Capital appropriations in this section made from the Clean Ohio Conservation Fund (Fund 7056) shall be used in accordance with sections 164.20 to 164.27 of the Revised Code.

Any amount in grant repayments received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund pursuant to section 164.261 of the Revised Code is hereby appropriated through the foregoing appropriation item C15060, Clean Ohio Conservation Program.

Section 6. BOND ISSUANCE AUTHORIZATIONS

(A) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.03 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$300,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the School Building Program Assistance Fund (Fund 7032) to pay the state share of the costs of constructing classroom facilities pursuant to Chapter 3318. of the Revised Code.

(B) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2s of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.08 of the Revised Code, original obligations, in an aggregate principal amount not to exceed \$175,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the State Capital Improvements Fund (Fund 7038) to pay costs of capital improvement projects of local subdivisions.

(C) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Sections 2o and 2q of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.09 of the Revised Code, original obligations of the state in an aggregate principal amount not to exceed \$50,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 7056), the Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 7061) to pay costs of conservation projects.

Section 7. CERTIFICATION OF AVAILABILITY OF MONEYS

Moneys that require release shall not be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and expenses. Nothing in this section limits the authority of the Director of Budget and Management granted in section 126.07 of the Revised Code.

Section 8. LIMITATION ON USE OF CAPITAL APPROPRIATIONS

The appropriations made in this act, excluding those made from the State Capital Improvement Fund (Fund 7038) and the State Capital Improvements Revolving Loan Fund (Fund 7040) for buildings or structures, including remodeling and renovations, are limited to:

- (A) Acquisition of real property or interests in real property;
- (B) Buildings and structures, which includes construction, demolition, complete heating and cooling, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, water and sewer systems, when such systems are authorized or necessary;
- (C) Architectural, engineering, and professional services expenses directly related to the projects;
- (D) Machinery that is necessary to the operation or function of the building or structure at the time of initial acquisition or construction;
- (E) Acquisition, development, and deployment of new computer systems, including the integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;
- (F) Furniture, fixtures, or equipment that meets all the following

criteria:

- (1) Is essential in bringing the facility up to its intended use or is necessary for the functioning of the particular facility or project;
- (2) Has a unit cost of about \$100 or more; and
- (3) Has a useful life of five years or more.

Furniture, fixtures, or equipment that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated shall not be paid for from these appropriations. This paragraph does not apply to appropriation line items specifically for furniture, fixtures, or equipment.

Section 9. CONTINGENCY RESERVE REQUIREMENT

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board for projects, the contracts for which are awarded by the Ohio Facilities Construction Commission, shall contain a contingency reserve, the amount of which shall be determined by the Ohio Facilities Construction Commission, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project.

Any funds remaining upon completion of a project, may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for another capital facilities project or projects.

Section 10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation contained in this act or in any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations that are to be applied to or used for payment of guarantees by or on behalf of the state or for payments under lease agreements relating to or debt service on bonds, notes, or other

obligations of the state. Notwithstanding any other section of law to the contrary, this authorization includes appropriations from funds into which proceeds or direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for or represents capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, nor is it intended to waive or compromise any defense or right available to the state in any suit against it.

Section 11. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND MANAGEMENT

Notwithstanding section 126.14 of the Revised Code, the appropriations to the Facilities Construction Commission from the School Building Program Assistance Fund (Fund 7032) and to the Public Works Commission from the Clean Ohio Conservation Fund (Fund 7056), the State Capital Improvement Fund (Fund 7038), and the State Capital Improvements Revolving Loan Fund (Fund 7040) shall be released upon presentation of a request to release the funds, by the agency to which the appropriation has been made, to the Director of Budget and Management.

Section 12. PREVAILING WAGE REQUIREMENT

Except as provided in section 4115.04 of the Revised Code, moneys appropriated or reappropriated by the 133rd General Assembly shall not be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages prescribed in section 4115.04 of the Revised Code. Nothing in this section affects the wages and salaries established for state employees under Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state under Chapter 4117. of the Revised Code, while engaged on force account work, nor does this section interfere with the use of inmate and patient labor by the state.

Section 13. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND MANAGEMENT

The Director of Budget and Management shall authorize both of the following:

- (A) The initial release of moneys for projects from the funds into which proceeds of direct obligations of the state are deposited; and
- (B) The expenditure or encumbrance of moneys from funds into which

proceeds of direct obligations are deposited, only after determining to the Director's satisfaction that either of the following applies:

(1) The application of such moneys to the particular project will not negatively affect any exclusion of the interest or interest equivalent on obligations issued to provide moneys to the particular fund from the calculation of gross income for federal income tax purposes under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(2) Moneys for the project will come from the proceeds of federally taxable obligations, the interest on which is not so excluded from the calculation of gross income for federal income tax purposes and which have been authorized and issued on that basis by their issuing authority.

In the event the Director determines that the condition set forth in division (B)(1) of this section does not apply, and that there is no existing fund in the state treasury to enable compliance with the condition set forth in division (B)(2) of this section, the Director may create a fund in the state treasury for the purpose of receiving proceeds of federally taxable obligations. The Director may establish capital appropriation items in that taxable bond fund that correspond to the preexisting capital appropriation items in the associated tax-exempt bond fund. The Director also may transfer capital appropriations in whole or in part between the taxable and tax-exempt bond funds within a particular purpose for which the bonds have been authorized.

Section 14. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the School Building Program Assistance Fund (Fund 7032), the State Capital Improvements Fund (Fund 7038), the State Capital Improvements Revolving Loan Fund (Fund 7040), and the Clean Ohio Conservation Fund (Fund 7056) are determined to be capital improvements and capital facilities for a statewide system of common schools, local subdivision capital improvement projects, and conservation purposes (under the Clean Ohio Program) and are designated as capital facilities to which proceeds of obligations issued under Chapter 151. of the Revised Code are to be applied.

Section 15. TRANSFER OF OPEN ENCUMBRANCES

Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.

Section 16. LITIGATION PROCEEDS TO THE ADMINISTRATIVE

BUILDING FUND

Any proceeds received by the state as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or constructed management of facilities operated by the Department of Administrative Services shall be deposited into the General Revenue Fund or the Building Improvement Fund (Fund 5KZ0).

Section 17. The items of law contained in this act, and their applications, are severable. If an item of law contained in this act, or if an application of an item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item or application."

In line 1 of the title, delete "Section 237.30" and insert "sections 307.86, 339.05, 505.08, 731.14, and 749.37"; delete "H.B. 529 of the 132nd"

In line 2 of the title, delete "General Assembly" and insert "the Revised Code"; delete "Section" and insert "to amend Sections"; delete "of H.B."; delete "529" and insert "and 237.30"

In line 3 of the title, delete "the 132" and insert "H.B. 529 of the 132nd General Assembly"; delete "General Assembly, as subsequently"

In line 4 of the title, delete "amended,"; delete "make a capital appropriation for"

Delete line 5 and insert "exempt personal protective equipment from certain political subdivision competitive bidding law during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and to make a capital appropriation for school facilities assistance."

In line 25, delete ", as most recently amended by Am. Sub. S.B. 51"

In line 26, delete "of the 132"; delete "General Assembly,"

In line 37, delete ", as most recently amended by Am. Sub."

In line 38, delete "S.B. 51 of the 132"; delete "General Assembly,"

After line 38, insert:

"Section 5. That sections 307.86, 339.05, 505.08, 731.14, and 749.37 of the Revised Code be amended to read as follows:

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance,

repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifty thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when ~~either~~ any of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

(3) The product to be purchased is personal protective equipment and the purchase is completed during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.

For purposes of this division, ~~"unanimous"~~

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

"Unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)(1) The purchase consists of supplies or a replacement or

supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township, or municipal corporation.

(D) The purchase is made by a county department of job and family services under section 329.04 of the Revised Code and consists of family services duties or workforce development activities or is made by a county board of developmental disabilities under section 5126.05 of the Revised Code and consists of program services, such as direct and ancillary client services, child care, case management services, residential services, and family resource services.

(E) The purchase consists of criminal justice services, social services programs, family services, or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs funded by the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

(1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting

attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint

emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

(N) The purchase consists of used supplies and is made at a public auction.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the contract. Such extension or renewal periods shall not exceed six years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

As used in division (N) of this section, "supplies" means any personal property including equipment, materials, and other tangible assets.

Sec. 339.05. (A) A board of county hospital trustees may adopt, annually, bidding procedures and purchasing or leasing policies provided through a joint purchasing arrangement sponsored by a nonprofit organization, for services, supplies, and equipment, that are routinely used in the operation of the hospital and that cost in excess of the amount specified in section 307.86 of the Revised Code as the amount above which purchases must be competitively bid. If a board of county hospital trustees adopts those policies and procedures, and if the board of county commissioners approves them, the board of county hospital trustees may follow those policies and procedures in lieu of following the competitive bidding procedures of sections

307.86 to 307.92 of the Revised Code.

(B) Notwithstanding section 307.86 of the Revised Code, the board of county hospital trustees is exempt from competitive bidding as required under that section if the board, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and ~~either~~ any of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical damage to structures or equipment.

(3) The product to be purchased is personal protective equipment and the purchase is completed during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.

The board shall enter the determination of emergency and the reasons for it in the minutes of its proceedings.

(C) For purposes of this section, a vote is unanimous if all members of a board of county hospital trustees are present, or a lesser number of members of the board if not all members are present, provided that the number of members present constitutes a quorum. Board members participating in a vote by means of authorized communications equipment in accordance with section 339.02 of the Revised Code are considered to be present in person and may vote on matters under this section.

(D) Whenever a contract of purchase, lease, or construction is exempted from competitive bidding because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the board shall solicit informal estimates from not fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the board shall maintain a record of the informal estimates, including the name of each person from whom an informal estimate was solicited. The board shall maintain the record for the longer of at least one year after the contract is awarded or an amount of time required by the federal government.

(E) "Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 505.08. After adopting by a unanimous vote a resolution declaring a real and present emergency in connection with the administration of township services or the execution of duties assigned by law to any officer of a township, the board of township trustees may, by resolution, enter into a contract, without bidding or advertising, for the purchase of services, materials, equipment, or supplies needed to meet the emergency if the

estimated cost of the contract is less than fifty thousand dollars.

During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, the board of township trustees may, by resolution, enter into a contract, without bidding or advertising, for the purchase of personal protective equipment needed to meet the emergency, regardless of the estimated cost of the contract.

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 731.14. All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections 125.60 to 125.6012 of the Revised Code, or, during the period of emergency declared by Executive Order 2020-01D, issued on March 9, 2020, when the purchase is for personal protective equipment necessary to respond to that emergency, when any expenditure, other than the compensation of persons employed in the village, exceeds fifty thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the village. The legislative authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the legislative authority's internet web site. If the legislative authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the village, provided that the first notice published in such newspaper meets all of the following requirements:

(A) It is published at least two weeks before the opening of bids.

(B) It includes a statement that the notice is posted on the legislative authority's internet web site.

(C) It includes the internet address of the legislative authority's internet web site.

(D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place

specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 749.37. Notwithstanding any conflicting provision of sections 749.09 to 749.14 and 749.26 to 749.31 of the Revised Code, Chapter 153. of the Revised Code, or any other competitive bidding requirement specified in the Revised Code that requires a public authority to enter into separate contracts for the design and construction of a public improvement, ~~a~~.

(A) A board of hospital commissioners or a board of hospital trustees may enter into a single contract under which the entity awarded the contract is responsible for providing both design and construction services related to the erection of a hospital, any addition to the hospital, or any other improvement to the hospital or its properties involving alteration, repair, replacement, renovation, installation, or demolition.

(B) During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, a board of hospital commissioners or a board of hospital trustees may purchase personal protective equipment necessary to respond to the emergency without following competitive bidding procedures. As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

This section does not otherwise alter the competitive bidding requirements that apply to the board when entering into a contract for a public improvement.

Section 6. That existing sections 307.86, 339.05, 505.08, 731.14, and 749.37 of the Revised Code are hereby repealed.

Section 7. During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, a charter county may enter into a contract, without bidding or advertising or an otherwise selective process, for the purchase of personal protective equipment needed to meet the emergency.

"Personal protective equipment" means equipment worn to minimize

exposure to hazards that cause workplace injuries and illnesses."

In line 5 of the title, delete "." and insert "and to temporarily expand the use of certain tax increment financing payments."

After line 38, insert:

"Section 5. (A) Notwithstanding sections 5709.43 and 5709.75 of the Revised Code, the legislative authority of a municipal corporation or a board of township trustees may do either or both of the following:

(1) On or after the effective date of this section but before the last day of the municipal corporation's or township's fiscal year that ends in or with 2020, appropriate and expend the sum of not more than twenty-five per cent of the unencumbered money in the municipal public improvement tax increment equivalent fund, urban redevelopment tax increment equivalent fund, or township public improvement tax increment equivalent fund, as applicable, as of that effective date, plus not more than twenty-five per cent of any amount deposited to that fund during the remainder of that fiscal year, to be used as authorized in division (B) of this section;

(2) On or after the first day of the municipal corporation's or township's fiscal year ending in or with 2021 but before the last day of that fiscal year, appropriate and expend the sum of not more than twenty-five per cent of the unencumbered balance of the municipal public improvement tax increment equivalent fund, urban redevelopment tax increment equivalent fund, or township public improvement tax increment equivalent fund, as applicable, as of the first day of that fiscal year, plus not more than twenty-five per cent of any amount deposited to that fund during that fiscal year, to be used as authorized in division (B) of this section.

(B) Money appropriated and expended under division (A)(1) or (2) of this section shall be used solely to pay current public safety expenses or road and bridge maintenance expenses of the subdivision that are not eligible to be paid or reimbursed with funds received by the subdivision pursuant to 42 U.S.C. 601, including such funds distributed to the subdivision by the state.

(C) A municipal corporation or township appropriating and expending money under division (A)(1) or (2) of this section shall reimburse the fund from which the appropriation or expenditure was made for the sum so appropriated and expended from funds received by the subdivision pursuant to federal legislation that may be used to pay for or reimburse those expenses, but only if and to the extent those funds are available. No reimbursement shall be required if such funds are not received before the date the applicable exemption granted under the resolution adopted under section 5709.40,

5709.41, or 5709.73 of the Revised Code expires."

Attest:

Bradley J. Young,
Clerk.

Senator Peterson moved that the amendments of the House of Representatives to **Am. S. B. No. 4**-Senators Rulli, Kunze, be brought up for immediate consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Burke	Craig
Dolan	Eklund	Gavarone	Hoagland
Hottinger	Johnson	Kunze	Lehner
Maharath	Manning	O'Brien	Rulli
Schuring	Sykes	Thomas	Williams
			Yuko-21

Those who voted in the negative were: Senators

Brenner	Coley	Huffman, M.	Huffman, S.
McColley	Peterson	Roegner	Schaffer
Wilson			Obhof-10

So the Senate concurred in the amendments of the House of Representatives.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Remove the name: "Senator Coley"

Senator S. Huffman moved to amend the title as follows:

Remove the name: "Senator S. Huffman"

Senator Peterson moved to amend the title as follows:

Remove the name: "Senator Peterson"

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 15-Senator Hackett.

Cosponsors: Senators Maharath, Hoagland, Roegner.

To urge the United States government to select Ohio to host the permanent headquarters of the United States Space Command.

WHEREAS, On August 29, 2019, United States Space Command was activated as the eleventh Unified Combatant Command to increase the ability of the Joint Force to project power and influence, reduce decision timelines for space operations, and bring focused attention to defending United States interests in space; and

WHEREAS, On May 14, 2020, the Department of the Air Force invited the nation's governors to nominate candidates to host the permanent headquarters of the United States Space Command; and

WHEREAS, The Department of the Air Force anticipates making a final selection for the preferred headquarters location in early 2021; and

WHEREAS, When fully established, United States Space Command will have approximately one thousand four hundred military and civilian personnel working in the headquarters; and

WHEREAS, Ohio is home to Wright-Patterson Air Force Base, which hosts the National Air and Space Intelligence Center (NASIC), the Department of Defense's primary source for space threat analysis; and

WHEREAS, NASIC's mission in Ohio is to discover and characterize space threats to enable full-spectrum multi-domain operations, drive weapon system acquisition, and inform national defense policy; and

WHEREAS, NASIC, in Ohio, creates the integrated air, space, missile, and cyberspace advantage that gives policymakers, warfighters, and the acquisition community a war-winning edge; and

WHEREAS, The Air Force Research Laboratory (AFRL), headquartered in Ohio, leads the Department of Defense in the discovery, development, and integration of warfighting technologies for our space forces; and

WHEREAS, AFRL, in Ohio, leads and develops technologies in human performance, sensors, power and propulsion, aerospace systems, and advanced materials necessary for the advancement of future military satellites, spacecraft, and launch systems; and

WHEREAS, Ohio's NASA Glenn Research Center (GRC) designs and develops innovative technology to advance NASA's missions in aeronautics

and space exploration; and

WHEREAS, NASA GRC's Lewis Field in Ohio provides cutting-edge in-space propulsion and power systems for exploration and science missions while serving as a global leader in microgravity and fluid physics research and in advancing materials and electronics for extreme planetary environments; and

WHEREAS, NASA GRC's Plum Brook Station in Ohio houses the largest, most powerful, and unparalleled space simulation and spacecraft test facilities in the world performing thermal, vacuum, rocket propulsion, and electromagnetic testing on full-scale, advanced spacecraft, to include human rated systems such as Artemis I Orion and SpaceX; and

WHEREAS, The Springfield Air National Guard Base, Ohio, is home to the 178th Wing, including the 178th Intelligence, Surveillance, and Reconnaissance Group comprising squadrons supporting NASIC's space intelligence and analysis mission; 124th Intelligence Squadron (cyber intelligence surveillance and reconnaissance); 125th Intelligence Squadron (geospatial intelligence); 126th Intelligence Squadron (space intelligence, surveillance and reconnaissance); and the 127th Intelligence Squadron (technical intelligence); and

WHEREAS, The Air Force Institute of Technology (AFIT) in Ohio includes the Center for Space Research and Assurance and AFIT's School of Strategic Force Studies, which manages execution of space and nuclear continuing education; and

WHEREAS, AFIT is the center for Department of Defense aeronautical engineering advanced degree studies and education and serves future Space Force graduates; and

WHEREAS, AFIT is the center for Department of the Air Force cyber degree studies and education; and

WHEREAS, The 18th Intelligence Squadron in Ohio provides intelligence for the planning, development, and execution of space control operations; and

WHEREAS, Ohio's universities excel in space-related research areas including in-space power and propulsion, communications, navigation, positioning and timing, remote sensing and geospatial information, sensors, electronics, payloads, and hypersonic flight; and

WHEREAS, Ohio's space industry is anchored by industry providing celestial and inertial navigation depot level repair to intercontinental ballistic missiles, as well as advanced combat aircraft; and

WHEREAS, Ohio's space industry is further anchored with commercial pioneers in space exploration and military and defense technology with expertise in the areas of infrared detection and space and

missile electronics; and

WHEREAS, Ohio has an unparalleled historical link with pioneers of aerospace and space technology, beginning with the Wright brothers and George W. Lewis and including Neil Armstrong, John Glenn, Jim Lovell, Judith Resnick, and more than twenty other NASA astronauts; and

WHEREAS, The Ohio General Assembly has enacted numerous measures to enhance the quality of life in Ohio to military families, including laws regarding occupational license reciprocity, in-state college tuition, Medicaid waivers, and unemployment compensation; now therefore be it

RESOLVED, That we, the members of the 133rd General Assembly of the State of Ohio, urge the selection of Ohio to host the permanent headquarters of the United States Space Command; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense, the Secretary of the Air Force, the members of the Ohio Congressional delegation, and the news media outlets of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 15**, be adopted?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:
Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hoagland	Hottinger	Huffman, M.
Huffman, S.	Johnson	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson	Yuko		Obhof-31

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator McColley moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Coley, Craig, Dolan, Eklund, Gavarone, Hottinger, Huffman, S., Johnson, Kunze, Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Rulli, Schaffer, Schuring, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 341—Representative Ginter.

Cosponsors: Representatives Seitz, Blair, Lightbody, Koehler, Liston, Abrams, Brent, Brown, Callender, Carfagna, Carruthers, Crawley, Crossman, Cupp, Denson, Edwards, Fraizer, Galonski, Hambley, Hicks-Hudson, Hillyer, Holmes, A., Kick, Lanese, LaRe, Leland, Lepore-Hagan, Manning, D., Manning, G., McClain, Miller, J., O'Brien, Patterson, Perales, Richardson, Riedel, Robinson, Roemer, Rogers, Romanchuk, Russo, Scherer, Sheehy, Smith, T., Sobecki, Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Wiggam.

To amend sections 4723.52, 4729.45, 4729.553, 4729.80, 4730.56, and 4731.83 of the Revised Code regarding the administration of addiction treatment drugs and federal agency access to the Ohio Automated Rx Reporting System, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 341**, pass?"

Senator Burke moved to amend as follows:

In line 1 of the title, after "121.22" insert ", 2925.01"

In line 15, after "121.22" insert ", 2925.01"

After line 362, insert:

"Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

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

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

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

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marijuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

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

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

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

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

(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

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

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

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

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

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

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

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

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

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

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

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

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

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

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

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

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

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

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

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a

person other than the person that manufactured, processed, packed, or distributed it;

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

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

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

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

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

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

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

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

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme

court under the Rules for the Government of the Bar of Ohio.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Z) "Hashish" means ~~the a~~ resin or a preparation of ~~the a~~ resin to which both of the following apply:

(1) It is contained in ~~marihuana~~ or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

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

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

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

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

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

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

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

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

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

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

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

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

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

(1) Fentanyl;

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

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

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

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

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

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

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

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

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

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

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a

report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

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

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

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

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

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

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

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after ~~the effective date of this amendment~~ March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after ~~the effective date of this amendment~~ March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after ~~the effective date of this amendment~~ March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed

on or after ~~the effective date of this amendment~~ March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code."

In line 1857, after "121.22" insert ", 2925.01"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 341**, pass?"

Senator Antonio moved to amend as follows:

In line 2 of the title, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

In line 14 of the title, after "requirements," insert "the occasional sale of certain drugs at wholesale, "; after "access" insert "and education"

In line 16, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

After line 1003, insert:

"Sec. 4729.44. (A) As used in this section:

(1) "Board of health" means a board of health of a city or general health district or an authority having the duties of a board of health under section 3709.05 of the Revised Code.

(2) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B) If use of the protocol developed pursuant to rules adopted under division (G) of this section has been authorized under section 3707.56 or 4731.942 of the Revised Code, a pharmacist or pharmacy intern may dispense naloxone without a prescription to either of the following in accordance with that protocol:

(1) An individual who there is reason to believe is experiencing or at risk of experiencing an opioid-related overdose;

(2) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(C) A pharmacist or pharmacy intern who dispenses naloxone under this section shall instruct the individual to whom naloxone is dispensed to summon emergency services as soon as practicable either before or after administering naloxone.

(D) A pharmacist may document on a prescription form the dispensing of naloxone by the pharmacist or a pharmacy intern supervised by the pharmacist. The form may be assigned a number for record-keeping purposes.

(E) This section does not affect the authority of a pharmacist or pharmacy intern to fill or refill a prescription for naloxone.

(F) A board of health that in good faith authorizes a pharmacist or pharmacy intern to dispense naloxone without a prescription in accordance with a protocol developed pursuant to rules adopted under division (G) of this section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

A physician who in good faith authorizes a pharmacist or pharmacy intern to dispense naloxone without a prescription in accordance with a protocol developed pursuant to rules adopted under division (G) of this section is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

A pharmacist or pharmacy intern authorized under this section to dispense naloxone without a prescription who does so in good faith is not liable for or subject to any of the following for any action or omission of the individual to whom the naloxone is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

(G) The state board of pharmacy shall, after consulting with the department of health and state medical board, adopt rules to implement this section. The rules shall specify a protocol under which pharmacists or pharmacy interns may dispense naloxone without a prescription.

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(H)(1) The state board of pharmacy shall develop a program to educate all of the following about the authority of a pharmacist or pharmacy intern to dispense naloxone without a prescription:

(a) Holders of licenses issued under this chapter that engage in the sale or dispensing of naloxone pursuant to this section;

(b) Registered pharmacy technicians, certified pharmacy technicians, and pharmacy technician trainees registered under this chapter who engage in the sale of naloxone pursuant to this section;

(c) Individuals who are not licensed or registered under this chapter but are employed by license holders described in division (H)(1)(a) of this

section.

(2) As part of the program, the board also shall educate the license holders, pharmacy technicians, and employees described in division (H)(1) of this section about maintaining an adequate supply of naloxone and methods for determining a pharmacy's stock of the drug.

(3) The board may use its web site to share information under the program."

After line 1123, insert:

"Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or delivery.

(3) A licensed terminal distributor of dangerous drugs that is not a pharmacy may make occasional sales of ~~naloxone~~ the following at wholesale:

~~(4) A licensed terminal distributor of dangerous drugs that is not a pharmacy may make occasional sales of dangerous:~~

(a) Naloxone;

~~(b) Dangerous drugs at wholesale~~ if the drugs being sold are in shortage, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;

(c) Dangerous drugs other than those described in divisions (A)(3)(a) and (b) of this section or investigational drugs or products if authorized by rules adopted under section 4729.26 of the Revised Code.

(B) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following:

(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;

(2) Subject to division (C) of this section, any person exempt from

licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;

(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.

(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:

(1) A prescriber who is employed by either of the following:

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

- (a) Sell or distribute, at retail, dangerous drugs;
- (b) Possess for sale, at retail, dangerous drugs;
- (c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

- (i) A licensed terminal distributor of dangerous drugs;
- (ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;

(iii) Any of the persons identified in divisions (A)(1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

- (i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;
- (ii) Any of the persons identified in divisions (A)(6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A)(1) or (3) of this section.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time

of the transfer or delivery.

(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the state board of pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to collect samples of any drug, regardless of its nature or in whose possession it may be.

(I) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may distribute epinephrine autoinjectors for use in accordance with section 3313.7110 of the Revised Code and may distribute inhalers for use in accordance with section 3313.7113 of the Revised Code."

In line 1858, after "4729.29" insert ", 4729.44"; after "4729.45" insert ", 4729.51"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 341**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hoagland	Hottinger	Huffman, M.
Huffman, S.	Johnson	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson	Yuko		Obhof-31

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Burke moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Craig, Dolan, Eklund, Gavarone, Hoagland, Johnson, Kunze, Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Schaffer, Thomas, Williams, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 288-Senator Gavarone.

Cosponsors: Senators Brenner, Maharath, Huffman, S., Manning, Blessing, Lehner, Coley.

To enact section 3313.5317 of the Revised Code regarding student religious expression in interscholastic athletics and extracurricular activities, was considered the third time.

The question being, "Shall the bill, **S. B. No. 288**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hoagland	Hottinger	Huffman, M.
Huffman, S.	Johnson	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson	Yuko		Obhof-31

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Gavarone moved to amend the title as follows:

Add the names: "Senators Burke, Craig, Dolan, Eklund, Hottinger, Johnson, Kunze, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Wednesday, June 21, 2020, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered for the first time:

S. B. No. 331 - Senator Roegner.

To amend sections 101.83, 101.84, 101.85, 101.86, 101.87, 105.911, 150.06, 355.02, 355.03, 355.04, 3301.079, 3711.12, 4723.493, and 4723.50 and to repeal sections 133.021, 181.22, 718.60, 1521.031, 3711.20, 3711.21,

3711.22, 4723.49, 4723.491, 4723.492, 5101.91, 5101.92, 5913.12, 5913.13, and 5913.14 of the Revised Code to implement the recommendations of the Sunset Review Committee by terminating or renewing various agencies, and to require a Sunset Review Committee to be convened during each General Assembly.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 536 - Senators Obhof, Yuko.

Cosponsors: Senators Antonio, Blessing, Brenner, Burke, Coley, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Maharath, Manning, McColley, O'Brien, Peterson, Roegner, Rulli, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson.

Honoring Wendy Estes for outstanding service to the State of Ohio.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

On the motion of Senator Peterson, the Senate adjourned until Monday, June 29, 2020 at 9:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.