

**As Reported by the House Finance and Appropriations  
Committee**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. H. B. No. 487**

**Representative Amstutz (By Request)**

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scheduled to take effect October 1, 2012, to	286
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that effective date; to make operating and other 288  
appropriations and to provide authorization and 289  
conditions for the operation of state programs. 290

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

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(4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 3733.06 427  
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(4781.48), 3733.17 (4781.49), 3733.18 (4781.50), 3733.19 433  
(4781.51), 3733.20 (4781.52), 5123.169 (5123.1610), 5503.21 434  
(5502.05), 5503.22 (5502.06), and 5503.23 (5502.07) be amended for 435  
the purpose of adopting new section numbers as indicated in 436  
parentheses; and new sections 123.21, 3333.90, 3702.526, 4905.80, 437  
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4923.09, 4923.11, 4923.99, 5123.169, and 5123.192 and sections 441  
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5705.72, and 5713.012 of the Revised Code be enacted to read as 452  
follows: 453

**Sec. 7.10.** For the publication of advertisements, notices, 454  
and proclamations, except those relating to proposed amendments to 455  
the Ohio Constitution, required to be published by a public 456  
officer of the state, a benevolent or other public institution, a 457  
trustee, assignee, executor, or administrator, or by or in any 458  
court of record, except when the rate is otherwise fixed by law, 459  
publishers of newspapers may charge and receive for such 460  
advertisements, notices, and proclamations rates charged on annual 461  
contracts by them for a like amount of space to other advertisers 462  
who advertise in its general display advertising columns. 463

For the publication of advertisements, notices, or 464  
proclamations required to be published by a public officer of a 465  
county, municipal corporation, township, school, or other 466  
political subdivision, publishers of newspapers shall establish a 467  
government rate, which shall include free publication of 468  
advertisements, notices, or proclamations on the newspaper's 469  
internet web site, if the newspaper has one. The government rate 470  
shall not exceed the lowest classified advertising rate and lowest 471  
insert rate paid by other advertisers. 472

Legal advertising, except that relating to proposed 473  
amendments to the Ohio Constitution, shall be set up in a compact 474  
form, without unnecessary spaces, blanks, or headlines, and 475  
printed in not smaller than six-point type. The type used must be 476

of such proportions that the body of the capital letter M is no 477  
wider than it is high and all other letters and characters are in 478  
proportion. 479

Except as provided in section 2701.09 of the Revised Code, 480  
all legal advertisements or notices shall be printed in ~~newspapers~~ 481  
a newspaper of general circulation ~~and also shall be posted on the~~ 482  
~~state public notice web site created under section 125.182 of the~~ 483  
~~Revised Code,~~ and on a the newspaper's internet web site, if the 484  
newspaper has one. 485

**Sec. 7.16. (A) As used in this section:** 486

(1) "State agency" means any organized body, office, agency, 487  
institution, or other entity established by the laws of the state 488  
for the exercise of any function of state government, including 489  
state institutions of higher education, as defined in section 490  
3345.011 of the Revised Code. 491

(2) "Political subdivision" has the meaning defined in 492  
section 2744.01 of the Revised Code. 493

(B) If a section of the Revised Code or an administrative 494  
rule requires a state agency or a political subdivision ~~of the~~ 495  
~~state~~ to publish a notice or advertisement two or more times in a 496  
newspaper of general circulation and the section or administrative 497  
rule refers to this section, the first publication of the notice 498  
or advertisement shall be made in its entirety in a newspaper of 499  
general circulation and may be made in a preprinted insert in the 500  
newspaper, but the second publication otherwise required by that 501  
section or administrative rule may be made in abbreviated form in 502  
a newspaper of general circulation in the state or in the 503  
political subdivision, as designated in that section or 504  
administrative rule, and on the newspaper's internet web site, if 505  
the newspaper has one. The state agency or political subdivision 506  
may eliminate any further newspaper publications required by that 507



section or administrative rule, provided that the second, 508  
abbreviated notice or advertisement meets all of the following 509  
requirements: 510

(1) It is published in the newspaper of general circulation 511  
in which the first publication of the notice or advertisement was 512  
made and is published on that newspaper's internet web site, if 513  
the newspaper has one. 514

(2) It is published on the state public notice web site 515  
established under section 125.182 of the Revised Code. 516

(3) It includes a title, followed by a summary paragraph or 517  
statement that clearly describes the specific purpose of the 518  
notice or advertisement, and includes a statement that the notice 519  
or advertisement is posted in its entirety on the state public 520  
notice web site ~~established under section 125.182 of the Revised~~ 521  
~~Code.~~ The notice or advertisement also may be posted on the state 522  
agency's or political subdivision's internet web site. 523

~~(3)~~(4) It includes the internet addresses of the state public 524  
notice web site, and of the newspaper's and state agency's or 525  
political subdivision's internet web site if the notice or 526  
advertisement is posted on those web sites, and the name, address, 527  
telephone number, and electronic mail address of the state agency, 528  
political subdivision, or other party responsible for publication 529  
of the notice or advertisement. 530

~~(B)~~(C) A notice or advertisement published under this section 531  
on an internet web site shall be published in its entirety in 532  
accordance with the section of the Revised Code or the 533  
administrative rule that requires the publication. 534

~~(C)~~(D) If ~~a state agency or political subdivision does not~~ 535  
~~operate and maintain, or ceases to operate and maintain, an~~ 536  
~~internet web site, and if~~ the state public notice web site 537  
established under section 125.182 of the Revised Code is not 538

operational, the state agency or political subdivision shall not 539  
publish a notice or advertisement under this section, but instead 540  
shall comply with the publication requirements of the section of 541  
the Revised Code or the administrative rule that refers to this 542  
section. 543

**Sec. 9.34.** (A) The fiscal year of the state ~~and of~~ every 544  
school district, and, beginning July 1, 2013, the city of 545  
Cincinnati, shall begin on the first day of July of each calendar 546  
year and end at the close of the thirtieth day of June of the 547  
succeeding calendar year. The fiscal year of every school library 548  
district, and all political subdivisions or taxing ~~districts~~ units 549  
except school districts and the city of Cincinnati, and of every 550  
officer, department, commission, board, or institution thereof, 551  
shall begin at the opening of the first day of January of each 552  
calendar year and end at the close of the succeeding thirty-first 553  
day of December. Except as otherwise provided for school districts 554  
and as otherwise provided in division (B) of this section, all 555  
laws relating to the levying of taxes, the collection, 556  
appropriation, or expenditure of revenues, or the making of 557  
financial reports or statements for a fiscal year or other year 558  
refer and apply to the fiscal year as defined in this division. 559  
Reports required by sections 3319.32 to 3319.37 of the Revised 560  
Code shall be for the school year as defined in section 3313.62 of 561  
the Revised Code. 562

(B) Nothing in this section prohibits a subdivision, other 563  
than a school district or county school financing district, from 564  
using a different fiscal year or other fiscal period for one or 565  
more of its funds, including when that fiscal year or period is 566  
the same as the fiscal year of an entity providing money for the 567  
fund or the fiscal period of a capital project. Use of a different 568  
fiscal year or period shall be consistent with generally accepted 569  
accounting principles, and shall be approved by the fiscal officer 570

of the subdivision and by the auditor of state. If a subdivision 571  
uses a different fiscal year or period under this section, the 572  
auditor of state may require the subdivision to continue to 573  
maintain financial reports or statements on the basis of the 574  
fiscal year prescribed by division (A) of this section. 575

(C) Taxes or other revenues collected in or on hand in any 576  
fiscal year for the purposes of the next or any subsequent fiscal 577  
year shall not be appropriated or expended prior to such next or 578  
subsequent year. School district property taxes shall be subject 579  
to appropriation as provided in division (B) of section 5705.35 of 580  
the Revised Code. Budgets shall be designated and known by the 581  
fiscal year for the purposes for which they are made. 582

(D) As used in this section, "fiscal officer," "school 583  
library district," "subdivision," and "taxing ~~district~~ unit" have 584  
the same meanings as in section 5705.01 of the Revised Code. 585

**Sec. 9.90.** (A) The following applies until the department of 586  
administrative services implements healthcare plans designed under 587  
section 9.901 of the Revised Code. If those plans do not include 588  
or address any benefits listed in this section, or if the board of 589  
trustees or other governing body of a state institution of higher 590  
education, as defined in section 3345.011 of the Revised Code, 591  
board of education of a school district, or governing board of an 592  
educational service center do not elect to be covered under a plan 593  
offered by the department of administrative services under section 594  
9.901 of the Revised Code, the following provisions continue in 595  
effect for those benefits. The board of trustees or other 596  
governing body of a state institution of higher education, as 597  
defined in section 3345.011 of the Revised Code, board of 598  
education of a school district, or governing board of an 599  
educational service center may, in addition to all other powers 600  
provided in the Revised Code: 601

(1) Contract for, purchase, or otherwise procure from an 602  
insurer or insurers licensed to do business by the state of Ohio 603  
for or on behalf of such of its employees as it may determine, 604  
life insurance, or sickness, accident, annuity, endowment, health, 605  
medical, hospital, dental, or surgical coverage and benefits, or 606  
any combination thereof, by means of insurance plans or other 607  
types of coverage, family, group or otherwise, and may pay from 608  
funds under its control and available for such purpose all or any 609  
portion of the cost, premium, or charge for such insurance, 610  
coverage, or benefits. However, the governing board, in addition 611  
to or as an alternative to the authority otherwise granted by 612  
division (A)(1) of this section, may elect to procure coverage for 613  
health care services, for or on behalf of such of its employees as 614  
it may determine, by means of policies, contracts, certificates, 615  
or agreements issued by at least two health insuring corporations 616  
holding a certificate of authority under Chapter 1751. of the 617  
Revised Code and may pay from funds under the governing board's 618  
control and available for such purpose all or any portion of the 619  
cost of such coverage. 620

(2) Make payments to a custodial account for ~~investment in~~ 621  
~~regulated investment company stock for~~ the purpose of ~~providing~~ 622  
~~retirement benefits as described in section~~ procurement of an 623  
annuity qualified under Internal Revenue Code 403(b)(7) of the 624  
~~Internal Revenue Code of 1954, as amended. Such stock shall be~~ 625  
~~purchased only from persons authorized to sell such stock in this~~ 626  
~~state.~~ 627

Any income of an employee deferred under divisions (A)(1) and 628  
(2) of this section in a deferred compensation program eligible 629  
for favorable tax treatment under the Internal Revenue Code of 630  
1954, as amended, shall continue to be included as regular 631  
compensation for the purpose of computing the contributions to and 632  
benefits from the retirement system of such employee. Any sum so 633

deferred shall not be included in the computation of any federal 634  
and state income taxes withheld on behalf of any such employee. 635

(B) All or any portion of the cost, premium, or charge 636  
therefor may be paid in such other manner or combination of 637  
manner as the board or governing body may determine, including 638  
direct payment by the employee in cases under division (A)(1) of 639  
this section, and, if authorized in writing by the employee in 640  
cases under division (A)(1) or (2) of this section, by the board 641  
or governing body with moneys made available by deduction from or 642  
reduction in salary or wages or by the foregoing of a salary or 643  
wage increase. Nothing in section 3917.01 or section 3917.06 of 644  
the Revised Code shall prohibit the issuance or purchase of group 645  
life insurance authorized by this section by reason of payment of 646  
premiums therefor by the board or governing body from its funds, 647  
and such group life insurance may be so issued and purchased if 648  
otherwise consistent with the provisions of sections 3917.01 to 649  
3917.07 of the Revised Code. 650

(C) The board of education of any school district may 651  
exercise any of the powers granted to the governing boards of 652  
public institutions of higher education under divisions (A) and 653  
(B) of this section. All health care benefits provided to persons 654  
employed by the public schools of this state shall be through 655  
health care plans that contain best practices established by the 656  
department of administrative services pursuant to section 9.901 of 657  
the Revised Code. 658

(D) Once the department of administrative services releases 659  
in final form health care plans designed under section 9.901 of 660  
the Revised Code, all health care benefits provided to persons 661  
employed by state institutions of higher education, school 662  
districts, or educational service centers may be through those 663  
plans. 664

Sec. 9.91. If the (A) Both of the following apply when a 665  
governing board of a public institution of higher education or the 666  
board of education of a school district procures ~~a tax sheltered~~ 667  
an annuity for an employee, pursuant to division (A)(1) or (2) of 668  
section 9.90 of the Revised Code, that meets: 669

(1) No annuity contract may be procured unless it meets the 670  
requirements of ~~section 403(b) of the Internal Revenue Code of~~ 671  
~~1954, 26 U.S.C.A. 403(b), the employee has the right to;~~ 672

(2) The board shall arrange for the procurement of the 673  
annuity contract by doing one of the following: 674

(a) Selecting one or more providers of annuities through a 675  
competitive bidding process; 676

(b) In accordance with division (B) of this section, 677  
selecting vendors designated under Chapter 3305.03 of the Revised 678  
Code as the providers of the annuities; 679

(c) Requiring the employee to designate ~~the~~ a licensed agent, 680  
broker, or company through whom the board shall arrange for the 681  
placement or purchase of the tax sheltered annuity as the 682  
provider. ~~In~~ 683

(B)(1) All of the following apply to the selection of 684  
providers under division (A)(2)(b) of this section: 685

(a) The board may require providers of the annuities to enter 686  
into agreements with the board that include such terms and 687  
conditions as are determined by the board in its sole discretion; 688

(b) The board shall select as annuity providers a minimum of 689  
four vendors designated under section 3305.03 of the Revised Code, 690  
or, if fewer than four vendors are available, the number of 691  
vendors available, except that a board is not required to select a 692  
vendor to which any of the following apply: 693

(i) The vendor is not willing to provide annuity contracts to 694

the public institution of higher education or school district. 695

(ii) The vendor is not willing to agree to the terms and conditions established by the board under division (B)(1)(a) of this section. 696  
697  
698

(iii) The vendor does not offer an annuity contract that is a defined contribution plan qualified under Internal Revenue Code 403(b) and is offered by the vendor in at least one other state. 699  
700  
701

(2) Both of the following apply to an agreement with an annuity provider selected by a board under division (A)(2)(b) of this section: 702  
703  
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(a) The agreement shall be terminated if the provider ceases to be designated as a vendor under section 3305.03 of the Revised Code. 705  
706  
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(b) The agreement may be terminated if the provider fails to comply with the terms and conditions established by the board under division (B)(1)(a) of this section. 708  
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(3) The Ohio board of regents may develop a standardized plan document that may be used by a governing board of a public institution of higher education or the board of education of a school district when entering into an agreement with a provider under division (B)(1)(a) of this section. The board may charge providers fees to cover any administrative and marketing expenses of the board, as determined by the board. 711  
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(C) Except as provided in division (D) of this section, in any case in which the employee has designated ~~such~~ an agent, broker, or company under division (A)(2)(c) of this section, the board shall comply with the designation, provided that the board may impose either or both of the following as conditions to complying with any such designations: 718  
719  
720  
721  
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~~(A)~~(1) The designee must execute a reasonable agreement 724

protecting the institution or district from any liability 725  
attendant to procuring the annuity; 726

~~(B)(2)~~ The designee must be designated by a number of 727  
employees equal to at least one per cent of the board's full-time 728  
employees or at least five employees, whichever is greater, except 729  
that the board may not require that the agent, broker, or company 730  
be designated by more than fifty employees. 731

(D) The board may require an employee who has made a 732  
designation under division (A)(2)(c) of this section to designate 733  
a provider selected by the board under divisions (A)(2)(a) or (b) 734  
of this section as the provider of the employee's annuity. The 735  
selection shall take effect at the earlier of the termination of 736  
the contract with the designated provider or the renewal of the 737  
contract. 738

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 739  
of this section, all of the following shall file with the 740  
appropriate ethics commission the disclosure statement described 741  
in this division on a form prescribed by the appropriate 742  
commission: every person who is elected to or is a candidate for a 743  
state, county, or city office and every person who is appointed to 744  
fill a vacancy for an unexpired term in such an elective office; 745  
all members of the state board of education; the director, 746  
assistant directors, deputy directors, division chiefs, or persons 747  
of equivalent rank of any administrative department of the state; 748  
the president or other chief administrative officer of every state 749  
institution of higher education as defined in section 3345.011 of 750  
the Revised Code; the executive director and the members of the 751  
capitol square review and advisory board appointed or employed 752  
pursuant to section 105.41 of the Revised Code; all members of the 753  
Ohio casino control commission, the executive director of the 754  
commission, all professional employees of the commission, and all 755



technical employees of the commission who perform an internal 756  
audit function; the individuals set forth in division (B)(2) of 757  
section 187.03 of the Revised Code; the chief executive officer 758  
and the members of the board of each state retirement system; each 759  
employee of a state retirement board who is a state retirement 760  
system investment officer licensed pursuant to section 1707.163 of 761  
the Revised Code; the members of the Ohio retirement study council 762  
appointed pursuant to division (C) of section 171.01 of the 763  
Revised Code; employees of the Ohio retirement study council, 764  
other than employees who perform purely administrative or clerical 765  
functions; the administrator of workers' compensation and each 766  
member of the bureau of workers' compensation board of directors; 767  
the bureau of workers' compensation director of investments; the 768  
chief investment officer of the bureau of workers' compensation; 769  
all members of the board of commissioners on grievances and 770  
discipline of the supreme court and the ethics commission created 771  
under section 102.05 of the Revised Code; every business manager, 772  
treasurer, or superintendent of a city, local, exempted village, 773  
joint vocational, or cooperative education school district or an 774  
educational service center; every person who is elected to or is a 775  
candidate for the office of member of a board of education of a 776  
city, local, exempted village, joint vocational, or cooperative 777  
education school district or of a governing board of an 778  
educational service center that has a total student count of 779  
twelve thousand or more as most recently determined by the 780  
department of education pursuant to section 3317.03 of the Revised 781  
Code; every person who is appointed to the board of education of a 782  
municipal school district pursuant to division (B) or (F) of 783  
section 3311.71 of the Revised Code; all members of the board of 784  
directors of a sanitary district that is established under Chapter 785  
6115. of the Revised Code and organized wholly for the purpose of 786  
providing a water supply for domestic, municipal, and public use, 787  
and that includes two municipal corporations in two counties; 788

every public official or employee who is paid a salary or wage in 789  
accordance with schedule C of section 124.15 or schedule E-2 of 790  
section 124.152 of the Revised Code; members of the board of 791  
trustees and the executive director of the southern Ohio 792  
agricultural and community development foundation; all members 793  
appointed to the Ohio livestock care standards board under section 794  
904.02 of the Revised Code; and every other public official or 795  
employee who is designated by the appropriate ethics commission 796  
pursuant to division (B) of this section. 797

The disclosure statement shall include all of the following: 798

(1) The name of the person filing the statement and each 799  
member of the person's immediate family and all names under which 800  
the person or members of the person's immediate family do 801  
business; 802

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 803  
and except as otherwise provided in section 102.022 of the Revised 804  
Code, identification of every source of income, other than income 805  
from a legislative agent identified in division (A)(2)(b) of this 806  
section, received during the preceding calendar year, in the 807  
person's own name or by any other person for the person's use or 808  
benefit, by the person filing the statement, and a brief 809  
description of the nature of the services for which the income was 810  
received. If the person filing the statement is a member of the 811  
general assembly, the statement shall identify the amount of every 812  
source of income received in accordance with the following ranges 813  
of amounts: zero or more, but less than one thousand dollars; one 814  
thousand dollars or more, but less than ten thousand dollars; ten 815  
thousand dollars or more, but less than twenty-five thousand 816  
dollars; twenty-five thousand dollars or more, but less than fifty 817  
thousand dollars; fifty thousand dollars or more, but less than 818  
one hundred thousand dollars; and one hundred thousand dollars or 819  
more. Division (A)(2)(a) of this section shall not be construed to 820

require a person filing the statement who derives income from a 821  
business or profession to disclose the individual items of income 822  
that constitute the gross income of that business or profession, 823  
except for those individual items of income that are attributable 824  
to the person's or, if the income is shared with the person, the 825  
partner's, solicitation of services or goods or performance, 826  
arrangement, or facilitation of services or provision of goods on 827  
behalf of the business or profession of clients, including 828  
corporate clients, who are legislative agents. A person who files 829  
the statement under this section shall disclose the identity of 830  
and the amount of income received from a person who the public 831  
official or employee knows or has reason to know is doing or 832  
seeking to do business of any kind with the public official's or 833  
employee's agency. 834

(b) If the person filing the statement is a member of the 835  
general assembly, the statement shall identify every source of 836  
income and the amount of that income that was received from a 837  
legislative agent during the preceding calendar year, in the 838  
person's own name or by any other person for the person's use or 839  
benefit, by the person filing the statement, and a brief 840  
description of the nature of the services for which the income was 841  
received. Division (A)(2)(b) of this section requires the 842  
disclosure of clients of attorneys or persons licensed under 843  
section 4732.12 of the Revised Code, or patients of persons 844  
certified under section 4731.14 of the Revised Code, if those 845  
clients or patients are legislative agents. Division (A)(2)(b) of 846  
this section requires a person filing the statement who derives 847  
income from a business or profession to disclose those individual 848  
items of income that constitute the gross income of that business 849  
or profession that are received from legislative agents. 850

(c) Except as otherwise provided in division (A)(2)(c) of 851  
this section, division (A)(2)(a) of this section applies to 852

attorneys, physicians, and other persons who engage in the 853  
practice of a profession and who, pursuant to a section of the 854  
Revised Code, the common law of this state, a code of ethics 855  
applicable to the profession, or otherwise, generally are required 856  
not to reveal, disclose, or use confidences of clients, patients, 857  
or other recipients of professional services except under 858  
specified circumstances or generally are required to maintain 859  
those types of confidences as privileged communications except 860  
under specified circumstances. Division (A)(2)(a) of this section 861  
does not require an attorney, physician, or other professional 862  
subject to a confidentiality requirement as described in division 863  
(A)(2)(c) of this section to disclose the name, other identity, or 864  
address of a client, patient, or other recipient of professional 865  
services if the disclosure would threaten the client, patient, or 866  
other recipient of professional services, would reveal details of 867  
the subject matter for which legal, medical, or professional 868  
advice or other services were sought, or would reveal an otherwise 869  
privileged communication involving the client, patient, or other 870  
recipient of professional services. Division (A)(2)(a) of this 871  
section does not require an attorney, physician, or other 872  
professional subject to a confidentiality requirement as described 873  
in division (A)(2)(c) of this section to disclose in the brief 874  
description of the nature of services required by division 875  
(A)(2)(a) of this section any information pertaining to specific 876  
professional services rendered for a client, patient, or other 877  
recipient of professional services that would reveal details of 878  
the subject matter for which legal, medical, or professional 879  
advice was sought or would reveal an otherwise privileged 880  
communication involving the client, patient, or other recipient of 881  
professional services. 882

(3) The name of every corporation on file with the secretary 883  
of state that is incorporated in this state or holds a certificate 884  
of compliance authorizing it to do business in this state, trust, 885

business trust, partnership, or association that transacts 886  
business in this state in which the person filing the statement or 887  
any other person for the person's use and benefit had during the 888  
preceding calendar year an investment of over one thousand dollars 889  
at fair market value as of the thirty-first day of December of the 890  
preceding calendar year, or the date of disposition, whichever is 891  
earlier, or in which the person holds any office or has a 892  
fiduciary relationship, and a description of the nature of the 893  
investment, office, or relationship. Division (A)(3) of this 894  
section does not require disclosure of the name of any bank, 895  
savings and loan association, credit union, or building and loan 896  
association with which the person filing the statement has a 897  
deposit or a withdrawable share account. 898

(4) All fee simple and leasehold interests to which the 899  
person filing the statement holds legal title to or a beneficial 900  
interest in real property located within the state, excluding the 901  
person's residence and property used primarily for personal 902  
recreation; 903

(5) The names of all persons residing or transacting business 904  
in the state to whom the person filing the statement owes, in the 905  
person's own name or in the name of any other person, more than 906  
one thousand dollars. Division (A)(5) of this section shall not be 907  
construed to require the disclosure of debts owed by the person 908  
resulting from the ordinary conduct of a business or profession or 909  
debts on the person's residence or real property used primarily 910  
for personal recreation, except that the superintendent of 911  
financial institutions shall disclose the names of all 912  
state-chartered savings and loan associations and of all service 913  
corporations subject to regulation under division (E)(2) of 914  
section 1151.34 of the Revised Code to whom the superintendent in 915  
the superintendent's own name or in the name of any other person 916  
owes any money, and that the superintendent and any deputy 917

superintendent of banks shall disclose the names of all 918  
state-chartered banks and all bank subsidiary corporations subject 919  
to regulation under section 1109.44 of the Revised Code to whom 920  
the superintendent or deputy superintendent owes any money. 921

(6) The names of all persons residing or transacting business 922  
in the state, other than a depository excluded under division 923  
(A)(3) of this section, who owe more than one thousand dollars to 924  
the person filing the statement, either in the person's own name 925  
or to any person for the person's use or benefit. Division (A)(6) 926  
of this section shall not be construed to require the disclosure 927  
of clients of attorneys or persons licensed under section 4732.12 928  
or 4732.15 of the Revised Code, or patients of persons certified 929  
under section 4731.14 of the Revised Code, nor the disclosure of 930  
debts owed to the person resulting from the ordinary conduct of a 931  
business or profession. 932

(7) Except as otherwise provided in section 102.022 of the 933  
Revised Code, the source of each gift of over seventy-five 934  
dollars, or of each gift of over twenty-five dollars received by a 935  
member of the general assembly from a legislative agent, received 936  
by the person in the person's own name or by any other person for 937  
the person's use or benefit during the preceding calendar year, 938  
except gifts received by will or by virtue of section 2105.06 of 939  
the Revised Code, or received from spouses, parents, grandparents, 940  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 941  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 942  
fathers-in-law, mothers-in-law, or any person to whom the person 943  
filing the statement stands in loco parentis, or received by way 944  
of distribution from any inter vivos or testamentary trust 945  
established by a spouse or by an ancestor; 946

(8) Except as otherwise provided in section 102.022 of the 947  
Revised Code, identification of the source and amount of every 948  
payment of expenses incurred for travel to destinations inside or 949

outside this state that is received by the person in the person's 950  
own name or by any other person for the person's use or benefit 951  
and that is incurred in connection with the person's official 952  
duties, except for expenses for travel to meetings or conventions 953  
of a national or state organization to which any state agency, 954  
including, but not limited to, any legislative agency or state 955  
institution of higher education as defined in section 3345.011 of 956  
the Revised Code, pays membership dues, or any political 957  
subdivision or any office or agency of a political subdivision 958  
pays membership dues; 959

(9) Except as otherwise provided in section 102.022 of the 960  
Revised Code, identification of the source of payment of expenses 961  
for meals and other food and beverages, other than for meals and 962  
other food and beverages provided at a meeting at which the person 963  
participated in a panel, seminar, or speaking engagement or at a 964  
meeting or convention of a national or state organization to which 965  
any state agency, including, but not limited to, any legislative 966  
agency or state institution of higher education as defined in 967  
section 3345.011 of the Revised Code, pays membership dues, or any 968  
political subdivision or any office or agency of a political 969  
subdivision pays membership dues, that are incurred in connection 970  
with the person's official duties and that exceed one hundred 971  
dollars aggregated per calendar year; 972

(10) If the disclosure statement is filed by a public 973  
official or employee described in division (B)(2) of section 974  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 975  
the Revised Code who receives a statement from a legislative 976  
agent, executive agency lobbyist, or employer that contains the 977  
information described in division (F)(2) of section 101.73 of the 978  
Revised Code or division (G)(2) of section 121.63 of the Revised 979  
Code, all of the nondisputed information contained in the 980  
statement delivered to that public official or employee by the 981

legislative agent, executive agency lobbyist, or employer under 982  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 983  
the Revised Code. 984

A person may file a statement required by this section in 985  
person or by mail. A person who is a candidate for elective office 986  
shall file the statement no later than the thirtieth day before 987  
the primary, special, or general election at which the candidacy 988  
is to be voted on, whichever election occurs soonest, except that 989  
a person who is a write-in candidate shall file the statement no 990  
later than the twentieth day before the earliest election at which 991  
the person's candidacy is to be voted on. A person who holds 992  
elective office shall file the statement on or before the 993  
fifteenth day of April of each year unless the person is a 994  
candidate for office. A person who is appointed to fill a vacancy 995  
for an unexpired term in an elective office shall file the 996  
statement within fifteen days after the person qualifies for 997  
office. Other persons shall file an annual statement on or before 998  
the fifteenth day of April or, if appointed or employed after that 999  
date, within ninety days after appointment or employment. No 1000  
person shall be required to file with the appropriate ethics 1001  
commission more than one statement or pay more than one filing fee 1002  
for any one calendar year. 1003

The appropriate ethics commission, for good cause, may extend 1004  
for a reasonable time the deadline for filing a statement under 1005  
this section. 1006

A statement filed under this section is subject to public 1007  
inspection at locations designated by the appropriate ethics 1008  
commission except as otherwise provided in this section. 1009

(B) The Ohio ethics commission, the joint legislative ethics 1010  
committee, and the board of commissioners on grievances and 1011  
discipline of the supreme court, using the rule-making procedures 1012  
of Chapter 119. of the Revised Code, may require any class of 1013



public officials or employees under its jurisdiction and not 1014  
specifically excluded by this section whose positions involve a 1015  
substantial and material exercise of administrative discretion in 1016  
the formulation of public policy, expenditure of public funds, 1017  
enforcement of laws and rules of the state or a county or city, or 1018  
the execution of other public trusts, to file an annual statement 1019  
on or before the fifteenth day of April under division (A) of this 1020  
section. The appropriate ethics commission shall send the public 1021  
officials or employees written notice of the requirement by the 1022  
fifteenth day of February of each year the filing is required 1023  
unless the public official or employee is appointed after that 1024  
date, in which case the notice shall be sent within thirty days 1025  
after appointment, and the filing shall be made not later than 1026  
ninety days after appointment. 1027

Except for disclosure statements filed by members of the 1028  
board of trustees and the executive director of the southern Ohio 1029  
agricultural and community development foundation, disclosure 1030  
statements filed under this division with the Ohio ethics 1031  
commission by members of boards, commissions, or bureaus of the 1032  
state for which no compensation is received other than reasonable 1033  
and necessary expenses shall be kept confidential. Disclosure 1034  
statements filed with the Ohio ethics commission under division 1035  
(A) of this section by business managers, treasurers, and 1036  
superintendents of city, local, exempted village, joint 1037  
vocational, or cooperative education school districts or 1038  
educational service centers shall be kept confidential, except 1039  
that any person conducting an audit of any such school district or 1040  
educational service center pursuant to section 115.56 or Chapter 1041  
117. of the Revised Code may examine the disclosure statement of 1042  
any business manager, treasurer, or superintendent of that school 1043  
district or educational service center. Disclosure statements 1044  
filed with the Ohio ethics commission under division (A) of this 1045  
section by the individuals set forth in division (B)(2) of section 1046

187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of ~~forty~~ sixty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any

of the following offices:		1079
For state office, except member of the		1080
state board of education	\$95	1081
For office of member of general assembly	\$40	1082
For county office	\$60	1083
For city office	\$35	1084
For office of member of the state board		1085
of education	<del>\$25</del> <u>\$35</u>	1086
<del>    For office of member of the Ohio</del>		1087
<del>    livestock care standards board</del>	<del>\$.....</del>	1088
For office of member of a city, local,		1089
exempted village, or cooperative		1090
education board of		1091
education or educational service		1092
center governing board	\$30	1093
For position of business manager,		1094
treasurer, or superintendent of a		1095
city, local, exempted village, joint		1096
vocational, or cooperative education		1097
school district or		1098
educational service center	\$30	1099
(3) No judge of a court of record or candidate for judge of a		1100
court of record, and no referee or magistrate serving a court of		1101
record, shall be required to pay the fee required under division		1102
(E)(1) or (2) or (F) of this section.		1103
(4) For any public official who is appointed to a nonelective		1104
office of the state and for any employee who holds a nonelective		1105
position in a public agency of the state, the state agency that is		1106
the primary employer of the state official or employee shall pay		1107
the fee required under division (E)(1) or (F) of this section.		1108
(F) If a statement required to be filed under this section is		1109
not filed by the date on which it is required to be filed, the		1110

appropriate ethics commission shall assess the person required to 1111  
file the statement a late filing fee of ten dollars for each day 1112  
the statement is not filed, except that the total amount of the 1113  
late filing fee shall not exceed two hundred fifty dollars. 1114

(G)(1) The appropriate ethics commission other than the Ohio 1115  
ethics commission and the joint legislative ethics committee shall 1116  
deposit all fees it receives under divisions (E) and (F) of this 1117  
section into the general revenue fund of the state. 1118

(2) The Ohio ethics commission shall deposit all receipts, 1119  
including, but not limited to, fees it receives under divisions 1120  
(E) and (F) of this section, investigative or other fees, costs, 1121  
or other funds it receives as a result of court orders, and all 1122  
moneys it receives from settlements under division (G) of section 1123  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1124  
which is hereby created in the state treasury. All moneys credited 1125  
to the fund shall be used solely for expenses related to the 1126  
operation and statutory functions of the commission. 1127

(3) The joint legislative ethics committee shall deposit all 1128  
receipts it receives from the payment of financial disclosure 1129  
statement filing fees under divisions (E) and (F) of this section 1130  
into the joint legislative ethics committee investigative fund. 1131

(H) Division (A) of this section does not apply to a person 1132  
elected or appointed to the office of precinct, ward, or district 1133  
committee member under Chapter 3517. of the Revised Code; a 1134  
presidential elector; a delegate to a national convention; village 1135  
or township officials and employees; any physician or psychiatrist 1136  
who is paid a salary or wage in accordance with schedule C of 1137  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1138  
Code and whose primary duties do not require the exercise of 1139  
administrative discretion; or any member of a board, commission, 1140  
or bureau of any county or city who receives less than one 1141  
thousand dollars per year for serving in that position. 1142

Sec. 103.51. (A) There is hereby created the legislative task 1143  
force on redistricting, reapportionment, and demographic research, 1144  
consisting of six members. The president of the senate shall 1145  
appoint three members, not more than two of whom shall be members 1146  
of the same political party. One member appointed by the president 1147  
shall not be a member of the general assembly. The speaker of the 1148  
house of representatives shall appoint three members, not more 1149  
than two of whom shall be members of the same political party. One 1150  
member appointed by the speaker shall not be a member of the 1151  
general assembly. 1152

Appointments to the task force shall be made within fifteen 1153  
days after the commencement of the first regular session of each 1154  
general assembly in the manner prescribed in this division. A 1155  
vacancy on the task force shall be filled for the unexpired term 1156  
in the same manner as the original appointment. Members of the 1157  
task force shall serve on the task force until the appointments 1158  
are made in the first regular session of the following general 1159  
assembly or, in the case of task force members who also are 1160  
general assembly members when appointed, until they are no longer 1161  
general assembly members. 1162

The president of the senate shall appoint a member of the 1163  
task force, and the speaker of the house of representatives shall 1164  
appoint a member of the task force, to serve as ~~co-chairmen~~ 1165  
co-chairpersons of the task force. The ~~co-chairmen~~ co-chairpersons 1166  
shall be members of different political parties. The ~~co-chairmen~~ 1167  
co-chairpersons may enter into any agreements on behalf of the 1168  
task force and perform any acts that may be necessary or proper 1169  
for the task force to carry out its powers and duties under this 1170  
section. 1171

(B) The members of the task force shall serve without 1172  
compensation, but shall be reimbursed for their actual and 1173

necessary expenses incurred in the performance of their official 1174  
duties. 1175

(C) The task force shall do all of the following: 1176

(1) Provide such assistance to the general assembly and its 1177  
committees as requested in order to help the general assembly 1178  
fulfill its duty to establish districts for the election of 1179  
representatives to congress; 1180

(2) Provide such assistance to the apportionment board as 1181  
requested in order to help it fulfill its duty to provide for the 1182  
apportionment of this state for members of the general assembly. 1183  
As used in this section, "apportionment board" means the persons 1184  
designated in Section 1 of Article XI, Ohio Constitution, as being 1185  
responsible for that apportionment. 1186

(3) Engage in such research studies and other activities as 1187  
the task force considers necessary or appropriate in the 1188  
preparation and formulation of a plan for the next apportionment 1189  
of the state for members of the general assembly and a plan for 1190  
the next establishment of districts for the election of 1191  
representatives to congress and in the utilization of census and 1192  
other demographic ~~and~~, statistical, and election data for policy 1193  
analysis, program development, and program evaluation purposes for 1194  
the benefit of the general assembly. 1195

(D) Notwithstanding any provision of law to the contrary, the 1196  
task force may do all of the following: 1197

(1) Hire such employees and engage such experts and technical 1198  
advisors and fix their compensation, and obtain such services, as 1199  
are necessary for the task force to exercise its duties under this 1200  
section; 1201

(2) Authorize the providing of such services and the 1202  
furnishing of such data by the task force to any state agency or 1203  
political subdivision of this state as the task force may specify, 1204

on such terms and conditions as the task force may specify, 1205  
including the amount of the payment for providing the services and 1206  
furnishing the data; 1207

(3) Conduct meetings and hearings both within and outside 1208  
this state and otherwise exercise all of the powers of a standing 1209  
or select committee of the general assembly; 1210

(4) Request and receive from any state agency or political 1211  
subdivision of this state such assistance and data as will enable 1212  
the task force to exercise its powers and duties under this 1213  
section. 1214

**Sec. 105.41.** (A) There is hereby created in the legislative 1215  
branch of government the capitol square review and advisory board, 1216  
consisting of ~~thirteen~~ twelve members as follows: 1217

(1) Two members of the senate, appointed by the president of 1218  
the senate, both of whom shall not be members of the same 1219  
political party; 1220

(2) Two members of the house of representatives, appointed by 1221  
the speaker of the house of representatives, both of whom shall 1222  
not be members of the same political party; 1223

(3) ~~Five~~ Four members appointed by the governor, with the 1224  
advice and consent of the senate, not more than three of whom 1225  
shall be members of the same political party, one of whom shall be 1226  
the chief of staff of the governor's office, one of whom shall 1227  
represent the Ohio arts council, one of whom shall represent the 1228  
Ohio historical society, ~~one of whom shall represent the Ohio~~ 1229  
~~building authority,~~ and one of whom shall represent the public at 1230  
large; 1231

(4) One member, who shall be a former president of the 1232  
senate, appointed by the current president of the senate. If the 1233  
current president of the senate, in the current president's 1234

discretion, decides for any reason not to make the appointment or 1235  
if no person is eligible or available to serve, the seat shall 1236  
remain vacant. 1237

(5) One member, who shall be a former speaker of the house of 1238  
representatives, appointed by the current speaker of the house of 1239  
representatives. If the current speaker of the house of 1240  
representatives, in the current speaker's discretion, decides for 1241  
any reason not to make the appointment or if no person is eligible 1242  
or available to serve, the seat shall remain vacant. 1243

(6) The clerk of the senate and the clerk of the house of 1244  
representatives. 1245

(B) Terms of office of each appointed member of the board 1246  
shall be for three years, except that members of the general 1247  
assembly appointed to the board shall be members of the board only 1248  
so long as they are members of the general assembly and the chief 1249  
of staff of the governor's office shall be a member of the board 1250  
only so long as the appointing governor remains in office. Each 1251  
member shall hold office from the date of the member's appointment 1252  
until the end of the term for which the member was appointed. In 1253  
case of a vacancy occurring on the board, the president of the 1254  
senate, the speaker of the house of representatives, or the 1255  
governor, as the case may be, shall in the same manner prescribed 1256  
for the regular appointment to the commission, fill the vacancy by 1257  
appointing a member. Any member appointed to fill a vacancy 1258  
occurring prior to the expiration of the term for which the 1259  
member's predecessor was appointed shall hold office for the 1260  
remainder of the term. Any appointed member shall continue in 1261  
office subsequent to the expiration date of the member's term 1262  
until the member's successor takes office, or until a period of 1263  
sixty days has elapsed, whichever occurs first. 1264

(C) The board shall hold meetings in a manner and at times 1265  
prescribed by the rules adopted by the board. A majority of the 1266



board constitutes a quorum, and no action shall be taken by the 1267  
board unless approved by at least six members or by at least seven 1268  
members if a person is appointed under division (A)(4) or (5) of 1269  
this section. At its first meeting, the board shall adopt rules 1270  
for the conduct of its business and the election of its officers, 1271  
and shall organize by selecting a chairperson and other officers 1272  
as it considers necessary. Board members shall serve without 1273  
compensation but shall be reimbursed for actual and necessary 1274  
expenses incurred in the performance of their duties. 1275

(D) The board may do any of the following: 1276

(1) Employ or hire on a consulting basis professional, 1277  
technical, and clerical employees as are necessary for the 1278  
performance of its duties. All employees of the board are in the 1279  
unclassified service and serve at the pleasure of the board. For 1280  
purposes of section 4117.01 of the Revised Code, employees of the 1281  
board shall be considered employees of the general assembly, 1282  
except that employees who are covered by a collective bargaining 1283  
agreement on ~~the effective date of this amendment~~ September 29, 1284  
2011, shall remain subject to the agreement until the agreement 1285  
expires on its terms, and the agreement shall not be extended or 1286  
renewed. Upon expiration of the agreement, the employees are 1287  
considered employees of the general assembly for purposes of 1288  
section 4117.01 of the Revised Code and are in the unclassified 1289  
service and serve at the pleasure of the board. 1290

(2) Hold public hearings at times and places as determined by 1291  
the board; 1292

(3) Adopt, amend, or rescind rules necessary to accomplish 1293  
the duties of the board as set forth in this section; 1294

(4) Sponsor, conduct, and support such social events as the 1295  
board may authorize and consider appropriate for the employees of 1296  
the board, employees and members of the general assembly, 1297

employees of persons under contract with the board or otherwise 1298  
engaged to perform services on the premises of capitol square, or 1299  
other persons as the board may consider appropriate. Subject to 1300  
the requirements of Chapter 4303. of the Revised Code, the board 1301  
may provide beer, wine, and intoxicating liquor, with or without 1302  
charge, for those events and may use funds only from the sale of 1303  
goods and services fund to purchase the beer, wine, and 1304  
intoxicating liquor the board provides; 1305

(5) Purchase a warehouse in which to store items of the 1306  
capitol collection trust and, whenever necessary, equipment or 1307  
other property of the board. 1308

(E) The board shall do all of the following: 1309

(1) Have sole authority to coordinate and approve any 1310  
improvements, additions, and renovations that are made to the 1311  
capitol square. The improvements shall include, but not be limited 1312  
to, the placement of monuments and sculpture on the capitol 1313  
grounds. 1314

(2) Subject to section ~~3353.07~~ 3333.93 of the Revised Code, 1315  
operate the capitol square, and have sole authority to regulate 1316  
all uses of the capitol square. The uses shall include, but not be 1317  
limited to, the casual and recreational use of the capitol square. 1318

(3) Employ, fix the compensation of, and prescribe the duties 1319  
of the executive director of the board and other employees the 1320  
board considers necessary for the performance of its powers and 1321  
duties; 1322

(4) Establish and maintain the capitol collection trust. The 1323  
capitol collection trust shall consist of furniture, antiques, and 1324  
other items of personal property that the board shall store in 1325  
suitable facilities until they are ready to be displayed in the 1326  
capitol square. 1327

(5) Perform repair, construction, contracting, purchasing, 1328

maintenance, supervisory, and operating activities the board 1329  
determines are necessary for the operation and maintenance of the 1330  
capitol square; 1331

(6) Maintain and preserve the capitol square, in accordance 1332  
with guidelines issued by the United States secretary of the 1333  
interior for application of the secretary's standards for 1334  
rehabilitation adopted in 36 C.F.R. part 67; 1335

(7) Plan and develop a center at the capitol building for the 1336  
purpose of educating visitors about the history of Ohio, including 1337  
its political, economic, and social development and the design and 1338  
erection of the capitol building and its grounds. 1339

(F)(1) The board shall lease capital facilities improved or 1340  
financed by the Ohio building authority pursuant to Chapter 152. 1341  
of the Revised Code for the use of the board, and may enter into 1342  
any other agreements with the authority ancillary to improvement, 1343  
financing, or leasing of those capital facilities, including, but 1344  
not limited to, any agreement required by the applicable bond 1345  
proceedings authorized by Chapter 152. of the Revised Code. Any 1346  
lease of capital facilities authorized by this section shall be 1347  
governed by division (D) of section 152.24 of the Revised Code. 1348

(2) Fees, receipts, and revenues received by the board from 1349  
the state underground parking garage constitute available receipts 1350  
as defined in section 152.09 of the Revised Code, and may be 1351  
pledged to the payment of bond service charges on obligations 1352  
issued by the Ohio building authority pursuant to Chapter 152. of 1353  
the Revised Code to improve, finance, or purchase capital 1354  
facilities useful to the board. The authority may, with the 1355  
consent of the board, provide in the bond proceedings for a pledge 1356  
of all or a portion of those fees, receipts, and revenues as the 1357  
authority determines. The authority may provide in the bond 1358  
proceedings or by separate agreement with the board for the 1359  
transfer of those fees, receipts, and revenues to the appropriate 1360

bond service fund or bond service reserve fund as required to pay 1361  
the bond service charges when due, and any such provision for the 1362  
transfer of those fees, receipts, and revenues shall be 1363  
controlling notwithstanding any other provision of law pertaining 1364  
to those fees, receipts, and revenues. 1365

(3) All moneys received by the treasurer of state on account 1366  
of the board and required by the applicable bond proceedings or by 1367  
separate agreement with the board to be deposited, transferred, or 1368  
credited to the bond service fund or bond service reserve fund 1369  
established by the bond proceedings shall be transferred by the 1370  
treasurer of state to such fund, whether or not it is in the 1371  
custody of the treasurer of state, without necessity for further 1372  
appropriation, upon receipt of notice from the Ohio building 1373  
authority as prescribed in the bond proceedings. 1374

(G) All fees, receipts, and revenues received by the board 1375  
from the state underground parking garage shall be deposited into 1376  
the state treasury to the credit of the underground parking garage 1377  
operating fund, which is hereby created, to be used for the 1378  
purposes specified in division (F) of this section and for the 1379  
operation and maintenance of the garage. All investment earnings 1380  
of the fund shall be credited to the fund. 1381

(H) All donations received by the board shall be deposited 1382  
into the state treasury to the credit of the capitol square 1383  
renovation gift fund, which is hereby created. The fund shall be 1384  
used by the board as follows: 1385

(1) To provide part or all of the funding related to 1386  
construction, goods, or services for the renovation of the capitol 1387  
square; 1388

(2) To purchase art, antiques, and artifacts for display at 1389  
the capitol square; 1390

(3) To award contracts or make grants to organizations for 1391

educating the public regarding the historical background and 1392  
governmental functions of the capitol square. Chapters 125., 127., 1393  
and 153. and section 3517.13 of the Revised Code do not apply to 1394  
purchases made exclusively from the fund, notwithstanding anything 1395  
to the contrary in those chapters or that section. All investment 1396  
earnings of the fund shall be credited to the fund. 1397

(I) Except as provided in divisions (G), (H), and (J) of this 1398  
section, all fees, receipts, and revenues received by the board 1399  
shall be deposited into the state treasury to the credit of the 1400  
sale of goods and services fund, which is hereby created. Money 1401  
credited to the fund shall be used solely to pay costs of the 1402  
board other than those specified in divisions (F) and (G) of this 1403  
section. All investment earnings of the fund shall be credited to 1404  
the fund. 1405

(J) There is hereby created in the state treasury the capitol 1406  
square improvement fund, to be used by the board to pay 1407  
construction, renovation, and other costs related to the capitol 1408  
square for which money is not otherwise available to the board. 1409  
Whenever the board determines that there is a need to incur those 1410  
costs and that the unencumbered, unobligated balance to the credit 1411  
of the underground parking garage operating fund exceeds the 1412  
amount needed for the purposes specified in division (F) of this 1413  
section and for the operation and maintenance of the garage, the 1414  
board may request the director of budget and management to 1415  
transfer from the underground parking garage operating fund to the 1416  
capitol square improvement fund the amount needed to pay such 1417  
construction, renovation, or other costs. The director then shall 1418  
transfer the amount needed from the excess balance of the 1419  
underground parking garage operating fund. 1420

(K) As the operation and maintenance of the capitol square 1421  
constitute essential government functions of a public purpose, the 1422  
board shall not be required to pay taxes or assessments upon the 1423

square, upon any property acquired or used by the board under this 1424  
section, or upon any income generated by the operation of the 1425  
square. 1426

(L) As used in this section, "capitol square" means the 1427  
capitol building, senate building, capitol atrium, capitol 1428  
grounds, the state underground parking garage, and the warehouse 1429  
owned by the board. 1430

(M) The capitol annex shall be known as the senate building. 1431

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1432  
criminal identification and investigation shall procure from 1433  
wherever procurable and file for record photographs, pictures, 1434  
descriptions, fingerprints, measurements, and other information 1435  
that may be pertinent of all persons who have been convicted of 1436  
committing within this state a felony, any crime constituting a 1437  
misdemeanor on the first offense and a felony on subsequent 1438  
offenses, or any misdemeanor described in division (A)(1)(a), 1439  
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1440  
Code, of all children under eighteen years of age who have been 1441  
adjudicated delinquent children for committing within this state 1442  
an act that would be a felony or an offense of violence if 1443  
committed by an adult or who have been convicted of or pleaded 1444  
guilty to committing within this state a felony or an offense of 1445  
violence, and of all well-known and habitual criminals. The person 1446  
in charge of any county, multicounty, municipal, municipal-county, 1447  
or multicounty-municipal jail or workhouse, community-based 1448  
correctional facility, halfway house, alternative residential 1449  
facility, or state correctional institution and the person in 1450  
charge of any state institution having custody of a person 1451  
suspected of having committed a felony, any crime constituting a 1452  
misdemeanor on the first offense and a felony on subsequent 1453  
offenses, or any misdemeanor described in division (A)(1)(a), 1454

(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child

for committing an act that would be a felony or an offense of 1488  
violence if committed by an adult. The clerk of the court of 1489  
common pleas shall include in the report and summary the clerk 1490  
sends under this division all information described in divisions 1491  
(A)(2)(a) to (f) of this section regarding a case before the court 1492  
of appeals that is served by that clerk. The summary shall be 1493  
written on the standard forms furnished by the superintendent 1494  
pursuant to division (B) of this section and shall include the 1495  
following information: 1496

(a) The incident tracking number contained on the standard 1497  
forms furnished by the superintendent pursuant to division (B) of 1498  
this section; 1499

(b) The style and number of the case; 1500

(c) The date of arrest, offense, summons, or arraignment; 1501

(d) The date that the person was convicted of or pleaded 1502  
guilty to the offense, adjudicated a delinquent child for 1503  
committing the act that would be a felony or an offense of 1504  
violence if committed by an adult, found not guilty of the 1505  
offense, or found not to be a delinquent child for committing an 1506  
act that would be a felony or an offense of violence if committed 1507  
by an adult, the date of an entry dismissing the charge, an entry 1508  
declaring a mistrial of the offense in which the person is 1509  
discharged, an entry finding that the person or child is not 1510  
competent to stand trial, or an entry of a nolle prosequi, or the 1511  
date of any other determination that constitutes final resolution 1512  
of the case; 1513

(e) A statement of the original charge with the section of 1514  
the Revised Code that was alleged to be violated; 1515

(f) If the person or child was convicted, pleaded guilty, or 1516  
was adjudicated a delinquent child, the sentence or terms of 1517  
probation imposed or any other disposition of the offender or the 1518



delinquent child. 1519

If the offense involved the disarming of a law enforcement 1520  
officer or an attempt to disarm a law enforcement officer, the 1521  
clerk shall clearly state that fact in the summary, and the 1522  
superintendent shall ensure that a clear statement of that fact is 1523  
placed in the bureau's records. 1524

(3) The superintendent shall cooperate with and assist 1525  
sheriffs, chiefs of police, and other law enforcement officers in 1526  
the establishment of a complete system of criminal identification 1527  
and in obtaining fingerprints and other means of identification of 1528  
all persons arrested on a charge of a felony, any crime 1529  
constituting a misdemeanor on the first offense and a felony on 1530  
subsequent offenses, or a misdemeanor described in division 1531  
(A)(1)(a), (A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of 1532  
the Revised Code and of all children under eighteen years of age 1533  
arrested or otherwise taken into custody for committing an act 1534  
that would be a felony or an offense of violence if committed by 1535  
an adult. The superintendent also shall file for record the 1536  
fingerprint impressions of all persons confined in a county, 1537  
multicounty, municipal, municipal-county, or multicounty-municipal 1538  
jail or workhouse, community-based correctional facility, halfway 1539  
house, alternative residential facility, or state correctional 1540  
institution for the violation of state laws and of all children 1541  
under eighteen years of age who are confined in a county, 1542  
multicounty, municipal, municipal-county, or multicounty-municipal 1543  
jail or workhouse, community-based correctional facility, halfway 1544  
house, alternative residential facility, or state correctional 1545  
institution or in any facility for delinquent children for 1546  
committing an act that would be a felony or an offense of violence 1547  
if committed by an adult, and any other information that the 1548  
superintendent may receive from law enforcement officials of the 1549  
state and its political subdivisions. 1550

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal

justice, and may establish and operate a statewide communications 1583  
network to be known as the Ohio law enforcement gateway to gather 1584  
and disseminate information, data, and statistics for the use of 1585  
law enforcement agencies and for other uses specified in this 1586  
division. The superintendent may gather, store, retrieve, and 1587  
disseminate information, data, and statistics that pertain to 1588  
children who are under eighteen years of age and that are gathered 1589  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1590  
with information, data, and statistics that pertain to adults and 1591  
that are gathered pursuant to those sections. 1592

(2) The superintendent or the superintendent's designee shall 1593  
gather information of the nature described in division (C)(1) of 1594  
this section that pertains to the offense and delinquency history 1595  
of a person who has been convicted of, pleaded guilty to, or been 1596  
adjudicated a delinquent child for committing a sexually oriented 1597  
offense or a child-victim oriented offense for inclusion in the 1598  
state registry of sex offenders and child-victim offenders 1599  
maintained pursuant to division (A)(1) of section 2950.13 of the 1600  
Revised Code and in the internet database operated pursuant to 1601  
division (A)(13) of that section and for possible inclusion in the 1602  
internet database operated pursuant to division (A)(11) of that 1603  
section. 1604

(3) In addition to any other authorized use of information, 1605  
data, and statistics of the nature described in division (C)(1) of 1606  
this section, the superintendent or the superintendent's designee 1607  
may provide and exchange the information, data, and statistics 1608  
pursuant to the national crime prevention and privacy compact as 1609  
described in division (A)(5) of this section. 1610

(4) The attorney general may adopt rules under Chapter 119. 1611  
of the Revised Code establishing guidelines for the operation of 1612  
and participation in the Ohio law enforcement gateway. The rules 1613  
may include criteria for granting and restricting access to 1614

information gathered and disseminated through the Ohio law 1615  
enforcement gateway. The attorney general shall permit the state 1616  
medical board and board of nursing to access and view, but not 1617  
alter, information gathered and disseminated through the Ohio law 1618  
enforcement gateway. 1619

The attorney general may appoint a steering committee to 1620  
advise the attorney general in the operation of the Ohio law 1621  
enforcement gateway that is comprised of persons who are 1622  
representatives of the criminal justice agencies in this state 1623  
that use the Ohio law enforcement gateway and is chaired by the 1624  
superintendent or the superintendent's designee. 1625

(D)(1) The following are not public records under section 1626  
149.43 of the Revised Code: 1627

(a) Information and materials furnished to the superintendent 1628  
pursuant to division (A) of this section; 1629

(b) Information, data, and statistics gathered or 1630  
disseminated through the Ohio law enforcement gateway pursuant to 1631  
division (C)(1) of this section; 1632

(c) Information and materials furnished to any board or 1633  
person under division (F) or (G) of this section. 1634

(2) The superintendent or the superintendent's designee shall 1635  
gather and retain information so furnished under division (A) of 1636  
this section that pertains to the offense and delinquency history 1637  
of a person who has been convicted of, pleaded guilty to, or been 1638  
adjudicated a delinquent child for committing a sexually oriented 1639  
offense or a child-victim oriented offense for the purposes 1640  
described in division (C)(2) of this section. 1641

(E) The attorney general shall adopt rules, in accordance 1642  
with Chapter 119. of the Revised Code, setting forth the procedure 1643  
by which a person may receive or release information gathered by 1644  
the superintendent pursuant to division (A) of this section. A 1645

reasonable fee may be charged for this service. If a temporary 1646  
employment service submits a request for a determination of 1647  
whether a person the service plans to refer to an employment 1648  
position has been convicted of or pleaded guilty to an offense 1649  
listed in division (A)(1), ~~(3), (4), (5),~~ or ~~(6)(2)~~ of section 1650  
109.572 of the Revised Code or has been convicted of, pleaded 1651  
guilty to, or been found eligible for intervention in lieu of 1652  
conviction for a disqualifying offense as defined in section 1653  
173.394, 3701.881, or 5111.032 of the Revised Code, the request 1654  
shall be treated as a single request and only one fee shall be 1655  
charged. 1656

(F)(1) As used in division (F)(2) of this section, "head 1657  
start agency" means an entity in this state that has been approved 1658  
to be an agency for purposes of subchapter II of the "Community 1659  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1660  
as amended. 1661

(2)(a) In addition to or in conjunction with any request that 1662  
is required to be made under section 109.572, 2151.86, 3301.32, 1663  
3301.541, division (C) of section 3310.58, or section 3319.39, 1664  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 1665  
~~5126.28, 5126.281,~~ or 5153.111 of the Revised Code or that is made 1666  
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 1667  
Revised Code, the board of education of any school district; the 1668  
director of developmental disabilities; any county board of 1669  
developmental disabilities; any ~~entity under contract with a~~ 1670  
~~county board of developmental disabilities~~ provider or 1671  
subcontractor as defined in section 5123.081 of the Revised Code; 1672  
the chief administrator of any chartered nonpublic school; the 1673  
chief administrator of a registered private provider that is not 1674  
also a chartered nonpublic school; the chief administrator of any 1675  
home health agency; the chief administrator of or person operating 1676  
any child day-care center, type A family day-care home, or type B 1677

family day-care home licensed or certified under Chapter 5104. of 1678  
the Revised Code; the administrator of any type C family day-care 1679  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1680  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1681  
general assembly; the chief administrator of any head start 1682  
agency; the executive director of a public children services 1683  
agency; a private company described in section 3314.41, 3319.392, 1684  
3326.25, or 3328.20 of the Revised Code; or an employer described 1685  
in division (J)(2) of section 3327.10 of the Revised Code may 1686  
request that the superintendent of the bureau investigate and 1687  
determine, with respect to any individual who has applied for 1688  
employment in any position after October 2, 1989, or any 1689  
individual wishing to apply for employment with a board of 1690  
education may request, with regard to the individual, whether the 1691  
bureau has any information gathered under division (A) of this 1692  
section that pertains to that individual. On receipt of the 1693  
request, the superintendent shall determine whether that 1694  
information exists and, upon request of the person, board, or 1695  
entity requesting information, also shall request from the federal 1696  
bureau of investigation any criminal records it has pertaining to 1697  
that individual. The superintendent or the superintendent's 1698  
designee also may request criminal history records from other 1699  
states or the federal government pursuant to the national crime 1700  
prevention and privacy compact set forth in section 109.571 of the 1701  
Revised Code. Within thirty days of the date that the 1702  
superintendent receives a request, the superintendent shall send 1703  
to the board, entity, or person a report of any information that 1704  
the superintendent determines exists, including information 1705  
contained in records that have been sealed under section 2953.32 1706  
of the Revised Code, and, within thirty days of its receipt, shall 1707  
send the board, entity, or person a report of any information 1708  
received from the federal bureau of investigation, other than 1709  
information the dissemination of which is prohibited by federal 1710

law. 1711

(b) When a board of education or a registered private 1712  
provider is required to receive information under this section as 1713  
a prerequisite to employment of an individual pursuant to division 1714  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1715  
may accept a certified copy of records that were issued by the 1716  
bureau of criminal identification and investigation and that are 1717  
presented by an individual applying for employment with the 1718  
district in lieu of requesting that information itself. In such a 1719  
case, the board shall accept the certified copy issued by the 1720  
bureau in order to make a photocopy of it for that individual's 1721  
employment application documents and shall return the certified 1722  
copy to the individual. In a case of that nature, a district or 1723  
provider only shall accept a certified copy of records of that 1724  
nature within one year after the date of their issuance by the 1725  
bureau. 1726

(c) Notwithstanding division (F)(2)(a) of this section, in 1727  
the case of a request under section 3319.39, 3319.391, or 3327.10 1728  
of the Revised Code only for criminal records maintained by the 1729  
federal bureau of investigation, the superintendent shall not 1730  
determine whether any information gathered under division (A) of 1731  
this section exists on the person for whom the request is made. 1732

(3) The state board of education may request, with respect to 1733  
any individual who has applied for employment after October 2, 1734  
1989, in any position with the state board or the department of 1735  
education, any information that a school district board of 1736  
education is authorized to request under division (F)(2) of this 1737  
section, and the superintendent of the bureau shall proceed as if 1738  
the request has been received from a school district board of 1739  
education under division (F)(2) of this section. 1740

(4) When the superintendent of the bureau receives a request 1741  
for information under section 3319.291 of the Revised Code, the 1742

superintendent shall proceed as if the request has been received 1743  
from a school district board of education and shall comply with 1744  
divisions (F)(2)(a) and (c) of this section. 1745

(5) When a recipient of a classroom reading improvement grant 1746  
paid under section 3301.86 of the Revised Code requests, with 1747  
respect to any individual who applies to participate in providing 1748  
any program or service funded in whole or in part by the grant, 1749  
the information that a school district board of education is 1750  
authorized to request under division (F)(2)(a) of this section, 1751  
the superintendent of the bureau shall proceed as if the request 1752  
has been received from a school district board of education under 1753  
division (F)(2)(a) of this section. 1754

(G) In addition to or in conjunction with any request that is 1755  
required to be made under section 3701.881, 3712.09, 3721.121, or 1756  
5119.693, ~~or 5119.85~~ of the Revised Code with respect to an 1757  
individual who has applied for employment in a position that 1758  
involves providing direct care to an older adult or adult 1759  
resident, the chief administrator of a home health agency, hospice 1760  
care program, home licensed under Chapter 3721. of the Revised 1761  
Code, adult day-care program operated pursuant to rules adopted 1762  
under section 3721.04 of the Revised Code, or adult foster home, 1763  
~~or adult care facility~~ may request that the superintendent of the 1764  
bureau investigate and determine, with respect to any individual 1765  
who has applied after January 27, 1997, for employment in a 1766  
position that does not involve providing direct care to an older 1767  
adult or adult resident, whether the bureau has any information 1768  
gathered under division (A) of this section that pertains to that 1769  
individual. 1770

In addition to or in conjunction with any request that is 1771  
required to be made under section 173.27 of the Revised Code with 1772  
respect to an individual who has applied for employment in a 1773  
position that involves providing ombudsperson services to 1774



residents of long-term care facilities or recipients of 1775  
community-based long-term care services, the state long-term care 1776  
ombudsperson, ombudsperson's designee, or director of health may 1777  
request that the superintendent investigate and determine, with 1778  
respect to any individual who has applied for employment in a 1779  
position that does not involve providing such ombudsperson 1780  
services, whether the bureau has any information gathered under 1781  
division (A) of this section that pertains to that applicant. 1782

In addition to or in conjunction with any request that is 1783  
required to be made under section 173.394 of the Revised Code with 1784  
respect to an individual who has applied for employment in a 1785  
position that involves providing direct care to an individual, the 1786  
chief administrator of a community-based long-term care agency may 1787  
request that the superintendent investigate and determine, with 1788  
respect to any individual who has applied for employment in a 1789  
position that does not involve providing direct care, whether the 1790  
bureau has any information gathered under division (A) of this 1791  
section that pertains to that applicant. 1792

On receipt of a request under this division, the 1793  
superintendent shall determine whether that information exists 1794  
and, on request of the individual requesting information, shall 1795  
also request from the federal bureau of investigation any criminal 1796  
records it has pertaining to the applicant. The superintendent or 1797  
the superintendent's designee also may request criminal history 1798  
records from other states or the federal government pursuant to 1799  
the national crime prevention and privacy compact set forth in 1800  
section 109.571 of the Revised Code. Within thirty days of the 1801  
date a request is received, the superintendent shall send to the 1802  
requester a report of any information determined to exist, 1803  
including information contained in records that have been sealed 1804  
under section 2953.32 of the Revised Code, and, within thirty days 1805  
of its receipt, shall send the requester a report of any 1806

information received from the federal bureau of investigation, 1807  
other than information the dissemination of which is prohibited by 1808  
federal law. 1809

(H) Information obtained by a government entity or person 1810  
under this section is confidential and shall not be released or 1811  
disseminated. 1812

(I) The superintendent may charge a reasonable fee for 1813  
providing information or criminal records under division (F)(2) or 1814  
(G) of this section. 1815

(J) As used in this section: 1816

(1) "Sexually oriented offense" and "child-victim oriented 1817  
offense" have the same meanings as in section 2950.01 of the 1818  
Revised Code. 1819

(2) "Registered private provider" means a nonpublic school or 1820  
entity registered with the superintendent of public instruction 1821  
under section 3310.41 of the Revised Code to participate in the 1822  
autism scholarship program or section 3310.58 of the Revised Code 1823  
to participate in the Jon Peterson special needs scholarship 1824  
program. 1825

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1826  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1827  
a completed form prescribed pursuant to division (C)(1) of this 1828  
section, and a set of fingerprint impressions obtained in the 1829  
manner described in division (C)(2) of this section, the 1830  
superintendent of the bureau of criminal identification and 1831  
investigation shall conduct a criminal records check in the manner 1832  
described in division (B) of this section to determine whether any 1833  
information exists that indicates that the person who is the 1834  
subject of the request previously has been convicted of or pleaded 1835  
guilty to any of the following: 1836

(a) A violation of section 2903.01, 2903.02, 2903.03, 1837  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1838  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1839  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1840  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1841  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1842  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1843  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1844  
penetration in violation of former section 2907.12 of the Revised 1845  
Code, a violation of section 2905.04 of the Revised Code as it 1846  
existed prior to July 1, 1996, a violation of section 2919.23 of 1847  
the Revised Code that would have been a violation of section 1848  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1849  
had the violation been committed prior to that date, or a 1850  
violation of section 2925.11 of the Revised Code that is not a 1851  
minor drug possession offense; 1852

(b) A violation of an existing or former law of this state, 1853  
any other state, or the United States that is substantially 1854  
equivalent to any of the offenses listed in division (A)(1)(a) of 1855  
this section. 1856

~~(2) On receipt of a request pursuant to section 5123.081 of 1857  
the Revised Code with respect to an applicant for employment in 1858  
any position with the department of developmental disabilities, 1859  
pursuant to section 5126.28 of the Revised Code with respect to an 1860  
applicant for employment in any position with a county board of 1861  
developmental disabilities, or pursuant to section 5126.281 of the 1862  
Revised Code with respect to an applicant for employment in a 1863  
direct services position with an entity contracting with a county 1864  
board for employment, a completed form prescribed pursuant to 1865  
division (C)(1) of this section, and a set of fingerprint 1866  
impressions obtained in the manner described in division (C)(2) of 1867  
this section, the superintendent of the bureau of criminal 1868~~

~~identification and investigation shall conduct a criminal records 1869  
check. The superintendent shall conduct the criminal records check 1870  
in the manner described in division (B) of this section to 1871  
determine whether any information exists that indicates that the 1872  
person who is the subject of the request has been convicted of or 1873  
pleaded guilty to any of the following: 1874~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1875  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1876  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1877  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1878  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1879  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1880  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1881  
2925.03, or 3716.11 of the Revised Code; 1882~~

~~(b) An existing or former municipal ordinance or law of this 1883  
state, any other state, or the United States that is substantially 1884  
equivalent to any of the offenses listed in division (A)(2)(a) of 1885  
this section. 1886~~

~~(3) On receipt of a request pursuant to section 173.27, 1887  
173.394, 3712.09, 3721.121, or 5119.693, or 5119.85 of the Revised 1888  
Code, a completed form prescribed pursuant to division (C)(1) of 1889  
this section, and a set of fingerprint impressions obtained in the 1890  
manner described in division (C)(2) of this section, the 1891  
superintendent of the bureau of criminal identification and 1892  
investigation shall conduct a criminal records check with respect 1893  
to any person who has applied for employment in a position for 1894  
which a criminal records check is required by those sections. The 1895  
superintendent shall conduct the criminal records check in the 1896  
manner described in division (B) of this section to determine 1897  
whether any information exists that indicates that the person who 1898  
is the subject of the request previously has been convicted of or 1899  
pleaded guilty to any of the following: 1900~~

(a) A violation of section 2903.01, 2903.02, 2903.03, 1901  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1902  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1903  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1904  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1905  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1906  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1907  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1908  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1909

(b) An existing or former law of this state, any other state, 1910  
or the United States that is substantially equivalent to any of 1911  
the offenses listed in division (A)~~(3)~~(2)(a) of this section. 1912

~~(4) On receipt of a request pursuant to section 3701.881 of 1913  
the Revised Code with respect to an applicant for employment with 1914  
a home health agency as a person responsible for the care, 1915  
custody, or control of a child, a completed form prescribed 1916  
pursuant to division (C)(1) of this section, and a set of 1917  
fingerprint impressions obtained in the manner described in 1918  
division (C)(2) of this section, the superintendent of the bureau 1919  
of criminal identification and investigation shall conduct a 1920  
criminal records check. The superintendent shall conduct the 1921  
criminal records check in the manner described in division (B) of 1922  
this section to determine whether any information exists that 1923  
indicates that the person who is the subject of the request 1924  
previously has been convicted of or pleaded guilty to any of the 1925  
following: 1926~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1927  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1928  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1929  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1930  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1931  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1932~~

~~2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1933  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1934  
violation of section 2925.11 of the Revised Code that is not a 1935  
minor drug possession offense; 1936~~

~~(b) An existing or former law of this state, any other state, 1937  
or the United States that is substantially equivalent to any of 1938  
the offenses listed in division (A)(4)(a) of this section. 1939~~

~~(5)(3) On receipt of a request pursuant to section 173.27, 1940  
173.394, 3701.881, 5111.032, 5111.033, ~~or~~ 5111.034, 5123.081, or 1941  
5123.169 of the Revised Code, a completed form prescribed pursuant 1942  
to division (C)(1) of this section, and a set of fingerprint 1943  
impressions obtained in the manner described in division (C)(2) of 1944  
this section, the superintendent of the bureau of criminal 1945  
identification and investigation shall conduct a criminal records 1946  
check of the person for whom the request is made. The 1947  
superintendent shall conduct the criminal records check in the 1948  
manner described in division (B) of this section to determine 1949  
whether any information exists that indicates that the person who 1950  
is the subject of the request previously has been convicted of, 1951  
has pleaded guilty to, or has been found eligible for intervention 1952  
in lieu of conviction for ~~any of the following, regardless of the~~ 1953  
~~date of the conviction, the date of entry of the guilty plea, or~~ 1954  
~~the date the person was found eligible for intervention in lieu of~~ 1955  
~~conviction.~~ 1956~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1957  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1958  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1959  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1960  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1961  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1962  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1963  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1964~~

~~2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1965  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1966  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1967  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1968  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1969  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1970  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1971  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1972  
penetration in violation of former section 2907.12 of the Revised 1973  
Code, a violation of section 2905.04 of the Revised Code as it 1974  
existed prior to July 1, 1996, a violation of section 2919.23 of 1975  
the Revised Code that would have been a violation of section 1976  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1977  
had the violation been committed prior to that date; 1978~~

~~(b) A violation of an existing or former municipal ordinance 1979  
or law of this state, any other state, or the United States that 1980  
is substantially equivalent to any of the offenses listed in 1981  
division (A)(5)(a) of this section a disqualifying offense as 1982  
defined in the section of the Revised Code under which the request 1983  
is made. 1984~~

~~(6) On receipt of a request pursuant to section 3701.881 of 1985  
the Revised Code with respect to an applicant for employment with 1986  
a home health agency in a position that involves providing direct 1987  
care to an older adult, a completed form prescribed pursuant to 1988  
division (C)(1) of this section, and a set of fingerprint 1989  
impressions obtained in the manner described in division (C)(2) of 1990  
this section, the superintendent of the bureau of criminal 1991  
identification and investigation shall conduct a criminal records 1992  
check. The superintendent shall conduct the criminal records check 1993  
in the manner described in division (B) of this section to 1994  
determine whether any information exists that indicates that the 1995  
person who is the subject of the request previously has been 1996~~

~~convicted of or pleaded guilty to any of the following:~~ 1997

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 1998  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 1999  
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 2000  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 2001  
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 2002  
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 2003  
~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,~~ 2004  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,~~ 2005  
~~2925.22, 2925.23, or 3716.11 of the Revised Code;~~ 2006

~~(b) An existing or former law of this state, any other state,~~ 2007  
~~or the United States that is substantially equivalent to any of~~ 2008  
~~the offenses listed in division (A)(6)(a) of this section.~~ 2009

~~(7)(4)~~ When conducting a criminal records check upon a 2010  
request pursuant to section 3319.39 of the Revised Code for an 2011  
applicant who is a teacher, in addition to the determination made 2012  
under division (A)(1) of this section, the superintendent shall 2013  
determine whether any information exists that indicates that the 2014  
person who is the subject of the request previously has been 2015  
convicted of or pleaded guilty to any offense specified in section 2016  
3319.31 of the Revised Code. 2017

~~(8)(5)~~ On receipt of a request pursuant to section 2151.86 of 2018  
the Revised Code, a completed form prescribed pursuant to division 2019  
(C)(1) of this section, and a set of fingerprint impressions 2020  
obtained in the manner described in division (C)(2) of this 2021  
section, the superintendent of the bureau of criminal 2022  
identification and investigation shall conduct a criminal records 2023  
check in the manner described in division (B) of this section to 2024  
determine whether any information exists that indicates that the 2025  
person who is the subject of the request previously has been 2026  
convicted of or pleaded guilty to any of the following: 2027



(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2028  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2029  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2030  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2031  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2032  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2033  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2034  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2035  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2036  
of the Revised Code, a violation of section 2905.04 of the Revised 2037  
Code as it existed prior to July 1, 1996, a violation of section 2038  
2919.23 of the Revised Code that would have been a violation of 2039  
section 2905.04 of the Revised Code as it existed prior to July 1, 2040  
1996, had the violation been committed prior to that date, a 2041  
violation of section 2925.11 of the Revised Code that is not a 2042  
minor drug possession offense, two or more OVI or OVUAC violations 2043  
committed within the three years immediately preceding the 2044  
submission of the application or petition that is the basis of the 2045  
request, or felonious sexual penetration in violation of former 2046  
section 2907.12 of the Revised Code; 2047

(b) A violation of an existing or former law of this state, 2048  
any other state, or the United States that is substantially 2049  
equivalent to any of the offenses listed in division (A)~~(8)~~(5)(a) 2050  
of this section. 2051

~~(9)~~(6) Upon receipt of a request pursuant to section 5104.012 2052  
or 5104.013 of the Revised Code, a completed form prescribed 2053  
pursuant to division (C)(1) of this section, and a set of 2054  
fingerprint impressions obtained in the manner described in 2055  
division (C)(2) of this section, the superintendent of the bureau 2056  
of criminal identification and investigation shall conduct a 2057  
criminal records check in the manner described in division (B) of 2058  
this section to determine whether any information exists that 2059

indicates that the person who is the subject of the request has 2060  
been convicted of or pleaded guilty to any of the following: 2061

(a) A violation of section 2903.01, 2903.02, 2903.03, 2062  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2063  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2064  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2065  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2066  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2067  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2068  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2069  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2070  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2071  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2072  
3716.11 of the Revised Code, felonious sexual penetration in 2073  
violation of former section 2907.12 of the Revised Code, a 2074  
violation of section 2905.04 of the Revised Code as it existed 2075  
prior to July 1, 1996, a violation of section 2919.23 of the 2076  
Revised Code that would have been a violation of section 2905.04 2077  
of the Revised Code as it existed prior to July 1, 1996, had the 2078  
violation been committed prior to that date, a violation of 2079  
section 2925.11 of the Revised Code that is not a minor drug 2080  
possession offense, a violation of section 2923.02 or 2923.03 of 2081  
the Revised Code that relates to a crime specified in this 2082  
division, or a second violation of section 4511.19 of the Revised 2083  
Code within five years of the date of application for licensure or 2084  
certification. 2085

(b) A violation of an existing or former law of this state, 2086  
any other state, or the United States that is substantially 2087  
equivalent to any of the offenses or violations described in 2088  
division (A)~~(9)~~(6)(a) of this section. 2089

~~(10)~~(7) Upon receipt of a request pursuant to section 2090  
5153.111 of the Revised Code, a completed form prescribed pursuant 2091

to division (C)(1) of this section, and a set of fingerprint 2092  
impressions obtained in the manner described in division (C)(2) of 2093  
this section, the superintendent of the bureau of criminal 2094  
identification and investigation shall conduct a criminal records 2095  
check in the manner described in division (B) of this section to 2096  
determine whether any information exists that indicates that the 2097  
person who is the subject of the request previously has been 2098  
convicted of or pleaded guilty to any of the following: 2099

(a) A violation of section 2903.01, 2903.02, 2903.03, 2100  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2101  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2102  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2103  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2104  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2105  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2106  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2107  
felonious sexual penetration in violation of former section 2108  
2907.12 of the Revised Code, a violation of section 2905.04 of the 2109  
Revised Code as it existed prior to July 1, 1996, a violation of 2110  
section 2919.23 of the Revised Code that would have been a 2111  
violation of section 2905.04 of the Revised Code as it existed 2112  
prior to July 1, 1996, had the violation been committed prior to 2113  
that date, or a violation of section 2925.11 of the Revised Code 2114  
that is not a minor drug possession offense; 2115

(b) A violation of an existing or former law of this state, 2116  
any other state, or the United States that is substantially 2117  
equivalent to any of the offenses listed in division (A)~~(10)~~(7)(a) 2118  
of this section. 2119

~~(11)~~(8) On receipt of a request for a criminal records check 2120  
from an individual pursuant to section 4749.03 or 4749.06 of the 2121  
Revised Code, accompanied by a completed copy of the form 2122  
prescribed in division (C)(1) of this section and a set of 2123

fingerprint impressions obtained in a manner described in division 2124  
(C)(2) of this section, the superintendent of the bureau of 2125  
criminal identification and investigation shall conduct a criminal 2126  
records check in the manner described in division (B) of this 2127  
section to determine whether any information exists indicating 2128  
that the person who is the subject of the request has been 2129  
convicted of or pleaded guilty to a felony in this state or in any 2130  
other state. If the individual indicates that a firearm will be 2131  
carried in the course of business, the superintendent shall 2132  
require information from the federal bureau of investigation as 2133  
described in division (B)(2) of this section. The superintendent 2134  
shall report the findings of the criminal records check and any 2135  
information the federal bureau of investigation provides to the 2136  
director of public safety. 2137

~~(12)~~(9) On receipt of a request pursuant to section 1321.37, 2138  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2139  
Code, a completed form prescribed pursuant to division (C)(1) of 2140  
this section, and a set of fingerprint impressions obtained in the 2141  
manner described in division (C)(2) of this section, the 2142  
superintendent of the bureau of criminal identification and 2143  
investigation shall conduct a criminal records check with respect 2144  
to any person who has applied for a license, permit, or 2145  
certification from the department of commerce or a division in the 2146  
department. The superintendent shall conduct the criminal records 2147  
check in the manner described in division (B) of this section to 2148  
determine whether any information exists that indicates that the 2149  
person who is the subject of the request previously has been 2150  
convicted of or pleaded guilty to any of the following: a 2151  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2152  
2925.03 of the Revised Code; any other criminal offense involving 2153  
theft, receiving stolen property, embezzlement, forgery, fraud, 2154  
passing bad checks, money laundering, or drug trafficking, or any 2155  
criminal offense involving money or securities, as set forth in 2156

Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2157  
the Revised Code; or any existing or former law of this state, any 2158  
other state, or the United States that is substantially equivalent 2159  
to those offenses. 2160

~~(13)~~(10) On receipt of a request for a criminal records check 2161  
from the treasurer of state under section 113.041 of the Revised 2162  
Code or from an individual under section 4701.08, 4715.101, 2163  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2164  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2165  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2166  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2167  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 2168  
a completed form prescribed under division (C)(1) of this section 2169  
and a set of fingerprint impressions obtained in the manner 2170  
described in division (C)(2) of this section, the superintendent 2171  
of the bureau of criminal identification and investigation shall 2172  
conduct a criminal records check in the manner described in 2173  
division (B) of this section to determine whether any information 2174  
exists that indicates that the person who is the subject of the 2175  
request has been convicted of or pleaded guilty to any criminal 2176  
offense in this state or any other state. The superintendent shall 2177  
send the results of a check requested under section 113.041 of the 2178  
Revised Code to the treasurer of state and shall send the results 2179  
of a check requested under any of the other listed sections to the 2180  
licensing board specified by the individual in the request. 2181

~~(14)~~(11) On receipt of a request pursuant to section 1121.23, 2182  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2183  
Code, a completed form prescribed pursuant to division (C)(1) of 2184  
this section, and a set of fingerprint impressions obtained in the 2185  
manner described in division (C)(2) of this section, the 2186  
superintendent of the bureau of criminal identification and 2187  
investigation shall conduct a criminal records check in the manner 2188

described in division (B) of this section to determine whether any 2189  
information exists that indicates that the person who is the 2190  
subject of the request previously has been convicted of or pleaded 2191  
guilty to any criminal offense under any existing or former law of 2192  
this state, any other state, or the United States. 2193

~~(15)~~(12) On receipt of a request for a criminal records check 2194  
from an appointing or licensing authority under section 3772.07 of 2195  
the Revised Code, a completed form prescribed under division 2196  
(C)(1) of this section, and a set of fingerprint impressions 2197  
obtained in the manner prescribed in division (C)(2) of this 2198  
section, the superintendent of the bureau of criminal 2199  
identification and investigation shall conduct a criminal records 2200  
check in the manner described in division (B) of this section to 2201  
determine whether any information exists that indicates that the 2202  
person who is the subject of the request previously has been 2203  
convicted of or pleaded guilty or no contest to any offense under 2204  
any existing or former law of this state, any other state, or the 2205  
United States that is a disqualifying offense as defined in 2206  
section 3772.07 of the Revised Code or substantially equivalent to 2207  
such an offense. 2208

~~(16)~~(13) Not later than thirty days after the date the 2209  
superintendent receives a request of a type described in division 2210  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), ~~(10)~~, (11), (12), 2211  
~~(14)~~, or ~~(15)~~(13) of this section, the completed form, and the 2212  
fingerprint impressions, the superintendent shall send the results 2213  
of the criminal records check to the person, board, or entity that 2214  
made the request any information, other than. The superintendent 2215  
shall exclude from the results any information the dissemination 2216  
of which is prohibited by federal law, the superintendent 2217  
determines exists with respect to the person who is the subject of 2218  
the request that indicates that the person previously has been 2219  
convicted of or pleaded guilty to any offense listed or described 2220

~~in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this section, as appropriate for which the criminal records check was conducted. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.~~

Not later than thirty days after the superintendent receives a request for a criminal records check pursuant to section 113.041 of the Revised Code, the completed form, and the fingerprint impressions, the superintendent shall send the treasurer of state any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exist with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any criminal offense in this state or any other state.

(B) The superintendent shall conduct any criminal records check ~~requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013,~~

~~5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081,~~ 2253  
~~5126.28, 5126.281, or 5153.111 of the Revised Code to be conducted~~ 2254  
under this section as follows: 2255

(1) The superintendent shall review or cause to be reviewed 2256  
any relevant information gathered and compiled by the bureau under 2257  
division (A) of section 109.57 of the Revised Code that relates to 2258  
the person who is the subject of the ~~request~~ criminal records 2259  
check, including, if the criminal records check was requested 2260  
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 2261  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 2262  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2263  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 2264  
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, ~~5119.85,~~ 2265  
~~5123.081, 5126.28, 5126.281,~~ 5123.169, or 5153.111 of the Revised 2266  
Code, any relevant information contained in records that have been 2267  
sealed under section 2953.32 of the Revised Code; 2268

(2) If the request received by the superintendent asks for 2269  
information from the federal bureau of investigation, the 2270  
superintendent shall request from the federal bureau of 2271  
investigation any information it has with respect to the person 2272  
who is the subject of the ~~request~~ criminal records check, 2273  
including fingerprint-based checks of national crime information 2274  
databases as described in 42 U.S.C. 671 if the request is made 2275  
pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised 2276  
Code or if any other Revised Code section requires 2277  
fingerprint-based checks of that nature, and shall review or cause 2278  
to be reviewed any information the superintendent receives from 2279  
that bureau. If a request under section 3319.39 of the Revised 2280  
Code asks only for information from the federal bureau of 2281  
investigation, the superintendent shall not conduct the review 2282  
prescribed by division (B)(1) of this section. 2283

(3) The superintendent or the superintendent's designee may 2284



request criminal history records from other states or the federal 2285  
government pursuant to the national crime prevention and privacy 2286  
compact set forth in section 109.571 of the Revised Code. 2287

(C)(1) The superintendent shall prescribe a form to obtain 2288  
the information necessary to conduct a criminal records check from 2289  
any person for whom a criminal records check is ~~requested under~~ 2290  
~~section 113.041 of the Revised Code or required by section 121.08,~~ 2291  
~~173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53,~~ 2292  
~~1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32,~~ 2293  
~~3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08,~~ 2294  
~~4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101,~~ 2295  
~~4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2296  
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2297  
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2298  
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2299  
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2300  
~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2301  
conducted under this section. The form that the superintendent 2302  
prescribes pursuant to this division may be in a tangible format, 2303  
in an electronic format, or in both tangible and electronic 2304  
formats. 2305

(2) The superintendent shall prescribe standard impression 2306  
sheets to obtain the fingerprint impressions of any person for 2307  
whom a criminal records check is ~~requested under section 113.041~~ 2308  
~~of the Revised Code or required by section 121.08, 173.27,~~ 2309  
~~173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531,~~ 2310  
~~1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541,~~ 2311  
~~3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101,~~ 2312  
~~4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,~~ 2313  
~~4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2314  
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2315  
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2316

~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2317  
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2318  
~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2319  
~~conducted under this section.~~ Any person for whom a records check 2320  
~~is requested under or required by any of those sections to be~~ 2321  
~~conducted under this section~~ shall obtain the fingerprint 2322  
impressions at a county sheriff's office, municipal police 2323  
department, or any other entity with the ability to make 2324  
fingerprint impressions on the standard impression sheets 2325  
prescribed by the superintendent. The office, department, or 2326  
entity may charge the person a reasonable fee for making the 2327  
impressions. The standard impression sheets the superintendent 2328  
prescribes pursuant to this division may be in a tangible format, 2329  
in an electronic format, or in both tangible and electronic 2330  
formats. 2331

(3) Subject to division (D) of this section, the 2332  
superintendent shall prescribe and charge a reasonable fee for 2333  
providing a criminal records check ~~requested under section~~ 2334  
~~113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05,~~ 2335  
~~1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,~~ 2336  
~~2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,~~ 2337  
~~3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501,~~ 2338  
~~4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171,~~ 2339  
~~4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202,~~ 2340  
~~4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061,~~ 2341  
~~4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091,~~ 2342  
~~5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693,~~ 2343  
~~5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised~~ 2344  
~~Code under this section.~~ The person ~~making a~~ requesting the 2345  
criminal records ~~request under any of those sections~~ check shall 2346  
pay the fee prescribed pursuant to this division. ~~A person making~~ 2347  
~~a request under section 3701.881 of the Revised Code for a~~ 2348  
~~criminal records check for an applicant who may be both~~ 2349

~~responsible for the care, custody, or control of a child and~~ 2350  
~~involved in providing direct care to an older adult shall pay one~~ 2351  
~~fee for the request.~~ In the case of a request under section 2352  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 2353  
of the Revised Code, the fee shall be paid in the manner specified 2354  
in that section. 2355

(4) The superintendent of the bureau of criminal 2356  
identification and investigation may prescribe methods of 2357  
forwarding fingerprint impressions and information necessary to 2358  
conduct a criminal records check, which methods shall include, but 2359  
not be limited to, an electronic method. 2360

(D) ~~A determination whether any information exists that~~ 2361  
~~indicates that a person previously has been convicted of or~~ 2362  
~~pleaded guilty to any offense listed or described in division~~ 2363  
~~(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or~~ 2364  
~~(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b),~~ 2365  
~~(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15)~~ 2366  
~~of this section, or that indicates that a person previously has~~ 2367  
~~been convicted of or pleaded guilty to any criminal offense in~~ 2368  
~~this state or any other state regarding a criminal records check~~ 2369  
~~of a type described in division (A)(13) of this section, and that~~ 2370  
~~is made by the superintendent with respect to information~~ 2371  
~~considered in The results of a criminal records check in~~ 2372  
~~accordance with conducted under this section ~~is, other than a~~~~ 2373  
~~criminal records check specified in division (A)(8) of this~~ 2374  
~~section, are valid for the person who is the subject of the~~ 2375  
~~criminal records check for a period of one year from the date upon~~ 2376  
~~which the superintendent ~~makes the determination~~ completes the~~ 2377  
~~criminal records check. ~~During the~~ If during that period in which~~ 2378  
~~the determination in regard to a person is valid, if the~~ 2379  
~~superintendent receives another request under this section is made~~ 2380  
for a criminal records check to be conducted under this section 2381

for that person, the superintendent shall provide the ~~information~~ 2382  
~~that is the basis for the superintendent's initial determination~~ 2383  
results from the previous criminal records check of the person at 2384  
a lower fee than the fee prescribed for the initial criminal 2385  
records check. 2386

(E) When the superintendent receives a request for 2387  
information from a registered private provider, the superintendent 2388  
shall proceed as if the request was received from a school 2389  
district board of education under section 3319.39 of the Revised 2390  
Code. The superintendent shall apply division (A)~~(7)~~(4) of this 2391  
section to any such request for an applicant who is a teacher. 2392

(F) As used in this section: 2393

(1) "Criminal records check" means any criminal records check 2394  
conducted by the superintendent of the bureau of criminal 2395  
identification and investigation in accordance with division (B) 2396  
of this section. 2397

(2) "Minor drug possession offense" has the same meaning as 2398  
in section 2925.01 of the Revised Code. 2399

~~(3) "Older adult" means a person age sixty or older.~~ 2400

~~(4)~~ "OVI or OVUAC violation" means a violation of section 2401  
4511.19 of the Revised Code or a violation of an existing or 2402  
former law of this state, any other state, or the United States 2403  
that is substantially equivalent to section 4511.19 of the Revised 2404  
Code. 2405

~~(5)~~(4) "Registered private provider" means a nonpublic school 2406  
or entity registered with the superintendent of public instruction 2407  
under section 3310.41 of the Revised Code to participate in the 2408  
autism scholarship program or section 3310.58 of the Revised Code 2409  
to participate in the Jon Peterson special needs scholarship 2410  
program. 2411

Sec. 121.04. Offices are created within the several	2412
departments as follows:	2413
In the department of commerce:	2414
Commissioner of securities;	2415
Superintendent of real estate and professional	2416
licensing;	
Superintendent of financial institutions;	2417
State fire marshal;	2418
Superintendent of <del>labor</del> <u>industrial compliance</u> ;	2419
Superintendent of liquor control;	2420
Superintendent of unclaimed funds.	2421
In the department of administrative services:	2422
<del>State architect and engineer;</del>	2423
Equal employment opportunity coordinator.	2424
In the department of agriculture:	2425
Chiefs of divisions as follows:	2426
Administration;	2427
Animal health;	2428
Livestock environmental permitting;	2429
Dairy;	2430
Food safety;	2431
Plant health;	2432
Markets;	2433
Meat inspection;	2434
Consumer protection laboratory;	2435
Amusement ride safety;	2436
Enforcement;	2437
Weights and measures.	2438
In the department of natural resources:	2439
Chiefs of divisions as follows:	2440

Mineral resources management;	2441
Oil and gas resources management;	2442
Forestry;	2443
Natural areas and preserves;	2444
Wildlife;	2445
Geological survey;	2446
Parks and recreation;	2447
Watercraft;	2448
<del>Recycling and litter prevention;</del>	2449
Soil and water resources;	2450
Engineering.	2451

In the department of insurance:	2452
Deputy superintendent of insurance;	2453
Assistant superintendent of insurance, technical;	2454
Assistant superintendent of insurance, administrative;	2455
Assistant superintendent of insurance, research.	2456

**Sec. 121.08.** (A) There is hereby created in the department of 2457  
commerce the position of deputy director of administration. This 2458  
officer shall be appointed by the director of commerce, serve 2459  
under the director's direction, supervision, and control, perform 2460  
the duties the director prescribes, and hold office during the 2461  
director's pleasure. The director of commerce may designate an 2462  
assistant director of commerce to serve as the deputy director of 2463  
administration. The deputy director of administration shall 2464  
perform the duties prescribed by the director of commerce in 2465  
supervising the activities of the division of administration of 2466  
the department of commerce. 2467

(B) Except as provided in section 121.07 of the Revised Code, 2468  
the department of commerce shall have all powers and perform all 2469  
duties vested in the deputy director of administration, the state 2470  
fire marshal, the superintendent of financial institutions, the 2471  
superintendent of real estate and professional licensing, the 2472

superintendent of liquor control, the superintendent of ~~labor~~ 2473  
industrial compliance, the superintendent of unclaimed funds, and 2474  
the commissioner of securities, and shall have all powers and 2475  
perform all duties vested by law in all officers, deputies, and 2476  
employees of those offices. Except as provided in section 121.07 2477  
of the Revised Code, wherever powers are conferred or duties 2478  
imposed upon any of those officers, the powers and duties shall be 2479  
construed as vested in the department of commerce. 2480

(C)(1) There is hereby created in the department of commerce 2481  
a division of financial institutions, which shall have all powers 2482  
and perform all duties vested by law in the superintendent of 2483  
financial institutions. Wherever powers are conferred or duties 2484  
imposed upon the superintendent of financial institutions, those 2485  
powers and duties shall be construed as vested in the division of 2486  
financial institutions. The division of financial institutions 2487  
shall be administered by the superintendent of financial 2488  
institutions. 2489

(2) All provisions of law governing the superintendent of 2490  
financial institutions shall apply to and govern the 2491  
superintendent of financial institutions provided for in this 2492  
section; all authority vested by law in the superintendent of 2493  
financial institutions with respect to the management of the 2494  
division of financial institutions shall be construed as vested in 2495  
the superintendent of financial institutions created by this 2496  
section with respect to the division of financial institutions 2497  
provided for in this section; and all rights, privileges, and 2498  
emoluments conferred by law upon the superintendent of financial 2499  
institutions shall be construed as conferred upon the 2500  
superintendent of financial institutions as head of the division 2501  
of financial institutions. The director of commerce shall not 2502  
transfer from the division of financial institutions any of the 2503  
functions specified in division (C)(2) of this section. 2504

(D) There is hereby created in the department of commerce a 2505  
division of liquor control, which shall have all powers and 2506  
perform all duties vested by law in the superintendent of liquor 2507  
control. Wherever powers are conferred or duties are imposed upon 2508  
the superintendent of liquor control, those powers and duties 2509  
shall be construed as vested in the division of liquor control. 2510  
The division of liquor control shall be administered by the 2511  
superintendent of liquor control. 2512

(E) The director of commerce shall not be interested, 2513  
directly or indirectly, in any firm or corporation which is a 2514  
dealer in securities as defined in sections 1707.01 and 1707.14 of 2515  
the Revised Code, or in any firm or corporation licensed under 2516  
sections 1321.01 to 1321.19 of the Revised Code. 2517

(F) The director of commerce shall not have any official 2518  
connection with a savings and loan association, a savings bank, a 2519  
bank, a bank holding company, a savings and loan association 2520  
holding company, a consumer finance company, or a credit union 2521  
that is under the supervision of the division of financial 2522  
institutions, or a subsidiary of any of the preceding entities, or 2523  
be interested in the business thereof. 2524

(G) There is hereby created in the state treasury the 2525  
division of administration fund. The fund shall receive 2526  
assessments on the operating funds of the department of commerce 2527  
in accordance with procedures prescribed by the director of 2528  
commerce and approved by the director of budget and management. 2529  
All operating expenses of the division of administration shall be 2530  
paid from the division of administration fund. 2531

(H) There is hereby created in the department of commerce a 2532  
division of real estate and professional licensing, which shall be 2533  
under the control and supervision of the director of commerce. The 2534  
division of real estate and professional licensing shall be 2535  
administered by the superintendent of real estate and professional 2536



licensing. The superintendent of real estate and professional 2537  
licensing shall exercise the powers and perform the functions and 2538  
duties delegated to the superintendent under Chapters 4735., 2539  
4763., and 4767. of the Revised Code. 2540

(I) There is hereby created in the department of commerce a 2541  
division of ~~labor~~ industrial compliance, which shall have all 2542  
powers and perform all duties vested by law in the superintendent 2543  
of ~~labor~~ industrial compliance. Wherever powers are conferred or 2544  
duties imposed upon the superintendent of ~~labor~~ industrial 2545  
compliance, those powers and duties shall be construed as vested 2546  
in the division of ~~labor~~ industrial compliance. The division of 2547  
~~labor~~ industrial compliance shall be under the control and 2548  
supervision of the director of commerce and be administered by the 2549  
superintendent of ~~labor~~ industrial compliance. 2550

(J) There is hereby created in the department of commerce a 2551  
division of unclaimed funds, which shall have all powers and 2552  
perform all duties delegated to or vested by law in the 2553  
superintendent of unclaimed funds. Wherever powers are conferred 2554  
or duties imposed upon the superintendent of unclaimed funds, 2555  
those powers and duties shall be construed as vested in the 2556  
division of unclaimed funds. The division of unclaimed funds shall 2557  
be under the control and supervision of the director of commerce 2558  
and shall be administered by the superintendent of unclaimed 2559  
funds. The superintendent of unclaimed funds shall exercise the 2560  
powers and perform the functions and duties delegated to the 2561  
superintendent by the director of commerce under section 121.07 2562  
and Chapter 169. of the Revised Code, and as may otherwise be 2563  
provided by law. 2564

(K) The department of commerce or a division of the 2565  
department created by the Revised Code that is acting with 2566  
authorization on the department's behalf may request from the 2567  
bureau of criminal identification and investigation pursuant to 2568

section 109.572 of the Revised Code, or coordinate with 2569  
appropriate federal, state, and local government agencies to 2570  
accomplish, criminal records checks for the persons whose 2571  
identities are required to be disclosed by an applicant for the 2572  
issuance or transfer of a permit, license, certificate of 2573  
registration, or certification issued or transferred by the 2574  
department or division. At or before the time of making a request 2575  
for a criminal records check, the department or division may 2576  
require any person whose identity is required to be disclosed by 2577  
an applicant for the issuance or transfer of such a license, 2578  
permit, certificate of registration, or certification to submit to 2579  
the department or division valid fingerprint impressions in a 2580  
format and by any media or means acceptable to the bureau of 2581  
criminal identification and investigation and, when applicable, 2582  
the federal bureau of investigation. The department or division 2583  
may cause the bureau of criminal identification and investigation 2584  
to conduct a criminal records check through the federal bureau of 2585  
investigation only if the person for whom the criminal records 2586  
check would be conducted resides or works outside of this state or 2587  
has resided or worked outside of this state during the preceding 2588  
five years, or if a criminal records check conducted by the bureau 2589  
of criminal identification and investigation within this state 2590  
indicates that the person may have a criminal record outside of 2591  
this state. 2592

In the case of a criminal records check under section 109.572 2593  
of the Revised Code, the department or division shall forward to 2594  
the bureau of criminal identification and investigation the 2595  
requisite form, fingerprint impressions, and fee described in 2596  
division (C) of that section. When requested by the department or 2597  
division in accordance with this section, the bureau of criminal 2598  
identification and investigation shall request from the federal 2599  
bureau of investigation any information it has with respect to the 2600  
person who is the subject of the requested criminal records check 2601

and shall forward the requisite fingerprint impressions and 2602  
information to the federal bureau of investigation for that 2603  
criminal records check. After conducting a criminal records check 2604  
or receiving the results of a criminal records check from the 2605  
federal bureau of investigation, the bureau of criminal 2606  
identification and investigation shall provide the results to the 2607  
department or division. 2608

The department or division may require any person about whom 2609  
a criminal records check is requested to pay to the department or 2610  
division the amount necessary to cover the fee charged to the 2611  
department or division by the bureau of criminal identification 2612  
and investigation under division (C)(3) of section 109.572 of the 2613  
Revised Code, including, when applicable, any fee for a criminal 2614  
records check conducted by the federal bureau of investigation. 2615

**Sec. 121.083.** The superintendent of ~~labor~~ industrial 2616  
compliance in the department of commerce shall do all of the 2617  
following: 2618

(A) Administer and enforce the general laws of this state 2619  
pertaining to buildings, pressure piping, boilers, bedding, 2620  
upholstered furniture, and stuffed toys, steam engineering, 2621  
elevators, plumbing, licensed occupations regulated by the 2622  
department, and travel agents, as they apply to plans review, 2623  
inspection, code enforcement, testing, licensing, registration, 2624  
and certification. 2625

(B) Exercise the powers and perform the duties delegated to 2626  
the superintendent by the director of commerce under Chapters 2627  
4109., 4111., and 4115. of the Revised Code. 2628

(C) Collect and collate statistics as are necessary. 2629

(D) Examine and license persons who desire to act as steam 2630  
engineers, to operate steam boilers, and to act as inspectors of 2631

steam boilers, provide for the scope, conduct, and time of such 2632  
examinations, provide for, regulate, and enforce the renewal and 2633  
revocation of such licenses, inspect and examine steam boilers and 2634  
make, publish, and enforce rules and orders for the construction, 2635  
installation, inspection, and operation of steam boilers, and do, 2636  
require, and enforce all things necessary to make such 2637  
examination, inspection, and requirement efficient. 2638

(E) Rent and furnish offices as needed in cities in this 2639  
state for the conduct of its affairs. 2640

(F) Oversee a chief of construction and compliance, a chief 2641  
of operations and maintenance, a chief of licensing and 2642  
certification, a chief of worker protection, and other designees 2643  
appointed by the director to perform the duties described in this 2644  
section. 2645

(G) Enforce the rules the board of building standards adopts 2646  
pursuant to division (A)(2) of section 4104.43 of the Revised Code 2647  
under the circumstances described in division (D) of that section. 2648

(H) Accept submissions, establish a fee for submissions, and 2649  
review submissions of certified welding and brazing procedure 2650  
specifications, procedure qualification records, and performance 2651  
qualification records for building services piping as required by 2652  
section 4104.44 of the Revised Code. 2653

**Sec. 121.084.** (A) All moneys collected under sections 2654  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 2655  
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 2656  
moneys collected by the division of ~~labor~~ industrial compliance 2657  
shall be paid into the state treasury to the credit of the ~~labor~~ 2658  
industrial compliance operating fund, which is hereby created. The 2659  
department of commerce shall use the moneys in the fund for paying 2660  
the operating expenses of the division and the administrative 2661  
assessment described in division (B) of this section. 2662

(B) The director of commerce, with the approval of the 2663  
director of budget and management, shall prescribe procedures for 2664  
assessing the ~~labor~~ industrial compliance operating fund a 2665  
proportionate share of the administrative costs of the department 2666  
of commerce. The assessment shall be made in accordance with those 2667  
procedures and be paid from the ~~labor~~ industrial compliance 2668  
operating fund to the division of administration fund created in 2669  
section 121.08 of the Revised Code. 2670

Sec. 121.35. (A) Subject to division (B) of this section, the 2671  
following state agencies shall collaborate to revise and make more 2672  
uniform the eligibility standards and eligibility determination 2673  
procedures of programs the state agencies administer: 2674

(1) The department of aging; 2676

(2) The department of alcohol and drug addiction services; 2677

(3) The department of development; 2678

(4) The department of developmental disabilities; 2679

(5) The department of education; 2680

(6) The department of health; 2681

(7) The department of job and family services; 2682

(8) The department of mental health; 2683

(9) The rehabilitation services commission. 2684

(B) In revising eligibility standards and eligibility 2685  
determination procedures, a state agency shall not make any 2686  
program's eligibility standards or eligibility determination 2687  
procedures inconsistent with state or federal law. To the extent 2688  
authorized by state and federal law, the revisions may provide for 2689  
the state agencies to share administrative operations. 2690

Sec. 122.07. (A) The department of development may do either 2691  
any of the following: 2692

(1) Disseminate information concerning the industrial, 2693  
commercial, governmental, educational, cultural, recreational, 2694  
agricultural, and other advantages and attractions of the state; 2695

(2) Provide technical assistance to public and private 2696  
agencies in the preparation of promotional programs designed to 2697  
attract business, industry, and tourists to the state; 2698

(3) Enter into cooperative or contractual agreements, through 2699  
the director of development, with any individual, organization, or 2700  
business to create, administer, or otherwise be involved with Ohio 2701  
tourism-related promotional programs. Compensation under such 2702  
agreements shall be determined by the director and may include 2703  
deferred compensation. This compensation is payable from the 2704  
travel and tourism cooperative projects fund of the department. 2705  
Any excess revenue generated under such a cooperative or 2706  
contractual agreement shall be remitted to the fund to be 2707  
reinvested in ongoing tourism marketing initiatives as authorized 2708  
by law. 2709

(B) Records related to tourism market research submitted to 2710  
or generated by the research office of the division of travel and 2711  
tourism of the department of development, and any information 2712  
taken for any purpose from such research, are not public records 2713  
for the purposes of section 149.43 of the Revised Code. The 2714  
department may use, however, such tourism market research in a 2715  
public report if the director of the department determines that 2716  
issuing and distributing the report would promote or market the 2717  
state's travel and tourism industry or otherwise advance the 2718  
purposes of this section. 2719

Sec. 123.01. (A) The department of administrative services, 2720

in addition to those powers enumerated in Chapters 124. and 125. 2721  
of the Revised Code and provided elsewhere by law, shall exercise 2722  
the following powers: 2723

(1) ~~To prepare, or contract to be prepared, by licensed 2724  
engineers or architects, surveys, general and detailed plans, 2725  
specifications, bills of materials, and estimates of cost for any 2726  
projects, improvements, or public buildings to be constructed by 2727  
state agencies that may be authorized by legislative 2728  
appropriations or any other funds made available therefor, 2729  
provided that the construction of the projects, improvements, or 2730  
public buildings is a statutory duty of the department. This 2731  
section does not require the independent employment of an 2732  
architect or engineer as provided by section 153.01 of the Revised 2733  
Code in the cases to which that section applies nor affect or 2734  
alter the existing powers of the director of transportation. 2735~~

~~(2) To have general supervision over the construction of any 2736  
projects, improvements, or public buildings constructed for a 2737  
state agency and over the inspection of materials previous to 2738  
their incorporation into those projects, improvements, or 2739  
buildings; 2740~~

~~(3) To make contracts for and supervise the construction of 2741  
any projects and improvements or the construction and repair of 2742  
buildings under the control of a state agency, except contracts 2743  
for the repair of buildings under the management and control of 2744  
the departments of public safety, job and family services, mental 2745  
health, developmental disabilities, rehabilitation and correction, 2746  
and youth services, the bureau of workers' compensation, the 2747  
rehabilitation services commission, and boards of trustees of 2748  
educational and benevolent institutions and except contracts for 2749  
the construction of projects that do not require the issuance of a 2750  
building permit or the issuance of a certificate of occupancy and 2751  
that are necessary to remediate conditions at a hazardous waste 2752~~

~~facility, solid waste facility, or other location at which the 2753  
director of environmental protection has reason to believe there 2754  
is a substantial threat to public health or safety or the 2755  
environment. These contracts shall be made and entered into by the 2756  
directors of public safety, job and family services, mental 2757  
health, developmental disabilities, rehabilitation and correction, 2758  
and youth services, the administrator of workers' compensation, 2759  
the rehabilitation services commission, the boards of trustees of 2760  
such institutions, and the director of environmental protection, 2761  
respectively. All such contracts may be in whole or in part on 2762  
unit price basis of maximum estimated cost, with payment computed 2763  
and made upon actual quantities or units. 2764~~

~~(4) To prepare and suggest comprehensive plans for the 2765  
development of grounds and buildings under the control of a state 2766  
agency; 2767~~

~~(5)(2) To acquire, by purchase, gift, devise, lease, or 2768  
grant, all real estate required by a state agency, in the exercise 2769  
of which power the department may exercise the power of eminent 2770  
domain, in the manner provided by sections 163.01 to 163.22 of the 2771  
Revised Code; 2772~~

~~(6) To make and provide all plans, specifications, and models 2773  
for the construction and perfection of all systems of sewerage, 2774  
drainage, and plumbing for the state in connection with buildings 2775  
and grounds under the control of a state agency; 2776~~

~~(7)(3) To erect, supervise, and maintain all public monuments 2777  
and memorials erected by the state, except where the supervision 2778  
and maintenance is otherwise provided by law; 2779~~

~~(8)(4) To procure, by lease, storage accommodations for a 2780  
state agency; 2781~~

~~(9)(5) To lease or grant easements or licenses for 2782  
unproductive and unused lands or other property under the control 2783~~



of a state agency. Such leases, easements, or licenses ~~shall~~ may 2784  
be granted to any person or entity, shall be for a period not to 2785  
exceed fifteen years, and shall be executed for the state by the 2786  
director of administrative services ~~and the governor and shall be~~ 2787  
~~approved as to form by the attorney general, provided that leases,~~ 2788  
~~easements, or licenses may be granted to any county, township,~~ 2789  
~~municipal corporation, port authority, water or sewer district,~~ 2790  
~~school district, library district, health district, park district,~~ 2791  
~~soil and water conservation district, conservancy district, or~~ 2792  
~~other political subdivision or taxing district, or any agency of~~ 2793  
~~the United States government, for the exclusive use of that~~ 2794  
~~agency, political subdivision, or taxing district, without any~~ 2795  
~~right of sublease or assignment, for a period not to exceed~~ 2796  
~~fifteen years, and~~ or the director's designee, provided that the 2797  
director or the director's designee shall grant leases, easements, 2798  
or licenses of university land for periods not to exceed 2799  
twenty-five years for purposes approved by the respective 2800  
university's board of trustees wherein the uses are compatible 2801  
with the uses and needs of the university and may grant leases of 2802  
university land for periods not to exceed forty years for purposes 2803  
approved by the respective university's board of trustees pursuant 2804  
to section ~~123.77~~ 123.17 of the Revised Code. 2805

~~(10)~~(6) To lease space for the use of a state agency; 2806

~~(11)~~(7) To have general supervision and care of the 2807  
storerooms, offices, and buildings leased for the use of a state 2808  
agency; 2809

~~(12)~~(8) To exercise general custodial care of all real 2810  
property of the state; 2811

~~(13)~~(9) To assign and group together state offices in any 2812  
city in the state and to establish, in cooperation with the state 2813  
agencies involved, rules governing space requirements for office 2814  
or storage use; 2815

~~(14)~~(10) To lease for a period not to exceed forty years, 2816  
pursuant to a contract providing for the construction thereof 2817  
under a lease-purchase plan, buildings, structures, and other 2818  
improvements for any public purpose, and, in conjunction 2819  
therewith, to grant leases, easements, or licenses for lands under 2820  
the control of a state agency for a period not to exceed forty 2821  
years. The lease-purchase plan shall provide that at the end of 2822  
the lease period, the buildings, structures, and related 2823  
improvements, together with the land on which they are situated, 2824  
shall become the property of the state without cost. 2825

(a) Whenever any building, structure, or other improvement is 2826  
to be so leased by a state agency, the department shall retain 2827  
either basic plans, specifications, bills of materials, and 2828  
estimates of cost with sufficient detail to afford bidders all 2829  
needed information or, alternatively, all of the following plans, 2830  
details, bills of materials, and specifications: 2831

(i) Full and accurate plans suitable for the use of mechanics 2832  
and other builders in the improvement; 2833

(ii) Details to scale and full sized, so drawn and 2834  
represented as to be easily understood; 2835

(iii) Accurate bills showing the exact quantity of different 2836  
kinds of material necessary to the construction; 2837

(iv) Definite and complete specifications of the work to be 2838  
performed, together with such directions as will enable a 2839  
competent mechanic or other builder to carry them out and afford 2840  
bidders all needed information; 2841

(v) A full and accurate estimate of each item of expense and 2842  
of the aggregate cost thereof. 2843

(b) The department shall give public notice, in such 2844  
newspaper, in such form, and with such phraseology as the director 2845  
of administrative services prescribes, published once each week 2846

for four consecutive weeks, of the time when and place where bids 2847  
will be received for entering into an agreement to lease to a 2848  
state agency a building, structure, or other improvement. The last 2849  
publication shall be at least eight days preceding the day for 2850  
opening the bids. The bids shall contain the terms upon which the 2851  
builder would propose to lease the building, structure, or other 2852  
improvement to the state agency. The form of the bid approved by 2853  
the department shall be used, and a bid is invalid and shall not 2854  
be considered unless that form is used without change, alteration, 2855  
or addition. Before submitting bids pursuant to this section, any 2856  
builder shall comply with Chapter 153. of the Revised Code. 2857

(c) On the day and at the place named for receiving bids for 2858  
entering into lease agreements with a state agency, the director 2859  
of administrative services shall open the bids and shall publicly 2860  
proceed immediately to tabulate the bids upon duplicate sheets. No 2861  
lease agreement shall be entered into until the bureau of workers' 2862  
compensation has certified that the person to be awarded the lease 2863  
agreement has complied with Chapter 4123. of the Revised Code, 2864  
until, if the builder submitting the lowest and best bid is a 2865  
foreign corporation, the secretary of state has certified that the 2866  
corporation is authorized to do business in this state, until, if 2867  
the builder submitting the lowest and best bid is a person 2868  
nonresident of this state, the person has filed with the secretary 2869  
of state a power of attorney designating the secretary of state as 2870  
its agent for the purpose of accepting service of summons in any 2871  
action brought under Chapter 4123. of the Revised Code, and until 2872  
the agreement is submitted to the attorney general and the 2873  
attorney general's approval is certified thereon. Within thirty 2874  
days after the day on which the bids are received, the department 2875  
shall investigate the bids received and shall determine that the 2876  
bureau and the secretary of state have made the certifications 2877  
required by this section of the builder who has submitted the 2878  
lowest and best bid. Within ten days of the completion of the 2879

investigation of the bids, the department shall award the lease 2880  
agreement to the builder who has submitted the lowest and best bid 2881  
and who has been certified by the bureau and secretary of state as 2882  
required by this section. If bidding for the lease agreement has 2883  
been conducted upon the basis of basic plans, specifications, 2884  
bills of materials, and estimates of costs, upon the award to the 2885  
builder the department, or the builder with the approval of the 2886  
department, shall appoint an architect or engineer licensed in 2887  
this state to prepare such further detailed plans, specifications, 2888  
and bills of materials as are required to construct the building, 2889  
structure, or improvement. The department shall adopt such rules 2890  
as are necessary to give effect to this section. The department 2891  
may reject any bid. Where there is reason to believe there is 2892  
collusion or combination among bidders, the bids of those 2893  
concerned therein shall be rejected. 2894

~~(15)~~(11) To acquire by purchase, gift, devise, or grant and 2895  
to transfer, lease, or otherwise dispose of all real property 2896  
required to assist in the development of a conversion facility as 2897  
defined in section 5709.30 of the Revised Code as that section 2898  
existed before its repeal by Amended Substitute House Bill 95 of 2899  
the 125th general assembly; 2900

~~(16)~~(12) To lease for a period not to exceed forty years, 2901  
notwithstanding any other division of this section, the 2902  
state-owned property located at 408-450 East Town Street, 2903  
Columbus, Ohio, formerly the state school for the deaf, to a 2904  
developer in accordance with this section. "Developer," as used in 2905  
this section, has the same meaning as in section 123.77 of the 2906  
Revised Code. 2907

Such a lease shall be for the purpose of development of the 2908  
land for use by senior citizens by constructing, altering, 2909  
renovating, repairing, expanding, and improving the site as it 2910  
existed on June 25, 1982. A developer desiring to lease the land 2911

shall prepare for submission to the department a plan for 2912  
development. Plans shall include provisions for roads, sewers, 2913  
water lines, waste disposal, water supply, and similar matters to 2914  
meet the requirements of state and local laws. The plans shall 2915  
also include provision for protection of the property by insurance 2916  
or otherwise, and plans for financing the development, and shall 2917  
set forth details of the developer's financial responsibility. 2918

The department may employ, as employees or consultants, 2919  
persons needed to assist in reviewing the development plans. Those 2920  
persons may include attorneys, financial experts, engineers, and 2921  
other necessary experts. The department shall review the 2922  
development plans and may enter into a lease if it finds all of 2923  
the following: 2924

(a) The best interests of the state will be promoted by 2925  
entering into a lease with the developer; 2926

(b) The development plans are satisfactory; 2927

(c) The developer has established the developer's financial 2928  
responsibility and satisfactory plans for financing the 2929  
development. 2930

The lease shall contain a provision that construction or 2931  
renovation of the buildings, roads, structures, and other 2932  
necessary facilities shall begin within one year after the date of 2933  
the lease and shall proceed according to a schedule agreed to 2934  
between the department and the developer or the lease will be 2935  
terminated. The lease shall contain such conditions and 2936  
stipulations as the director considers necessary to preserve the 2937  
best interest of the state. Moneys received by the state pursuant 2938  
to this lease shall be paid into the general revenue fund. The 2939  
lease shall provide that at the end of the lease period the 2940  
buildings, structures, and related improvements shall become the 2941  
property of the state without cost. 2942

~~(17)~~(13) To manage the use of space owned and controlled by 2943  
the department, including space in property under the jurisdiction 2944  
of the Ohio building authority, by doing all of the following: 2945

(a) Biennially implementing, by state agency location, a 2946  
census of agency employees assigned space; 2947

(b) Periodically in the discretion of the director of 2948  
administrative services: 2949

(i) Requiring each state agency to categorize the use of 2950  
space allotted to the agency between office space, common areas, 2951  
storage space, and other uses, and to report its findings to the 2952  
department; 2953

(ii) Creating and updating a master space utilization plan 2954  
for all space allotted to state agencies. The plan shall 2955  
incorporate space utilization metrics. 2956

(iii) Conducting a cost-benefit analysis to determine the 2957  
effectiveness of state-owned buildings; 2958

(iv) Assessing the alternatives associated with consolidating 2959  
the commercial leases for buildings located in Columbus. 2960

(c) Commissioning a comprehensive space utilization and 2961  
capacity study in order to determine the feasibility of 2962  
consolidating existing commercially leased space used by state 2963  
agencies into a new state-owned facility. 2964

(14) To adopt rules to ensure that energy efficiency and 2965  
conservation is considered in the purchase of products and 2966  
equipment, except motor vehicles, by any state agency, department, 2967  
division, bureau, office, unit, board, commission, authority, 2968  
quasi-governmental entity, or institution. The department may 2969  
require minimum energy efficiency standards for purchased products 2970  
and equipment based on federal testing and labeling if available 2971  
or on standards developed by the department. When possible, the 2972

<u>rules shall apply to the competitive selection of energy consuming</u>	2973
<u>systems, components, and equipment under Chapter 125. of the</u>	2974
<u>Revised Code.</u>	2975
<u>(15) To ensure energy efficient and energy conserving</u>	2976
<u>purchasing practices by doing all of the following:</u>	2977
<u>(a) Identifying available energy efficiency and conservation</u>	2978
<u>opportunities;</u>	2979
<u>(b) Providing for interchange of information among purchasing</u>	2980
<u>agencies;</u>	2981
<u>(c) Identifying laws, policies, rules, and procedures that</u>	2982
<u>should be modified;</u>	2983
<u>(d) Monitoring experience with and the cost-effectiveness of</u>	2984
<u>this state's purchase and use of motor vehicles and of major</u>	2985
<u>energy-consuming systems, components, equipment, and products</u>	2986
<u>having a significant impact on energy consumption by the</u>	2987
<u>government;</u>	2988
<u>(e) Providing technical assistance and training to state</u>	2989
<u>employees involved in the purchasing process;</u>	2990
<u>(f) Working with the department of development to make</u>	2991
<u>recommendations regarding planning and implementation of</u>	2992
<u>purchasing policies and procedures that are supportive of energy</u>	2993
<u>efficiency and conservation.</u>	2994
<u>(16) To require all state agencies, departments, divisions,</u>	2995
<u>bureaus, offices, units, commissions, boards, authorities,</u>	2996
<u>quasi-governmental entities, institutions, and state institutions</u>	2997
<u>of higher education to implement procedures to ensure that all of</u>	2998
<u>the passenger automobiles they acquire in each fiscal year, except</u>	2999
<u>for those passenger automobiles acquired for use in law</u>	3000
<u>enforcement or emergency rescue work, achieve a fleet average fuel</u>	3001
<u>economy of not less than the fleet average fuel economy for that</u>	3002

fiscal year as the department shall prescribe by rule. The 3003  
department shall adopt the rule prior to the beginning of the 3004  
fiscal year, in accordance with the average fuel economy standards 3005  
established by federal law for passenger automobiles manufactured 3006  
during the model year that begins during the fiscal year. 3007

Each state agency, department, division, bureau, office, 3008  
unit, commission, board, authority, quasi-governmental entity, 3009  
institution, and state institution of higher education shall 3010  
determine its fleet average fuel economy by dividing the total 3011  
number of passenger vehicles acquired during the fiscal year, 3012  
except for those passenger vehicles acquired for use in law 3013  
enforcement or emergency rescue work, by a sum of terms, each of 3014  
which is a fraction created by dividing the number of passenger 3015  
vehicles of a given make, model, and year, except for passenger 3016  
vehicles acquired for use in law enforcement or emergency rescue 3017  
work, acquired during the fiscal year by the fuel economy measured 3018  
by the administrator of the United States environmental protection 3019  
agency, for the given make, model, and year of vehicle, that 3020  
constitutes an average fuel economy for combined city and highway 3021  
driving. 3022

As used in division (A)(16) of this section, "acquired" means 3023  
leased for a period of sixty continuous days or more, or 3024  
purchased. 3025

(B) This section and section 125.02 of the Revised Code shall 3026  
not interfere with any of the following: 3027

(1) The power of the adjutant general to purchase military 3028  
supplies, or with the custody of the adjutant general of property 3029  
leased, purchased, or constructed by the state and used for 3030  
military purposes, or with the functions of the adjutant general 3031  
as director of state armories; 3032

(2) The power of the director of transportation in acquiring 3033



rights-of-way for the state highway system, or the leasing of 3034  
lands for division or resident district offices, or the leasing of 3035  
lands or buildings required in the maintenance operations of the 3036  
department of transportation, or the purchase of real property for 3037  
garage sites or division or resident district offices, or in 3038  
preparing plans and specifications for and constructing such 3039  
buildings as the director may require in the administration of the 3040  
department; 3041

(3) The power of the director of public safety and the 3042  
registrar of motor vehicles to purchase or lease real property and 3043  
buildings to be used solely as locations to which a deputy 3044  
registrar is assigned pursuant to division (B) of section 4507.011 3045  
of the Revised Code and from which the deputy registrar is to 3046  
conduct the deputy registrar's business, the power of the director 3047  
of public safety to purchase or lease real property and buildings 3048  
to be used as locations for division or district offices as 3049  
required in the maintenance of operations of the department of 3050  
public safety, and the power of the superintendent of the state 3051  
highway patrol in the purchase or leasing of real property and 3052  
buildings needed by the patrol, to negotiate the sale of real 3053  
property owned by the patrol, to rent or lease real property owned 3054  
or leased by the patrol, and to make or cause to be made repairs 3055  
to all property owned or under the control of the patrol; 3056

(4) The power of the division of liquor control in the 3057  
leasing or purchasing of retail outlets and warehouse facilities 3058  
for the use of the division; 3059

(5) The power of the director of development to enter into 3060  
leases of real property, buildings, and office space to be used 3061  
solely as locations for the state's foreign offices to carry out 3062  
the purposes of section 122.05 of the Revised Code; 3063

(6) The power of the director of environmental protection to 3064  
enter into environmental covenants, to grant and accept easements, 3065

or to sell property pursuant to division (G) of section 3745.01 of the Revised Code. 3066  
3067

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the rehabilitation services commission, the bureau of workers' compensation, or the departments of public safety, job and family services, mental health, developmental disabilities, and rehabilitation and correction; buildings of educational and benevolent institutions under the management and control of boards of trustees; and purchases or leases for, and the custody and repair of, office space used for the purposes of the joint legislative ethics committee are not subject to the control and jurisdiction of the department of administrative services. 3068  
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If the joint legislative ethics committee so requests, the committee and the director of administrative services may enter into a contract under which the department of administrative services agrees to perform any services requested by the committee that the department is authorized under this section to perform. 3079  
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(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 3084  
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**Sec. ~~123.04~~ 123.02.** The director of administrative services shall be appointed superintendent of public works and shall have the care and control of the public works of the state and shall protect, maintain, and keep them in repair. 3088  
3089  
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Subject to the approval of the governor, the director may purchase on behalf of the state such real or personal property, rights, or privileges as are necessary, in the director's judgment, to acquire in the maintenance of the public works or their improvement. 3092  
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Any instrument by which the state or an agency of the state 3097  
acquires real property pursuant to this section shall identify the 3098  
agency of the state that has the use and benefit of the real 3099  
property as specified in section 5301.012 of the Revised Code. 3100

**Sec. ~~123.07~~ 123.03.** The director of administrative services 3101  
may maintain an action in the name of the state for violations of 3102  
any law relating to the public works for an injury to property 3103  
pertaining to the public works, or for any other cause which is 3104  
necessary in the performance of ~~his~~ the director's duties. 3105

**Sec. ~~123.09~~ 123.04.** The director of administrative services 3106  
shall have supervision of the public works of the state and shall 3107  
make such rules and regulations for the ~~improvement,~~ maintenance, 3108  
and operation of the public works as are necessary. 3109

**Sec. ~~123.10~~ 123.05.** ~~(A)~~ The director of administrative 3110  
services shall regulate the rate of tolls to be collected on the 3111  
public works of the state, and shall fix all rentals and collect 3112  
all tolls, rents, fines, commissions, fees, and other revenues 3113  
arising from any source in the public works, including the sale, 3114  
~~construction,~~ purchase, or rental of property, except that the 3115  
director shall not collect a commission or fee from a real estate 3116  
broker or the private owner when real property is leased or rented 3117  
to the state. 3118

~~(B) There is hereby created in the state treasury the state 3119  
architect's fund which shall consist of money received by the 3120  
department of administrative services under division (A) of this 3121  
section, fees paid under section 123.17 of the Revised Code, 3122  
transfers of money to the fund authorized by the general assembly, 3123  
and such amount of the investment earnings of the administrative 3124  
building fund created in division (F) of section 154.24 of the 3125  
Revised Code as the director of budget and management determines 3126~~

~~to be appropriate and in excess of the amounts required to meet 3127  
estimated federal arbitrage rebate requirements. Money in the fund 3128  
shall be used by the department of administrative services for the 3129  
following purposes: 3130~~

~~(1) To pay personnel and other administrative expenses of the 3131  
department; 3132~~

~~(2) To pay the cost of conducting evaluations of public 3133  
works; 3134~~

~~(3) To pay the cost of building design specifications; 3135~~

~~(4) To pay the cost of providing project management services; 3136~~

~~(5) To pay the cost of operating the local administration 3137  
competency certification program prescribed by section 123.17 of 3138  
the Revised Code; 3139~~

~~(6) Any other purposes that the director of administrative 3140  
services determines to be necessary for the department to execute 3141  
its duties under this chapter. 3142~~

**Sec. ~~123.024~~ 123.06.** (A) The department of administrative 3143  
services shall assign and make available, at state expense, 3144  
suitable office space in state-owned facilities to accommodate the 3145  
office operations of the state headquarters of both of the 3146  
following: 3147

(1) All veterans organizations in this state that either are 3148  
incorporated and issued a charter by the congress of the United 3149  
States or are recognized by the United States department of 3150  
veterans affairs; 3151

(2) The auxiliary organizations of veterans organizations 3152  
described in division (A)(1) of this section. 3153

(B) The department may situate office space for each 3154  
auxiliary organization of a veterans organization with or near the 3155

office space of that veterans organization. 3156

**Sec. ~~123.11~~ 123.07.** Each state agency and any county, 3157  
township, or municipal corporation owning, leasing, or controlling 3158  
the operation of parking spaces for use by its employees may 3159  
provide preferential parking for those vehicles used in carpools, 3160  
vanpools, and buspools. The department of administrative services 3161  
shall coordinate the efforts of the state agencies in providing 3162  
preferential parking for such vehicles. 3163

**Sec. ~~123.13~~ 123.08.** The director of administrative services 3164  
shall appoint such ~~foreman forepersons, patrolmen patrol officers,~~ 3165  
lock tenders, inspectors, engineers, and all other employees as 3166  
are necessary for the ~~improvement,~~ maintenance, and operation of 3167  
the public works. They shall be assigned to duty under the 3168  
supervision of the director, under rules and regulations 3169  
prescribed by ~~him~~ the director. Any such employee, when deemed 3170  
necessary by the director, shall give proper bond to the state, 3171  
conditioned for the faithful performance of ~~his~~ the employee's 3172  
duties. Such bonds may, in the discretion of the director, be 3173  
individual, schedule, or blanket bonds. 3174

**Sec. ~~123.14~~ 123.09.** All claims against the state for the 3175  
~~improvement,~~ repair, maintenance, and operation of the public 3176  
works of Ohio, including salary and expenses of all employees 3177  
engaged in such work, shall be paid upon the order of the director 3178  
of administrative services. 3179

**Sec. ~~123.15~~ 123.10.** (A) As used in this section and section 3180  
~~123.21~~ 123.11 of the Revised Code, "public exigency" means an 3181  
injury or obstruction that occurs in any public works of the state 3182  
maintained by the director of administrative services and that 3183  
materially impairs its immediate use or places in jeopardy 3184

property adjacent to it; an immediate danger of such an injury or 3185  
obstruction; or an injury or obstruction, or an immediate danger 3186  
of an injury or obstruction, that occurs ~~during the process of~~ 3187  
~~construction of~~ in any public works of the state maintained by the 3188  
director of administrative services and that materially impairs 3189  
its immediate use or places in jeopardy property adjacent to it. 3190

(B) ~~The~~ When a declaration of public exigency is issued 3191  
pursuant to division (C) of this section, the director of 3192  
administrative services may request the Ohio facilities 3193  
construction commission to enter into contracts with proper 3194  
persons for the performance of labor, the furnishing of materials, 3195  
or the construction of any structures and buildings necessary to 3196  
the maintenance, control, and management of the public works of 3197  
the state or any part of those public works. ~~Except as provided in~~ 3198  
~~division (C) of this section for public exigencies, the director~~ 3199  
~~shall advertise, award, and administer those~~ Any contracts in 3200  
~~accordance with the requirements~~ awarded for the work performed 3201  
pursuant to the declaration of a public exigency may be awarded 3202  
without competitive bidding or selection as set forth in Chapter 3203  
153. of the Revised Code. 3204

(C) The director of administrative services may issue a 3205  
declaration of a public exigency on the director's own initiative 3206  
or upon the request of the director of any state agency. The 3207  
director's declaration shall identify the specific injury, 3208  
obstruction, or danger that is the subject of the declaration and 3209  
shall set forth a dollar limitation for the repair, removal, or 3210  
prevention of that exigency under the declaration. 3211

Before any project to repair, remove, or prevent a public 3212  
exigency under the director's declaration may begin, the director 3213  
shall send notice of the project, in writing, to the director of 3214  
budget and management and to the members of the controlling board. 3215  
That notice shall detail the project to be undertaken to address 3216

the public exigency and shall include a copy of the director's 3217  
declaration that establishes the monetary limitations on that 3218  
project. 3219

**Sec. ~~123.21~~ 123.11.** When a public exigency, as defined in 3220  
division (A) of section ~~123.15~~ 123.10 of the Revised Code, exists, 3221  
the director of administrative services may take possession of 3222  
lands and use them, or materials and other property necessary for 3223  
the maintenance, protection, or repair of the public works, in 3224  
accordance with sections 163.01 to 163.22 of the Revised Code. 3225

**Sec. ~~123.46~~ 123.12.** No land lease or sale of state lands 3226  
shall be made by the director of administrative services except 3227  
upon the written approval of the governor and the attorney 3228  
general. 3229

**Sec. ~~123.47~~ 123.13.** Except as otherwise provided by law, the 3230  
director of administrative services shall have the custody and 3231  
control of the books, records, papers, surveys, maps, plats, and 3232  
documents that pertain to any of the public works of this state. 3233

**Sec. ~~123.48~~ 123.14.** The director of administrative services 3234  
shall make an annual report to the governor containing a statement 3235  
of the expenses of the public works under ~~his~~ the director's 3236  
supervision during the preceding year, setting forth an account of 3237  
moneys expended on each of the public works during the year, and 3238  
such other information and records as ~~he~~ the director deems 3239  
proper. Such report shall contain a statement of the moneys 3240  
received from all sources and an estimate of the appropriations 3241  
necessary to maintain the public works and keep them in repair. 3242  
The report shall also contain a list of all persons regularly 3243  
employed, together with the salary, compensation, or allowance 3244  
paid each. 3245

He The director shall further from time to time when ~~he~~ the 3246  
director deems it necessary, or when called upon by the governor, 3247  
to do so, make such other reports as are proper, touching on the 3248  
general condition and welfare of the public works and the 3249  
drainage, leaseholds, and water powers incident thereto. 3250

**Sec. ~~123.49~~ 123.15.** The department of administrative services 3251  
may adopt, amend, and rescind rules pertaining to lands under the 3252  
supervision of the department in accordance with Chapter 119. of 3253  
the Revised Code. 3254

**Sec. 123.152.** (A) As used in this section, "EDGE business 3255  
enterprise" means a sole proprietorship, association, partnership, 3256  
corporation, limited liability corporation, or joint venture 3257  
certified as a participant in the encouraging diversity, growth, 3258  
and equity program by the director of administrative services 3259  
under this section of the Revised Code. 3260

(B) The director of administrative services shall establish a 3261  
business assistance program known as the encouraging diversity, 3262  
growth, and equity program and shall adopt rules in accordance 3263  
with Chapter 119. of the Revised Code to administer the program 3264  
that do all of the following: 3265

(1) Establish procedures by which a sole proprietorship, 3266  
association, partnership, corporation, limited liability 3267  
corporation, or joint venture may apply for certification as an 3268  
EDGE business enterprise; 3269

(2) Except as provided in division (B)(14) of this section, 3270  
establish agency procurement goals for contracting with EDGE 3271  
business enterprises in the award of contracts under Chapters 3272  
123., 125., and 153. of the Revised Code based on the availability 3273  
of eligible program participants by region or geographic area, as 3274  
determined by the director, and by standard industrial code or 3275



equivalent code classification.	3276
(a) Goals established under division (B)(2) of this section shall be based on a percentage level of participation and a percentage of contractor availability.	3277 3278 3279
(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services.	3280 3281 3282 3283 3284 3285
(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic disadvantage based on the following, as determined to be sufficient by the director:	3286 3287 3288 3289
(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;	3290 3291 3292
(b) Social disadvantage based on any of the following:	3293
(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;	3294 3295 3296 3297 3298 3299
(ii) Some other demonstration of personal disadvantage not common to other small businesses;	3300 3301
(iii) By business location in a qualified census tract.	3302
(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in	3303 3304 3305

qualified census tracts.	3306
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;	3307 3308 3309
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	3310 3311 3312 3313
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	3314 3315 3316 3317
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	3318 3319 3320
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	3321 3322
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	3323 3324 3325
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	3326 3327 3328
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	3329 3330 3331
(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;	3332 3333 3334 3335

(13) Establish a process for monitoring overall program 3336  
compliance in which equal employment opportunity officers 3337  
primarily are responsible for monitoring their respective 3338  
agencies; 3339

(14) Establish guidelines for state universities as defined 3340  
in section 3345.011 of the Revised Code and the Ohio ~~school~~ 3341  
facilities construction commission created in section ~~3318.30~~ 3342  
123.20 of the Revised Code for awarding contracts pursuant to 3343  
Chapters 153., 3318., and 3345. of the Revised Code to allow the 3344  
universities and commission to establish agency procurement goals 3345  
for contracting with EDGE business enterprises. 3346

(C) Business and personal financial information and trade 3347  
secrets submitted by encouraging diversity, growth, and equity 3348  
program applicants to the director pursuant to this section are 3349  
not public records for purposes of section 149.43 of the Revised 3350  
Code, unless the director presents the financial information or 3351  
trade secrets at a public hearing or public proceeding regarding 3352  
the applicant's eligibility to participate in the program. 3353

**Sec. ~~123.77~~ 123.17.** The department of administrative services 3354  
may lease land belonging to or under the control or jurisdiction 3355  
of a state university, not required nor to be required for use of 3356  
the university, to a developer in accordance with this section. 3357  
"Developer," as used in this section, means a person, partnership, 3358  
association, corporation, or community improvement corporation 3359  
established pursuant to Chapter 1724. of the Revised Code who or 3360  
which submits a development plan to the department as provided in 3361  
this section and requests the department to enter into a lease. 3362  
3363

Such a lease of university land shall be for the purpose of 3364  
development of the land by establishing, constructing, altering, 3365  
repairing, expanding, and improving industrial, distribution, 3366

commercial, or research facilities. A developer desiring to lease 3367  
land of the university for such development shall prepare and 3368  
submit to the department of administrative services and to the 3369  
board of trustees of the university a plan for such development. 3370  
Plans shall include provisions for roads, streets, sewers, water 3371  
lines, waste disposal, water supply, and similar matters to meet 3372  
the requirements of state and local laws. The plans shall also 3373  
include provision for protection of the property by insurance or 3374  
otherwise and plans for financing the development, and shall set 3375  
forth details of the developer's financial responsibility. 3376

The department of administrative services may employ as 3377  
employees or consultants, persons needed to assist it in reviewing 3378  
the development plans. Such persons may include attorneys, 3379  
financial experts, engineers, and other necessary experts. The 3380  
department of administrative services shall review the development 3381  
plans and may enter into a lease if it finds that: 3382

(A) The best interests of the university will be promoted by 3383  
entering into a lease with the developer. 3384

(B) The development plans are satisfactory. 3385

(C) The developer has established ~~his~~ the developer's 3386  
financial responsibility and satisfactory plans for financing the 3387  
development. 3388

(D) The university board of trustees approves the lease. 3389

A lease may be entered into pursuant to this section for an 3390  
annual rent agreed to between the department and the developer for 3391  
a maximum term of forty years and may be renewed for a like or 3392  
lesser term. The lease shall contain a provision that construction 3393  
of buildings, structures, roads, and other necessary facilities 3394  
shall begin within one year after the date of the lease and shall 3395  
proceed according to a schedule agreed to between the department 3396  
and the developer or the lease will be terminated. Moneys received 3397

by the state pursuant to such leases shall be paid into the state 3398  
treasury as an addition to the appropriation made to the 3399  
university which has control or jurisdiction of the land or to 3400  
which the land belongs. 3401

**Sec. ~~123.08~~ 123.18.** The director of administrative services 3402  
may administer oaths to persons required by law to file affidavits 3403  
or statements in the department of administrative services and to 3404  
witnesses who are examined in matters pertaining to the 3405  
administration of the public works. 3406

**Sec. 123.20.** (A) There is hereby created the Ohio facilities 3407  
construction commission. The commission shall administer the 3408  
design and construction of improvements to public facilities of 3409  
the state in accordance with this chapter and other provisions of 3410  
the Revised Code. 3411

The commission is a body corporate and politic, an agency of 3412  
state government and an instrumentality of the state, performing 3413  
essential governmental functions of this state. The carrying out 3414  
of the purposes and the exercise by the commission of its powers 3415  
are essential public functions and public purposes of the state. 3416  
The commission may, in its own name, sue and be sued, enter into 3417  
contracts, and perform all the powers and duties given to it by 3418  
the Revised Code, but it does not have and shall not exercise the 3419  
power of eminent domain. In its discretion and as it determines 3420  
appropriate, the commission may delegate to any of its members, 3421  
executive director, or other employees any of the commission's 3422  
powers and duties to carry out its functions. 3423

(B) The commission shall consist of three members: the 3424  
director of the office of budget and management and the director 3425  
of administrative services, or their designees, and a member whom 3426  
the governor shall appoint. 3427

Members of the commission shall serve without compensation. 3428

Within sixty days after the effective date of this section, 3429  
the commission shall meet and organize by electing voting members 3430  
as the chairperson and vice-chairperson of the commission, who 3431  
shall hold their offices until the next organizational meeting of 3432  
the commission. Organizational meetings of the commission shall be 3433  
held at the first meeting of each calendar year. At each 3434  
organizational meeting, the commission shall elect from among its 3435  
voting members a chairperson and vice-chairperson, who shall serve 3436  
until the next annual organizational meeting. The commission shall 3437  
adopt rules pursuant to section 111.15 of the Revised Code for the 3438  
conduct of its internal business and shall keep a journal of its 3439  
proceedings. Including the organizational meeting, the commission 3440  
shall meet at least once each calendar year. 3441

Two members of the commission constitute a quorum, and the 3442  
affirmative vote of two members is necessary for approval of any 3443  
action taken by the commission. A vacancy in the membership of the 3444  
commission does not impair a quorum from exercising all the rights 3445  
and performing all the duties of the commission. Meetings of the 3446  
commission may be held anywhere in the state and shall be held in 3447  
compliance with section 121.22 of the Revised Code. 3448

(C) Within sixty days after the effective date of this 3449  
section, the governor shall appoint a member to the commission. 3450  
The initial appointment shall be for a term ending three years 3451  
after the effective date of this section, with subsequent terms 3452  
ending three years after they begin, on the same day of the same 3453  
month as the initial term. 3454

A vacancy for the member appointed by the governor shall be 3455  
filled in the same manner as provided for the original 3456  
appointment. The appointed member shall hold office for the 3457  
remainder of the term for which the vacancy existed. After the 3458  
expiration of the term, the appointed member shall continue in 3459

office for a period of sixty days or until the appointed member's 3460  
successor takes office, whichever period is shorter. 3461

(D) The commission shall file an annual report of its 3462  
activities and finances with the governor, speaker of the house of 3463  
representatives, president of the senate, and chairpersons of the 3464  
house and senate finance committees. 3465

(E) The commission shall be exempt from the requirements of 3466  
sections 101.82 to 101.87 of the Revised Code. 3467

**Sec. 123.201.** There is hereby created in the state treasury 3468  
the Ohio facilities construction commission fund, consisting of 3469  
transfers of moneys authorized by the general assembly and 3470  
revenues received by the Ohio facilities construction commission 3471  
under section 123.21 of the Revised Code. Investment earnings on 3472  
moneys in the fund shall be credited to the fund. Moneys in the 3473  
fund may be used by the commission, in performing its duties under 3474  
this chapter, to pay personnel and other administrative expenses, 3475  
to pay the cost of preparing building design specifications, to 3476  
pay the cost of providing project management services, and for 3477  
other purposes determined by the commission to be necessary to 3478  
fulfill its duties under this chapter. 3479

**Sec. 123.21.** (A) The Ohio facilities construction commission 3480  
may perform any act and ensure the performance of any function 3481  
necessary or appropriate to carry out the purposes of, and 3482  
exercise the powers granted under this chapter or any other 3483  
provision of the Revised Code, including any of the following: 3484

(1) Prepare, or contract to be prepared, by licensed 3485  
engineers or architects, surveys, general and detailed plans, 3486  
specifications, bills of materials, and estimates of cost for any 3487  
projects, improvements, or public buildings to be constructed by 3488  
state agencies that may be authorized by legislative 3489

appropriations or any other funds made available therefor, 3490  
provided that the construction of the projects, improvements, or 3491  
public buildings is a statutory duty of the commission. This 3492  
section does not require the independent employment of an 3493  
architect or engineer as provided by section 153.01 of the Revised 3494  
Code in the cases to which section 153.01 of the Revised Code 3495  
applies. This section does not affect or alter the existing powers 3496  
of the director of transportation. 3497

(2) Have general supervision over the construction of any 3498  
projects, improvements, or public buildings constructed for a 3499  
state agency and over the inspection of materials prior to their 3500  
incorporation into those projects, improvements, or buildings. 3501

(3) Make contracts for and supervise the design and 3502  
construction of any projects and improvements or the construction 3503  
and repair of buildings under the control of a state agency. All 3504  
such contracts may be based in whole or in part on the unit price 3505  
or maximum estimated cost, with payment computed and made upon 3506  
actual quantities or units. 3507

(4) Adopt, amend, and rescind rules pertaining to the 3508  
administration of the construction of the public works of the 3509  
state as required by law, in accordance with Chapter 119. of the 3510  
Revised Code. 3511

(5) Contract with, retain the services of, or designate, and 3512  
fix the compensation of, such agents, accountants, consultants, 3513  
advisers, and other independent contractors as may be necessary or 3514  
desirable to carry out the programs authorized under this chapter, 3515  
or authorize the executive director to perform such powers and 3516  
duties. 3517

(6) Receive and accept any gifts, grants, donations, and 3518  
pledges, and receipts therefrom, to be used for the programs 3519  
authorized under this chapter. 3520



(7) Make and enter into all contracts, commitments, and 3521  
agreements, and execute all instruments, necessary or incidental 3522  
to the performance of its duties and the execution of its rights 3523  
and powers under this chapter, or authorize the executive director 3524  
to perform such powers and duties. 3525

(8) Debar a contractor as provided in section 153.02 of the 3526  
Revised Code. 3527

(B) The commission shall appoint and fix the compensation of 3528  
an executive director who shall serve at the pleasure of the 3529  
commission. The executive director shall exercise all powers that 3530  
the commission possesses, supervise the operations of the 3531  
commission, and perform such other duties as delegated by the 3532  
commission. The executive director also shall employ and fix the 3533  
compensation of such employees as will facilitate the activities 3534  
and purposes of the commission, who shall serve at the pleasure of 3535  
the executive director. 3536

(C) The attorney general shall serve as the legal 3537  
representative for the commission and may appoint other counsel as 3538  
necessary for that purpose in accordance with section 109.07 of 3539  
the Revised Code. 3540

**Sec. ~~123.011~~ 123.22.** (A) As used in this section: 3541

(1) "Construct" includes reconstruct, improve, renovate, 3542  
enlarge, or otherwise alter. 3543

(2) "Energy consumption analysis" means the evaluation of all 3544  
energy consuming systems, components, and equipment by demand and 3545  
type of energy, including the internal energy load imposed on a 3546  
facility by its occupants and the external energy load imposed by 3547  
climatic conditions. 3548

(3) "Energy performance index" means a number describing the 3549  
energy requirements of a facility per square foot of floor space 3550

or per cubic foot of occupied volume as appropriate under defined 3551  
internal and external ambient conditions over an entire seasonal 3552  
cycle. 3553

(4) "Facility" means a building or other structure, or part 3554  
of a building or other structure, that includes provision for a 3555  
heating, refrigeration, ventilation, cooling, lighting, hot water, 3556  
or other major energy consuming system, component, or equipment. 3557

(5) "Life-cycle cost analysis" means a general approach to 3558  
economic evaluation that takes into account all dollar costs 3559  
related to owning, operating, maintaining, and ultimately 3560  
disposing of a project over the appropriate study period. 3561

(6) "Political subdivision" means a county, township, 3562  
municipal corporation, board of education of any school district, 3563  
or any other body corporate and politic that is responsible for 3564  
government activities in a geographic area smaller than that of 3565  
the state. 3566

(7) "State funded" means funded in whole or in part through 3567  
appropriation by the general assembly or through the use of any 3568  
guarantee provided by this state. 3569

(8) "State institution of higher education" has the same 3570  
meaning as in section 3345.011 of the Revised Code. 3571

~~(B) There is hereby created within the department of 3572  
administrative services the office of energy services. The office 3573  
shall be under the supervision of a manager, who shall be 3574  
appointed by the director of administrative services. The director 3575  
shall assign to the office such number of employees and furnish 3576  
such equipment and supplies as are necessary for the performance 3577  
of the office's duties. 3578~~

The ~~office~~ Ohio facilities construction commission shall 3579  
develop energy efficiency and conservation programs ~~in each of the~~ 3580  
~~following areas:~~ 3581

- ~~(1) New for new construction design and review~~ 3582
- ~~(2) Existing and for existing building audit and retrofit~~ 3583
- ~~(3) Energy efficient procurement~~ 3584
- ~~(4) Alternative fuel vehicles.~~ 3585

The ~~office~~ commission may accept and administer grants from 3586  
public and private sources for carrying out any of its duties 3587  
under this section. 3588

(C) No state agency, department, division, bureau, office, 3589  
unit, board, commission, authority, quasi-governmental entity, or 3590  
institution, ~~including those agencies otherwise excluded from the~~ 3591  
~~jurisdiction of the department under division (A)(3) of section~~ 3592  
~~123.01 of the Revised Code,~~ shall lease, construct, or cause to be 3593  
leased or constructed, within the limits prescribed in this 3594  
section, a state-funded facility, without a proper life-cycle cost 3595  
analysis or, in the case of a lease, an energy consumption 3596  
analysis, as computed or prepared by a qualified architect or 3597  
engineer in accordance with the rules required by division (D) of 3598  
this section. 3599

Construction shall proceed only upon the disclosure to the 3600  
office, for the facility chosen, of the life-cycle costs as 3601  
determined in this section and the capitalization of the initial 3602  
construction costs of the building. The results of life-cycle cost 3603  
analysis shall be a primary consideration in the selection of a 3604  
building design. That analysis shall be required only for 3605  
construction of buildings with an area of five thousand square 3606  
feet or greater. An energy consumption analysis for the term of a 3607  
proposed lease shall be required only for the leasing of an area 3608  
of twenty thousand square feet or greater within a given building 3609  
boundary. That analysis shall be a primary consideration in the 3610  
selection of a facility to be leased. 3611

Nothing in this section shall deprive or limit any state 3612

agency that has review authority over design, construction, or 3613  
leasing plans from requiring a life-cycle cost analysis or energy 3614  
consumption analysis. 3615

(D) For the purposes of assisting the ~~department~~ commission 3616  
in its responsibility for state-funded facilities pursuant to 3617  
section ~~123.01~~ 123.21 of the Revised Code and of cost-effectively 3618  
reducing the energy consumption of those and any other 3619  
state-funded facilities, thereby promoting fiscal, economic, and 3620  
environmental benefits to this state, the ~~office~~ commission shall 3621  
promulgate rules specifying cost-effective, energy efficiency and 3622  
conservation standards that may govern the lease, design, 3623  
construction, operation, and maintenance of all state-funded 3624  
facilities, except facilities of state institutions of higher 3625  
education or facilities operated by a political subdivision. The 3626  
office of energy efficiency in the department of development shall 3627  
cooperate in providing information and technical expertise to the 3628  
office of energy services to ensure promulgation of rules of 3629  
maximum effectiveness. The standards prescribed by rules 3630  
promulgated under this division may draw from or incorporate, by 3631  
reference or otherwise and in whole or in part, standards already 3632  
developed or implemented by any competent, public or private 3633  
standards organization or program. The rules also may include any 3634  
of the following: 3635

(1) Specifications for a life-cycle cost analysis that shall 3636  
determine, for the economic life of such state-funded facility, 3637  
the reasonably expected costs of facility ownership, operation, 3638  
and maintenance including labor and materials. Life-cycle cost may 3639  
be expressed as an annual cost for each year of the facility's 3640  
use. 3641

A life-cycle cost analysis additionally may include an energy 3642  
consumption analysis that conforms to division (D)(2) of this 3643  
section. 3644

(2) Specifications for an energy consumption analysis of the 3645  
facility's heating, refrigeration, ventilation, cooling, lighting, 3646  
hot water, and other major energy consuming systems, components, 3647  
and equipment. 3648

A life-cycle cost analysis and energy consumption analysis 3649  
shall be based on the best currently available methods of 3650  
analysis, such as those of the national institute of standards and 3651  
technology, the United States department of energy or other 3652  
federal agencies, professional societies, and directions developed 3653  
by the department. 3654

(3) Specifications for energy performance indices, to be used 3655  
to audit and evaluate competing design proposals submitted to the 3656  
state. 3657

(4) A requirement that, not later than two years after April 3658  
6, 2007, each state-funded facility, except a facility of a state 3659  
institution of higher education or a facility operated by a 3660  
political subdivision, is managed by at least one building 3661  
operator certified under the building operator certification 3662  
program or any equivalent program or standards as shall be 3663  
prescribed in the rules and considered reasonably equivalent. 3664

(5) An application process by which a manager of a specified 3665  
state-funded facility, except a facility of a state institution of 3666  
higher education or a facility operated by a political 3667  
subdivision, may apply for a waiver of compliance with any 3668  
provision of the rules required by divisions (D)(1) to (4) of this 3669  
section. 3670

~~(E) The office of energy services shall promulgate rules to 3671  
ensure that energy efficiency and conservation will be considered 3672  
in the purchase of products and equipment, except motor vehicles, 3673  
by any state agency, department, division, bureau, office, unit, 3674  
board, commission, authority, quasi-governmental entity, or 3675~~

~~institution. Minimum energy efficiency standards for purchased 3676  
products and equipment may be required, based on federal testing 3677  
and labeling where available or on standards developed by the 3678  
office. The rules shall apply to the competitive selection of 3679  
energy consuming systems, components, and equipment under Chapter 3680  
125. of the Revised Code where possible. 3681~~

~~The office also shall ensure energy efficient and energy 3682  
conserving purchasing practices by doing all of the following: 3683~~

~~(1) Cooperatively with the office of energy efficiency, 3684  
identifying available energy efficiency and conservation 3685  
opportunities; 3686~~

~~(2) Providing for interchange of information among purchasing 3687  
agencies; 3688~~

~~(3) Identifying laws, policies, rules, and procedures that 3689  
need modification; 3690~~

~~(4) Monitoring experience with and the cost effectiveness of 3691  
this state's purchase and use of motor vehicles and of major 3692  
energy consuming systems, components, equipment, and products 3693  
having a significant impact on energy consumption by government; 3694~~

~~(5) Cooperatively with the office of energy efficiency, 3695  
providing technical assistance and training to state employees 3696  
involved in the purchasing process. 3697~~

~~The department of development shall make recommendations to 3698  
the office regarding planning and implementation of purchasing 3699  
policies and procedures supportive of energy efficiency and 3700  
conservation. 3701~~

~~(F)(1) The office of energy services shall require all state 3702  
agencies, departments, divisions, bureaus, offices, units, 3703  
commissions, boards, authorities, quasi governmental entities, 3704  
institutions, and state institutions of higher education to 3705~~

~~implement procedures ensuring that all their passenger automobiles 3706  
acquired in each fiscal year, except for those passenger 3707  
automobiles acquired for use in law enforcement or emergency 3708  
rescue work, achieve a fleet average fuel economy of not less than 3709  
the fleet average fuel economy for that fiscal year as shall be 3710  
prescribed by the office by rule. The office shall promulgate the 3711  
rule prior to the beginning of the fiscal year in accordance with 3712  
the average fuel economy standards established pursuant to federal 3713  
law for passenger automobiles manufactured during the model year 3714  
that begins during the fiscal year. 3715~~

~~(2) Each state agency, department, division, bureau, office, 3716  
unit, commission, board, authority, quasi-governmental entity, 3717  
institution, and state institution of higher education shall 3718  
determine its fleet average fuel economy by dividing: 3719~~

~~(a) The total number of passenger vehicles acquired during 3720  
the fiscal year, except for those passenger vehicles acquired for 3721  
use in law enforcement or emergency rescue work, by 3722~~

~~(b) A sum of terms, each of which is a fraction created by 3723  
dividing: 3724~~

~~(i) The number of passenger vehicles of a given make, model, 3725  
and year, except for passenger vehicles acquired for use in law 3726  
enforcement or emergency rescue work, acquired during the fiscal 3727  
year, by 3728~~

~~(ii) The fuel economy measured by the administrator of the 3729  
United States environmental protection agency, for the given make, 3730  
model, and year of vehicle, that constitutes an average fuel 3731  
economy for combined city and highway driving. 3732~~

~~As used in division (F)(2) of this section, "acquired" means 3733  
leased for a period of sixty continuous days or more, or 3734  
purchased. 3735~~

~~(G)(E) Each state agency, department, division, bureau, 3736~~

office, unit, board, commission, authority, quasi-governmental 3737  
entity, institution, and state institution of higher education 3738  
shall comply with any applicable provision of this section or of a 3739  
rule promulgated pursuant to division (D) ~~or (F)~~ of this section. 3740

Sec. 123.23. (A) As used in this section, "public exigency" 3741  
means an injury or obstruction that occurs in any public works of 3742  
the state that materially impairs its immediate use or places in 3743  
jeopardy property adjacent to it; an immediate danger of such an 3744  
injury or obstruction; or an injury or obstruction, or an 3745  
immediate danger of an injury or obstruction, that occurs during 3746  
the process of construction of any public works and that 3747  
materially impairs its immediate use or places in jeopardy 3748  
property adjacent to it. 3749

(B) When a declaration of a public exigency is issued 3750  
pursuant to division (C) of this section, the executive director 3751  
of the Ohio facilities construction commission may enter into 3752  
contracts with proper persons for the performance of labor, the 3753  
furnishing of materials, or the construction of any structures and 3754  
buildings necessary to the maintenance, control, and management of 3755  
the public works of the state or any part of those public works. 3756  
Any contracts awarded for the work performed pursuant to the 3757  
declaration of a public exigency may be awarded without 3758  
competitive bidding or selection as otherwise required by Chapter 3759  
153. of the Revised Code. 3760

(C) The executive director of the commission may issue a 3761  
declaration of a public exigency on the executive director's own 3762  
initiative, or upon the request of the director of any state 3763  
agency, university, or instrumentality. The executive director's 3764  
declaration shall identify the specific injury, obstruction, or 3765  
danger that is the subject of the declaration and shall set forth 3766  
a dollar limitation for the repair, removal, or prevention of that 3767



exigency under the declaration. 3768

Before any project to repair, remove, or prevent a public 3769  
exigency under the executive director's declaration may begin, the 3770  
executive director shall send notice of the project, in writing, 3771  
to the director of budget and management and to the members of the 3772  
controlling board. The notice shall detail the project to be 3773  
undertaken to address the public exigency and shall include a copy 3774  
of the director's declaration that establishes the monetary 3775  
limitations on that project. 3776

**Sec. ~~123.17~~ 123.24.** (A) As used in this section, "institution 3777  
of higher education" means a state university or college, as 3778  
defined in section 3345.12 of the Revised Code, or a state 3779  
community college. 3780

(B) ~~Not later than December 30, 2005, the state architect~~ The 3781  
Ohio facilities construction commission shall establish a local 3782  
administration competency certification program to certify 3783  
institutions of higher education to administer capital facilities 3784  
projects pursuant to section 3345.51 of the Revised Code without 3785  
the supervision, control, or approval of the ~~department of~~ 3786  
~~administrative services~~ commission. The program shall offer 3787  
instruction in the administration of capital facilities projects 3788  
for employees of institutions of higher education who are 3789  
responsible for such administration and who are selected by their 3790  
employing institutions to participate in the program. 3791

(C) The program shall provide instruction about the 3792  
provisions of Chapters 9., 123., and 153. of the Revised Code and 3793  
any rules or policies adopted by the ~~department~~ commission 3794  
regarding the planning, design, and construction of capital 3795  
facilities, including all of the following: 3796

(1) The planning, design, and construction process; 3797

(2) Contract requirements;	3798
(3) Construction management;	3799
(4) Project management.	3800
(D) The <del>state architect</del> <u>commission</u> shall award local	3801
administration competency certification to any institution of	3802
higher education if all of the following apply:	3803
(1) The institution applied for certification on a form and	3804
in a manner prescribed by the <del>state architect</del> <u>commission</u> .	3805
(2) The <del>state architect</del> <u>commission</u> determines that a	3806
sufficient number of the institution's employees, representing a	3807
sufficient number of employee classifications, responsible for the	3808
administration of capital facilities projects have successfully	3809
completed the certification program to ensure that any capital	3810
facilities project undertaken by the institution will be	3811
administered successfully and in accordance with all provisions of	3812
the Revised Code, and the board of trustees of the institution	3813
provides written assurance to the <del>state architect</del> <u>commission</u> that	3814
the institution will select new employees to participate in the	3815
certification program as necessary to compensate for employee	3816
turnover.	3817
(3) The <del>state architect</del> <u>commission</u> determines that the	3818
employees of the institution enrolled in the program demonstrate	3819
successful completion of the competency certification training and	3820
a satisfactory level of knowledge of and competency in the	3821
requirements for administering capital facilities projects.	3822
(4) The institution pays the fee prescribed by division (F)	3823
of this section.	3824
(5) The board of trustees of the institution provides written	3825
assurance to the <del>state architect</del> <u>commission</u> that the institution	3826
will conduct biennial audits of the institution's administration	3827

of capital facilities projects in accordance with division (C) of 3828  
section 3345.51 of the Revised Code. 3829

(6) The board of trustees of the institution agrees in 3830  
writing to indemnify and hold harmless the state and the 3831  
~~department~~ commission for any claim of injury, loss, or damage 3832  
that results from the institution's administration of a capital 3833  
facilities project. 3834

(E) Local administration competency certification granted 3835  
under this section shall remain in effect for as long as the ~~state~~ 3836  
~~architect~~ commission determines that both of the following apply: 3837

(1) The institution of higher education maintains a 3838  
sufficient number of employees responsible for the administration 3839  
of capital facilities projects who have successfully completed the 3840  
certification program and have demonstrated a satisfactory level 3841  
of knowledge of and competency in the requirements for 3842  
administering capital facilities projects; 3843

(2) The institution is performing the biennial audits 3844  
prescribed in division (C) of section 3345.51 of the Revised Code. 3845

If the ~~state architect~~ commission determines that an 3846  
institution of higher education has failed to comply with the 3847  
conditions of division (E)(1) or (2) of this section, the ~~state~~ 3848  
~~architect~~ commission shall revoke the institution's certification 3849  
and shall notify the board of trustees of the institution in 3850  
writing of the revocation. 3851

(F) The ~~state architect~~ commission shall establish, subject 3852  
to the approval of the director of budget and management, the 3853  
amount of the fee required to be paid by any institution of higher 3854  
education that seeks certification under this section. The amount 3855  
of the fees shall be set to cover the costs to implement this 3856  
section, including the costs for materials and the competency 3857  
certification training sessions. Any fees received under this 3858

section shall be paid into the state treasury to the credit of the 3859  
~~state architect's~~ commission's fund established under section 3860  
~~123.10~~ 123.201 of the Revised Code. 3861

(G) Nothing in this section shall prohibit an institution 3862  
that administers a capital facilities project under section 3863  
3345.51 of the Revised Code from requesting guidance or other 3864  
services from the ~~department of administrative services~~ 3865  
commission. 3866

**Sec. 123.26.** (A) The executive director of the Ohio 3867  
facilities construction commission shall regulate the rate of 3868  
tolls to be collected on the construction or improvement of the 3869  
public works of the state, and shall fix all rentals and collect 3870  
all tolls, rents, fines, commissions, fees, and other revenues 3871  
arising from any source in the construction or improvement of the 3872  
public works of the state. 3873

(B) Deposits made to the commission's fund in the state 3874  
treasury under section 123.201 of the Revised Code shall consist 3875  
of money received by the commission under division (A) of this 3876  
section, fees paid under section 123.24 of the Revised Code, 3877  
transfers of money to the fund authorized by the general assembly, 3878  
and such amount of the investment earnings of the administrative 3879  
building fund created in division (F) of section 154.24 of the 3880  
Revised Code as the director of budget and management determines 3881  
to be appropriate and in excess of the amounts required to meet 3882  
estimated federal arbitrage rebate requirements. Money in the fund 3883  
shall be used by the commission for the following purposes: 3884

(1) To pay personnel and other administrative expenses of the 3885  
commission; 3886

(2) To pay the cost of conducting evaluations of public 3887  
works; 3888

<u>(3) To pay the cost of building design specifications;</u>	3889
<u>(4) To pay the cost of providing project management services;</u>	3890
<u>(5) To pay the cost of operating the local administration</u>	3891
<u>competency certification program prescribed by section 123.24 of</u>	3892
<u>the Revised Code; and</u>	3893
<u>(6) Any other purposes that the executive director of the</u>	3894
<u>commission determines to be necessary for the commission to</u>	3895
<u>execute its duties under this chapter.</u>	3896
<b>Sec. <del>123.101</del> <u>123.27</u>.</b> (A) As used in this section:	3897
"Capital facilities project" means the construction,	3898
reconstruction, improvement, enlargement, alteration, or repair of	3899
a building by a public entity.	3900
"Public entity" includes a state agency and a state	3901
institution of higher education.	3902
"State institution of higher education" has the same meaning	3903
as in section 3345.011 of the Revised Code.	3904
(B) Commencing not later than July 1, 2012, and upon	3905
completion of a capital facilities project that is funded wholly	3906
or in part using state funds, each public entity shall submit a	3907
report about the project to the <u>executive</u> director of	3908
<del>administrative services</del> <u>the Ohio facilities construction</u>	3909
<u>commission</u> . The report shall be submitted in Ohio administrative	3910
knowledge system capital improvement format or in a manner	3911
determined by the <u>executive</u> director and not later than thirty	3912
days after the project is complete. The report shall provide the	3913
total original contract bid, total cost of change orders, total	3914
actual cost of the project, total costs incurred for mediation and	3915
litigation services, and any other data requested by the <u>executive</u>	3916
director. The first report submitted pursuant to this division	3917
shall include information about any capital facilities project	3918

completed on or after July 1, 2011. Any capital facilities project 3919  
that is funded wholly or in part through appropriations made to 3920  
the Ohio school facilities commission, the Ohio public works 3921  
commission, or the Ohio cultural facilities commission, or for 3922  
which a joint use agreement has been entered into with any public 3923  
entity, is exempt from the reporting requirement prescribed under 3924  
this division. 3925

(C) Commencing not later than July 1, 2012, and annually 3926  
thereafter, the attorney general shall report to the executive 3927  
director of the Ohio facilities construction commission on any 3928  
mediation and litigation costs associated with capital facilities 3929  
projects for which a judgment has been rendered. The report shall 3930  
be submitted in a manner prescribed by the executive director and 3931  
shall contain any information requested by the executive director 3932  
related to capital facilities project mediation and litigation 3933  
costs. 3934

(D) As soon as practicable after such information is made 3935  
available, the executive director of ~~administrative services~~ the 3936  
Ohio facilities construction commission shall incorporate the 3937  
information reported pursuant to divisions (B) and (C) of this 3938  
section into the Ohio administrative knowledge system. 3939

**Sec. 124.04.** In addition to those powers enumerated in 3940  
Chapters 123. and 125. of the Revised Code and as provided 3941  
elsewhere by law, the powers, duties, and functions of the 3942  
department of administrative services not specifically vested in 3943  
and assigned to, or to be performed by, the state personnel board 3944  
of review are hereby vested in and assigned to, and shall be 3945  
performed by, the director of administrative services. These 3946  
powers, duties, and functions shall include, but shall not be 3947  
limited to, the following powers, duties, and functions: 3948

(A) To prepare, conduct, and grade all competitive 3949

examinations for positions in the classified <del>state</del> service <u>of the</u>	3950
<u>state</u> ;	3951
(B) To prepare, conduct, and grade all noncompetitive	3952
examinations for positions in the classified <del>state</del> service <u>of the</u>	3953
<u>state</u> ;	3954
(C) To prepare eligible lists containing the names of persons	3955
qualified for appointment to positions in the classified <del>state</del>	3956
service <u>of the state</u> ;	3957
(D) To prepare or amend, in accordance with section 124.14 of	3958
the Revised Code, specifications descriptive of duties,	3959
responsibilities, requirements, and desirable qualifications of	3960
the various classifications of positions in the <del>state</del> service <u>of</u>	3961
<u>the state</u> ;	3962
(E) To allocate and reallocate, upon the motion of the	3963
director or upon request of an appointing authority and in	3964
accordance with section 124.14 of the Revised Code, any position,	3965
office, or employment in the <del>state</del> service <u>of the state</u> to the	3966
appropriate classification on the basis of the duties,	3967
responsibilities, requirements, and qualifications of that	3968
position, office, or employment;	3969
(F) To develop and conduct personnel recruitment services <u>and</u>	3970
<u>assist appointing authorities in recruiting qualified applicants</u>	3971
for positions in the <del>state</del> service <u>of the state</u> ;	3972
(G) To conduct research on specifications, classifications,	3973
and salaries of positions in the <del>state</del> service <u>of the state</u> ;	3974
(H) To develop and conduct personnel training programs,	3975
including supervisory training programs and best practices plans,	3976
and to develop merit hiring processes, in cooperation with	3977
appointing authorities <u>for positions in the service of the state</u> ;	3978
(I) To include periodically in communications sent to state	3979

employees both of the following:	3980
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	3981 3982 3983
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	3984 3985 3986
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service <del>and to assist appointing authorities in recruiting qualified applicants;</del>	3987 3988 3989 3990
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	3991 3992 3993 3994 3995
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	3996 3997 3998 3999 4000 4001 4002
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	4003 4004 4005 4006
(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.	4007 4008 4009 4010



(O) To administer a state equal employment opportunity program. 4011  
4012

**Sec. 124.06.** No person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted, or reduced as an officer or employee in the civil service, in any manner or by any means other than those prescribed in this chapter, and the rules of the director of administrative services for positions in the service of the state or the municipal or civil service township civil service commission within their respective jurisdictions. 4013  
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**Sec. 124.11.** The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts of the state shall be divided into the unclassified service and the classified service. 4021  
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(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter: 4026  
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(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices; 4030  
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(2) All election officers as defined in section 3501.01 of the Revised Code; 4032  
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(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; 4034  
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4036

(b) The heads of all departments appointed by a board of county commissioners; 4037  
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(c) The members of all boards and commissions and all heads 4039

of departments appointed by the mayor, or, if there is no mayor, 4040  
such other similar chief appointing authority of any city or city 4041  
school district; 4042

Except as otherwise provided in division (A)(17) or (C) of 4043  
this section, this chapter does not exempt the chiefs of police 4044  
departments and chiefs of fire departments of cities or civil 4045  
service townships from the competitive classified service. 4046

(4) The members of county or district licensing boards or 4047  
commissions and boards of revision, and not more than five deputy 4048  
county auditors; 4049

(5) All officers and employees elected or appointed by either 4050  
or both branches of the general assembly, and employees of the 4051  
city legislative authority engaged in legislative duties; 4052

(6) All commissioned, warrant, and noncommissioned officers 4053  
and enlisted persons in the Ohio organized militia, including 4054  
military appointees in the adjutant general's department; 4055

(7)(a) All presidents, business managers, administrative 4056  
officers, superintendents, assistant superintendents, principals, 4057  
deans, assistant deans, instructors, teachers, and such employees 4058  
as are engaged in educational or research duties connected with 4059  
the public school system, colleges, and universities, as 4060  
determined by the governing body of the public school system, 4061  
colleges, and universities; 4062

(b) The library staff of any library in the state supported 4063  
wholly or in part at public expense. 4064

(8) Four clerical and administrative support employees for 4065  
each of the elective state officers, four clerical and 4066  
administrative support employees for each board of county 4067  
commissioners and one such employee for each county commissioner, 4068  
and four clerical and administrative support employees for other 4069  
elective officers and each of the principal appointive executive 4070

officers, boards, or commissions, except for civil service 4071  
commissions, that are authorized to appoint such clerical and 4072  
administrative support employees; 4073

(9) The deputies and assistants of state agencies authorized 4074  
to act for and on behalf of the agency, or holding a fiduciary or 4075  
administrative relation to that agency and those persons employed 4076  
by and directly responsible to elected county officials or a 4077  
county administrator and holding a fiduciary or administrative 4078  
relationship to such elected county officials or county 4079  
administrator, and the employees of such county officials whose 4080  
fitness would be impracticable to determine by competitive 4081  
examination, provided that division (A)(9) of this section shall 4082  
not affect those persons in county employment in the classified 4083  
service as of September 19, 1961. Nothing in division (A)(9) of 4084  
this section applies to any position in a county department of job 4085  
and family services created pursuant to Chapter 329. of the 4086  
Revised Code. 4087

(10) Bailiffs, constables, official stenographers, and 4088  
commissioners of courts of record, deputies of clerks of the 4089  
courts of common pleas who supervise or who handle public moneys 4090  
or secured documents, and such officers and employees of courts of 4091  
record and such deputies of clerks of the courts of common pleas 4092  
as the ~~director of administrative services~~ appointing authority 4093  
finds it impracticable to determine their fitness by competitive 4094  
examination; 4095

(11) Assistants to the attorney general, special counsel 4096  
appointed or employed by the attorney general, assistants to 4097  
county prosecuting attorneys, and assistants to city directors of 4098  
law; 4099

(12) Such teachers and employees in the agricultural 4100  
experiment stations; such students in normal schools, colleges, 4101  
and universities of the state who are employed by the state or a 4102

political subdivision of the state in student or intern 4103  
classifications; and such unskilled labor positions as the 4104  
director of administrative services, with respect to positions in 4105  
the service of the state, or any municipal civil service 4106  
commission may find it impracticable to include in the competitive 4107  
classified service; provided such exemptions shall be by order of 4108  
the commission or the director, duly entered on the record of the 4109  
commission or the director with the reasons for each such 4110  
exemption; 4111

(13) Any physician or dentist who is a full-time employee of 4112  
the department of mental health, the department of developmental 4113  
disabilities, or an institution under the jurisdiction of either 4114  
department; and physicians who are in residency programs at the 4115  
institutions; 4116

(14) Up to twenty positions at each institution under the 4117  
jurisdiction of the department of mental health or the department 4118  
of developmental disabilities that the department director 4119  
determines to be primarily administrative or managerial; and up to 4120  
fifteen positions in any division of either department, excluding 4121  
administrative assistants to the director and division chiefs, 4122  
which are within the immediate staff of a division chief and which 4123  
the director determines to be primarily and distinctively 4124  
administrative and managerial; 4125

(15) Noncitizens of the United States employed by the state, 4126  
or its counties or cities, as physicians or nurses who are duly 4127  
licensed to practice their respective professions under the laws 4128  
of this state, or medical assistants, in mental or chronic disease 4129  
hospitals, or institutions; 4130

(16) Employees of the governor's office; 4131

(17) Fire chiefs and chiefs of police in civil service 4132  
townships appointed by boards of township trustees under section 4133

505.38 or 505.49 of the Revised Code;	4134
(18) Executive directors, deputy directors, and program	4135
directors employed by boards of alcohol, drug addiction, and	4136
mental health services under Chapter 340. of the Revised Code, and	4137
secretaries of the executive directors, deputy directors, and	4138
program directors;	4139
(19) Superintendents, and management employees as defined in	4140
section 5126.20 of the Revised Code, of county boards of	4141
developmental disabilities;	4142
(20) Physicians, nurses, and other employees of a county	4143
hospital who are appointed pursuant to sections 339.03 and 339.06	4144
of the Revised Code;	4145
(21) The executive director of the state medical board, who	4146
is appointed pursuant to division (B) of section 4731.05 of the	4147
Revised Code;	4148
(22) County directors of job and family services as provided	4149
in section 329.02 of the Revised Code and administrators appointed	4150
under section 329.021 of the Revised Code;	4151
(23) A director of economic development who is hired pursuant	4152
to division (A) of section 307.07 of the Revised Code;	4153
(24) Chiefs of construction and compliance, of operations and	4154
maintenance, of worker protection, and of licensing and	4155
certification in the division of <del>labor</del> <u>industrial compliance</u> in	4156
the department of commerce;	4157
(25) The executive director of a county transit system	4158
appointed under division (A) of section 306.04 of the Revised	4159
Code;	4160
(26) Up to five positions at each of the administrative	4161
departments listed in section 121.02 of the Revised Code and at	4162
the department of taxation, department of the adjutant general,	4163

department of education, Ohio board of regents, bureau of workers' 4164  
compensation, industrial commission, state lottery commission, and 4165  
public utilities commission of Ohio that the head of that 4166  
administrative department or of that other state agency determines 4167  
to be involved in policy development and implementation. The head 4168  
of the administrative department or other state agency shall set 4169  
the compensation for employees in these positions at a rate that 4170  
is not less than the minimum compensation specified in pay range 4171  
41 but not more than the maximum compensation specified in pay 4172  
range 44 of salary schedule E-2 in section 124.152 of the Revised 4173  
Code. The authority to establish positions in the unclassified 4174  
service under division (A)(26) of this section is in addition to 4175  
and does not limit any other authority that an administrative 4176  
department or state agency has under the Revised Code to establish 4177  
positions, appoint employees, or set compensation. 4178

(27) Employees of the department of agriculture employed 4179  
under section 901.09 of the Revised Code; 4180

(28) For cities, counties, civil service townships, city 4181  
health districts, general health districts, and city school 4182  
districts, the deputies and assistants of elective or principal 4183  
executive officers authorized to act for and in the place of their 4184  
principals or holding a fiduciary relation to their principals; 4185

(29) Employees who receive intermittent or temporary 4186  
appointments under division (B) of section 124.30 of the Revised 4187  
Code; 4188

(30) Employees appointed to administrative staff positions 4189  
for which an appointing authority is given specific statutory 4190  
authority to set compensation; 4191

(31) Employees appointed to highway patrol cadet or highway 4192  
patrol cadet candidate classifications; 4193

(32) Employees placed in the unclassified service by another 4194

section of the Revised Code. 4195

(B) The classified service shall comprise all persons in the 4196  
employ of the state and the several counties, cities, city health 4197  
districts, general health districts, and city school districts of 4198  
the state, not specifically included in the unclassified service. 4199  
Upon the creation by the board of trustees of a civil service 4200  
township civil service commission, the classified service shall 4201  
also comprise, except as otherwise provided in division (A)(17) or 4202  
(C) of this section, all persons in the employ of a civil service 4203  
township police or fire department having ten or more full-time 4204  
paid employees. The classified service consists of two classes, 4205  
which shall be designated as the competitive class and the 4206  
unskilled labor class. 4207

(1) The competitive class shall include all positions and 4208  
employments in the state and the counties, cities, city health 4209  
districts, general health districts, and city school districts of 4210  
the state, and, upon the creation by the board of trustees of a 4211  
civil service township of a township civil service commission, all 4212  
positions in a civil service township police or fire department 4213  
having ten or more full-time paid employees, for which it is 4214  
practicable to determine the merit and fitness of applicants by 4215  
competitive examinations. Appointments shall be made to, or 4216  
employment shall be given in, all positions in the competitive 4217  
class that are not filled by promotion, reinstatement, transfer, 4218  
or reduction, as provided in this chapter, and the rules of the 4219  
director of administrative services, by appointment from those 4220  
certified to the appointing officer in accordance with this 4221  
chapter. 4222

(2) The unskilled labor class shall include ordinary 4223  
unskilled laborers. Vacancies in the labor class for positions in 4224  
service of the state shall be filled by appointment from lists of 4225  
applicants registered by the director or the director's designee. 4226

Vacancies in the labor class for all other positions shall be 4227  
filled by appointment from lists of applicants registered by a 4228  
commission. The director or the commission, as applicable, by 4229  
rule, shall require an applicant for registration in the labor 4230  
class to furnish evidence or take tests as the director or 4231  
commission considers proper with respect to age, residence, 4232  
physical condition, ability to labor, honesty, sobriety, industry, 4233  
capacity, and experience in the work or employment for which 4234  
application is made. Laborers who fulfill the requirements shall 4235  
be placed on the eligible list for the kind of labor or employment 4236  
sought, and preference shall be given in employment in accordance 4237  
with the rating received from that evidence or in those tests. 4238  
Upon the request of an appointing officer, stating the kind of 4239  
labor needed, the pay and probable length of employment, and the 4240  
number to be employed, the director or commission, as applicable, 4241  
shall certify from the highest on the list double the number to be 4242  
employed; from this number, the appointing officer shall appoint 4243  
the number actually needed for the particular work. If more than 4244  
one applicant receives the same rating, priority in time of 4245  
application shall determine the order in which their names shall 4246  
be certified for appointment. 4247

(C) A municipal or civil service township civil service 4248  
commission may place volunteer firefighters who are paid on a 4249  
fee-for-service basis in either the classified or the unclassified 4250  
civil service. 4251

(D)(1) This division does not apply to persons in the 4252  
unclassified service who have the right to resume positions in the 4253  
classified service under sections 4121.121, 5119.071, 5120.38, 4254  
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 4255  
Code. 4256

~~An appointing authority whose employees are paid directly by 4257  
warrant of the director of budget and management may appoint a 4258~~



~~person who holds a certified position in the classified service~~ 4259  
~~within the appointing authority's agency to a position in the~~ 4260  
~~unclassified service within that agency. (2) A person appointed~~ 4261  
~~pursuant to this division who holds a position in the classified~~ 4262  
~~service and who is appointed~~ to a position in the unclassified 4263  
service shall retain the right to resume the position and status 4264  
held by the person in the classified service immediately prior to 4265  
the person's appointment to the position in the unclassified 4266  
service, regardless of the number of positions the person held in 4267  
the unclassified service. An employee's right to resume a position 4268  
in the classified service may only be exercised when an appointing 4269  
authority demotes the employee to a pay range lower than the 4270  
employee's current pay range or revokes the employee's appointment 4271  
to the unclassified service- and: 4272

(a) That person held a certified position prior to July 1, 4273  
2007, in the classified service within the appointing authority's 4274  
agency; or 4275

(b) That person held a permanent position on or after July 1, 4276  
2007, in the classified service within the appointing authority's 4277  
agency. 4278

(3) An employee forfeits the right to resume a position in 4279  
the classified service when ~~the:~~ 4280

(a) The employee is removed from the position in the 4281  
unclassified service due to incompetence, inefficiency, 4282  
dishonesty, drunkenness, immoral conduct, insubordination, 4283  
discourteous treatment of the public, neglect of duty, violation 4284  
of this chapter or the rules of the director of administrative 4285  
services, any other failure of good behavior, any other acts of 4286  
misfeasance, malfeasance, or nonfeasance in office, or conviction 4287  
of a felony. ~~An employee also forfeits the right to resume a~~ 4288  
~~position in the classified service upon; or~~ 4289

(b) Upon transfer to a different agency. 4290

(4) Reinstatement to a position in the classified service 4291  
shall be to a position substantially equal to that position in the 4292  
classified service held previously, as certified by the director 4293  
of administrative services. If the position the person previously 4294  
held in the classified service has been placed in the unclassified 4295  
service or is otherwise unavailable, the person shall be appointed 4296  
to a position in the classified service within the appointing 4297  
authority's agency that the director of administrative services 4298  
certifies is comparable in compensation to the position the person 4299  
previously held in the classified service. Service in the position 4300  
in the unclassified service shall be counted as service in the 4301  
position in the classified service held by the person immediately 4302  
prior to the person's appointment to the position in the 4303  
unclassified service. When a person is reinstated to a position in 4304  
the classified service as provided in this division, the person is 4305  
entitled to all rights, status, and benefits accruing to the 4306  
position in the classified service during the person's time of 4307  
service in the position in the unclassified service. 4308

**Sec. 124.12.** (A) Within ninety days after an appointing 4309  
authority appoints an employee to an unclassified position in the 4310  
service of the state, the appointing authority shall notify the 4311  
department of administrative services of that appointment. 4312

(B) On the date an appointing authority appoints an employee 4313  
to an unclassified position in the state service, the appointing 4314  
authority shall provide the employee with written information 4315  
describing the nature of employment in the unclassified civil 4316  
service. Within thirty days after the date an appointing authority 4317  
appoints an employee to an unclassified position in the state 4318  
service, the appointing authority shall provide the employee with 4319  
written information describing the duties of that position. 4320

Failure of the appointing authority to provide the written 4321  
information described in this division to the employee does not 4322  
confer any additional rights upon the employee in any appellate 4323  
body with jurisdiction over an appeal of the employee. 4324

(C) The department shall develop and provide each appointing 4325  
authority in the ~~state~~ service of the state with a general written 4326  
description of the nature of employment in the unclassified civil 4327  
service that shall be provided to employees under division (B) of 4328  
this section. 4329

**Sec. 124.14.** (A)(1) The director of administrative services 4330  
shall establish, and may modify or rescind, by rule, a job 4331  
classification plan for all positions, offices, and employments 4332  
the salaries of which are paid in whole or in part by the state. 4333  
The director shall group jobs within a classification so that the 4334  
positions are similar enough in duties and responsibilities to be 4335  
described by the same title, to have the same pay assigned with 4336  
equity, and to have the same qualifications for selection applied. 4337  
The director shall, by rule, assign a classification title to each 4338  
classification within the classification plan. However, the 4339  
director shall consider in establishing classifications, including 4340  
classifications with parenthetical titles, and assigning pay 4341  
ranges such factors as duties performed only on one shift, special 4342  
skills in short supply in the labor market, recruitment problems, 4343  
separation rates, comparative salary rates, the amount of training 4344  
required, and other conditions affecting employment. The director 4345  
shall describe the duties and responsibilities of the class, 4346  
establish the qualifications for being employed in each position 4347  
in the class, and file with the secretary of state a copy of 4348  
specifications for all of the classifications. The director shall 4349  
file new, additional, or revised specifications with the secretary 4350  
of state before they are used. 4351

The director shall, by rule, assign each classification, 4352  
either on a statewide basis or in particular counties or state 4353  
institutions, to a pay range established under section 124.15 or 4354  
section 124.152 of the Revised Code. The director may assign a 4355  
classification to a pay range on a temporary basis for a period of 4356  
six months. The director may establish, by rule adopted under 4357  
Chapter 119. of the Revised Code, experimental classification 4358  
plans for some or all employees paid directly by warrant of the 4359  
director of budget and management. The rule shall include 4360  
specifications for each classification within the plan and shall 4361  
specifically address compensation ranges, and methods for 4362  
advancing within the ranges, for the classifications, which may be 4363  
assigned to pay ranges other than the pay ranges established under 4364  
section 124.15 or 124.152 of the Revised Code. 4365

(2) The director of administrative services may reassign to a 4366  
proper classification those positions that have been assigned to 4367  
an improper classification. If the compensation of an employee in 4368  
such a reassigned position exceeds the maximum rate of pay for the 4369  
employee's new classification, the employee shall be placed in pay 4370  
step X and shall not receive an increase in compensation until the 4371  
maximum rate of pay for that classification exceeds the employee's 4372  
compensation. 4373

(3) The director may reassign an exempt employee, as defined 4374  
in section 124.152 of the Revised Code, to a bargaining unit 4375  
classification if the director determines that the bargaining unit 4376  
classification is the proper classification for that employee. 4377  
Notwithstanding Chapter 4117. of the Revised Code or instruments 4378  
and contracts negotiated under it, these placements are at the 4379  
director's discretion. 4380

(4) The director shall, by rule, assign related 4381  
classifications, which form a career progression, to a 4382  
classification series. The director shall, by rule, assign each 4383

classification in the classification plan a five-digit number, the 4384  
first four digits of which shall denote the classification series 4385  
to which the classification is assigned. When a career progression 4386  
encompasses more than ten classifications, the director shall, by 4387  
rule, identify the additional classifications belonging to a 4388  
classification series. The additional classifications shall be 4389  
part of the classification series, notwithstanding the fact that 4390  
the first four digits of the number assigned to the additional 4391  
classifications do not correspond to the first four digits of the 4392  
numbers assigned to other classifications in the classification 4393  
series. 4394

~~(5) The director may establish, modify, or rescind a 4395  
classification plan for county agencies that elect not to use the 4396  
services and facilities of a county personnel department. The 4397  
director shall establish any such classification plan by means of 4398  
rules adopted under Chapter 119. of the Revised Code. The rules 4399  
shall include a methodology for the establishment of titles unique 4400  
to county agencies, the use of state classification titles and 4401  
classification specifications for common positions, the criteria 4402  
for a county to meet in establishing its own classification plan, 4403  
and the establishment of what constitutes a classification series 4404  
for county agencies. The director may assess a county agency that 4405  
chooses to use the classification plan a usage fee the director 4406  
determines. All usage fees the department of administrative 4407  
services receives shall be paid into the state treasury to the 4408  
credit of the human resources fund created in section 124.07 of 4409  
the Revised Code. 4410~~

(B) Division (A) of this section and sections 124.15 and 4411  
124.152 of the Revised Code do not apply to the following persons, 4412  
positions, offices, and employments: 4413

(1) Elected officials; 4414

(2) Legislative employees, employees of the legislative 4415

service commission, employees in the office of the governor, 4416  
employees who are in the unclassified civil service and exempt 4417  
from collective bargaining coverage in the office of the secretary 4418  
of state, auditor of state, treasurer of state, and attorney 4419  
general, and employees of the supreme court; 4420

(3) Employees of a county children services board that 4421  
establishes compensation rates under section 5153.12 of the 4422  
Revised Code; 4423

(4) Any position for which the authority to determine 4424  
compensation is given by law to another individual or entity; 4425

(5) Employees of the bureau of workers' compensation whose 4426  
compensation the administrator of workers' compensation 4427  
establishes under division (B) of section 4121.121 of the Revised 4428  
Code. 4429

(C) The director may employ a consulting agency to aid and 4430  
assist the director in carrying out this section. 4431

(D)(1) When the director proposes to modify a classification 4432  
or the assignment of classes to appropriate pay ranges, the 4433  
director shall send written notice of the proposed rule to the 4434  
appointing authorities of the affected employees thirty days 4435  
before a hearing on the proposed rule. The appointing authorities 4436  
shall notify the affected employees regarding the proposed rule. 4437  
The director also shall send those appointing authorities notice 4438  
of any final rule that is adopted within ten days after adoption. 4439

(2) When the director proposes to reclassify any employee so 4440  
that the employee is adversely affected, the director shall give 4441  
to the employee affected and to the employee's appointing 4442  
authority a written notice setting forth the proposed new 4443  
classification, pay range, and salary. Upon the request of any 4444  
classified employee in the service of the state who is not serving 4445  
in a probationary period, the director shall perform a job audit 4446

to review the classification of the employee's position to 4447  
determine whether the position is properly classified. The 4448  
director shall give to the employee affected and to the employee's 4449  
appointing authority a written notice of the director's 4450  
determination whether or not to reclassify the position or to 4451  
reassign the employee to another classification. An employee or 4452  
appointing authority desiring a hearing shall file a written 4453  
request for the hearing with the state personnel board of review 4454  
within thirty days after receiving the notice. The board shall set 4455  
the matter for a hearing and notify the employee and appointing 4456  
authority of the time and place of the hearing. The employee, the 4457  
appointing authority, or any authorized representative of the 4458  
employee who wishes to submit facts for the consideration of the 4459  
board shall be afforded reasonable opportunity to do so. After the 4460  
hearing, the board shall consider anew the reclassification and 4461  
may order the reclassification of the employee and require the 4462  
director to assign the employee to such appropriate classification 4463  
as the facts and evidence warrant. As provided in division (A)(1) 4464  
of section 124.03 of the Revised Code, the board may determine the 4465  
most appropriate classification for the position of any employee 4466  
coming before the board, with or without a job audit. The board 4467  
shall disallow any reclassification or reassignment classification 4468  
of any employee when it finds that changes have been made in the 4469  
duties and responsibilities of any particular employee for 4470  
political, religious, or other unjust reasons. 4471

(E)(1) Employees of each county department of job and family 4472  
services shall be paid a salary or wage established by the board 4473  
of county commissioners. The provisions of section 124.18 of the 4474  
Revised Code concerning the standard work week apply to employees 4475  
of county departments of job and family services. A board of 4476  
county commissioners may do either of the following: 4477

(a) Notwithstanding any other section of the Revised Code, 4478

supplement the sick leave, vacation leave, personal leave, and 4479  
other benefits of any employee of the county department of job and 4480  
family services of that county, if the employee is eligible for 4481  
the supplement under a written policy providing for the 4482  
supplement; 4483

(b) Notwithstanding any other section of the Revised Code, 4484  
establish alternative schedules of sick leave, vacation leave, 4485  
personal leave, or other benefits for employees not inconsistent 4486  
with the provisions of a collective bargaining agreement covering 4487  
the affected employees. 4488

(2) Division (E)(1) of this section does not apply to 4489  
employees for whom the state employment relations board 4490  
establishes appropriate bargaining units pursuant to section 4491  
4117.06 of the Revised Code, except in either of the following 4492  
situations: 4493

(a) The employees for whom the state employment relations 4494  
board establishes appropriate bargaining units elect no 4495  
representative in a board-conducted representation election. 4496

(b) After the state employment relations board establishes 4497  
appropriate bargaining units for such employees, all employee 4498  
organizations withdraw from a representation election. 4499

(F)(1) Notwithstanding any contrary provision of sections 4500  
124.01 to 124.64 of the Revised Code, the board of trustees of 4501  
each state university or college, as defined in section 3345.12 of 4502  
the Revised Code, shall carry out all matters of governance 4503  
involving the officers and employees of the university or college, 4504  
including, but not limited to, the powers, duties, and functions 4505  
of the department of administrative services and the director of 4506  
administrative services specified in this chapter. Officers and 4507  
employees of a state university or college shall have the right of 4508  
appeal to the state personnel board of review as provided in this 4509



chapter. 4510

(2) Each board of trustees shall adopt rules under section 4511  
111.15 of the Revised Code to carry out the matters of governance 4512  
described in division (F)(1) of this section. Until the board of 4513  
trustees adopts those rules, a state university or college shall 4514  
continue to operate pursuant to the applicable rules adopted by 4515  
the director of administrative services under this chapter. 4516

(G)(1) Each board of county commissioners may, by a 4517  
resolution adopted by a majority of its members, establish a 4518  
county personnel department to exercise the powers, duties, and 4519  
functions specified in division (G) of this section. As used in 4520  
division (G) of this section, "county personnel department" means 4521  
a county personnel department established by a board of county 4522  
commissioners under division (G)(1) of this section. 4523

(2)(a) Each board of county commissioners, by a resolution 4524  
adopted by a majority of its members, may designate the county 4525  
personnel department of the county to exercise the powers, duties, 4526  
and functions specified in sections 124.01 to 124.64 and Chapter 4527  
325. of the Revised Code with regard to employees in the service 4528  
of the county, except for the powers and duties of the state 4529  
personnel board of review, which powers and duties shall not be 4530  
construed as having been modified or diminished in any manner by 4531  
division (G)(2) of this section, with respect to the employees for 4532  
whom the board of county commissioners is the appointing authority 4533  
or co-appointing authority. 4534

(b) Nothing in division (G)(2) of this section shall be 4535  
construed to limit the right of any employee who possesses the 4536  
right of appeal to the state personnel board of review to continue 4537  
to possess that right of appeal. 4538

(c) Any board of county commissioners that has established a 4539  
county personnel department may contract with the department of 4540

administrative services, in accordance with division (H) of this 4541  
section, another political subdivision, or an appropriate public 4542  
or private entity to provide competitive testing services or other 4543  
appropriate services. 4544

(3) After the county personnel department of a county has 4545  
been established as described in division (G)(2) of this section, 4546  
any elected official, board, agency, or other appointing authority 4547  
of that county, upon written notification to the county personnel 4548  
department, may elect to use the services and facilities of the 4549  
county personnel department. Upon receipt of the notification by 4550  
the county personnel department, the county personnel department 4551  
shall exercise the powers, duties, and functions as described in 4552  
division (G)(2) of this section with respect to the employees of 4553  
that elected official, board, agency, or other appointing 4554  
authority. 4555

(4) Each board of county commissioners, by a resolution 4556  
adopted by a majority of its members, may disband the county 4557  
personnel department. 4558

(5) Any elected official, board, agency, or appointing 4559  
authority of a county may end its involvement with a county 4560  
personnel department upon actual receipt by the department of a 4561  
certified copy of the notification that contains the decision to 4562  
no longer participate. 4563

~~(6) The director of administrative services may, by rule 4564  
adopted in accordance with Chapter 119. of the Revised Code,~~ 4565  
~~prescribe criteria and procedures for the following:~~ 4566

~~(a) A requirement that each county personnel department, in 4567  
carrying out its duties, shall adhere to merit system principles 4568  
with regard to employees of county departments of job and family 4569  
services, child support enforcement agencies, and public child 4570  
welfare agencies so that there is no threatened loss of federal 4571~~

funding for these agencies, and a requirement that the county be 4572  
is financially liable to the state for any loss of federal funds 4573  
due to the action or inaction of the county personnel department. 4574  
~~The costs associated with audits conducted to monitor compliance~~ 4575  
~~with division (G)(6)(a) of this section shall be reimbursed to the~~ 4576  
~~department of administrative services as determined by the~~ 4577  
~~director. All money the department receives for these audits shall~~ 4578  
~~be paid into the state treasury to the credit of the human~~ 4579  
~~resources fund created in section 124.07 of the Revised Code.~~ 4580

~~(b) Authorization for the director of administrative services~~ 4581  
~~to conduct periodic audits and reviews of county personnel~~ 4582  
~~departments to guarantee the uniform application of the powers,~~ 4583  
~~duties, and functions exercised pursuant to division (G)(2)(a) of~~ 4584  
~~this section. The costs of the audits and reviews shall be~~ 4585  
~~reimbursed to the department of administrative services as~~ 4586  
~~determined by the director by the county for which the services~~ 4587  
~~are performed. All money the department receives shall be paid~~ 4588  
~~into the state treasury to the credit of the human resources fund~~ 4589  
~~created in section 124.07 of the Revised Code.~~ 4590

(H) County agencies may contract with the department of 4591  
administrative services for any human resources services, 4592  
including, but not limited to, establishment and modification of 4593  
job classification plans, competitive testing services, and 4594  
periodic audits and reviews to guarantee the county's uniform 4595  
application of the powers, duties, and functions specified in 4596  
sections 124.01 to 124.64 and Chapter 325. of the Revised Code 4597  
with regard to employees in the service of the county. Nothing in 4598  
this division modifies the powers and duties of the state 4599  
personnel board of review with respect to employees in the service 4600  
of the county. Nothing in this division limits the right of any 4601  
employee who possesses the right of appeal to the state personnel 4602  
board of review to continue to possess that right of appeal. 4603

(I) The director of administrative services shall establish 4604  
the rate and method of compensation for all employees who are paid 4605  
directly by warrant of the director of budget and management and 4606  
who are serving in positions that the director of administrative 4607  
services has determined impracticable to include in the state job 4608  
classification plan. This division does not apply to elected 4609  
officials, legislative employees, employees of the legislative 4610  
service commission, employees who are in the unclassified civil 4611  
service and exempt from collective bargaining coverage in the 4612  
office of the secretary of state, auditor of state, treasurer of 4613  
state, and attorney general, employees of the courts, employees of 4614  
the bureau of workers' compensation whose compensation the 4615  
administrator of workers' compensation establishes under division 4616  
(B) of section 4121.121 of the Revised Code, or employees of an 4617  
appointing authority authorized by law to fix the compensation of 4618  
those employees. 4619

~~(I)~~(J) The director of administrative services shall set the 4620  
rate of compensation for all intermittent, seasonal, temporary, 4621  
emergency, and casual employees in the service of the state who 4622  
are not considered public employees under section 4117.01 of the 4623  
Revised Code. Those employees are not entitled to receive employee 4624  
benefits. This rate of compensation shall be equitable in terms of 4625  
the rate of employees serving in the same or similar 4626  
classifications. This division does not apply to elected 4627  
officials, legislative employees, employees of the legislative 4628  
service commission, employees who are in the unclassified civil 4629  
service and exempt from collective bargaining coverage in the 4630  
office of the secretary of state, auditor of state, treasurer of 4631  
state, and attorney general, employees of the courts, employees of 4632  
the bureau of workers' compensation whose compensation the 4633  
administrator establishes under division (B) of section 4121.121 4634  
of the Revised Code, or employees of an appointing authority 4635  
authorized by law to fix the compensation of those employees. 4636

**Sec. 124.231.** (A) As used in this section, "legally blind 4637  
person" means any person who qualifies as being blind under any 4638  
Ohio or federal statute, or any rule adopted thereunder. As used 4639  
in this section, "legally deaf person" means any person who 4640  
qualifies as being deaf under any Ohio or federal statute, or any 4641  
rule adopted thereunder. 4642

(B) When an examination is to be administered under sections 4643  
124.01 to ~~124.64~~ 124.31 of the Revised Code, the director of 4644  
administrative services or the director's designee shall whenever 4645  
practicable arrange for special examinations to be administered to 4646  
legally blind or legally deaf persons applying for positions in 4647  
the classified service of the state to ensure that the abilities 4648  
of such applicants are properly assessed and that such applicants 4649  
are not subject to discrimination because they are legally blind 4650  
or legally deaf persons. 4651

**Sec. 124.241.** As used in this section, "professional 4652  
employee" has the same meaning as in section 5126.20 of the 4653  
Revised Code and "registered service employee" means a service 4654  
employee, as defined in section 5126.20 of the Revised Code, who 4655  
is registered under section 5126.25 of the Revised Code. 4656

County boards of developmental disabilities may hire 4657  
professional employees and registered service employees in the 4658  
classified service on the basis of the candidates' qualifications 4659  
rather than on the basis of the results of ~~an~~ a civil service 4660  
examination ~~administered by the director of administrative~~ 4661  
~~services pursuant to section 124.23 of the Revised Code.~~ 4662

**Sec. 124.25.** The director of administrative services shall 4663  
require persons applying for an examination for original 4664  
appointment in the service of the state to file with the director 4665  
or the director's designee, within reasonable time prior to the 4666

examination, a formal application, in which the applicant shall 4667  
state the applicant's name, address, and such other information as 4668  
may reasonably be required concerning the applicant's education 4669  
and experience. No inquiry shall be made as to religious or 4670  
political affiliations or as to racial or ethnic origin of the 4671  
applicant, except as necessary to gather equal employment 4672  
opportunity or other statistics that, when compiled, will not 4673  
identify any specific individual. 4674

Blank forms for applications shall be furnished by the 4675  
director or the director's designee without charge to any person 4676  
requesting the same. The director or the director's designee may 4677  
require in connection with such application such certificate of 4678  
persons having knowledge of the applicant as the good of the 4679  
service demands. The director or the director's designee may 4680  
refuse to appoint or examine an applicant, or, after an 4681  
examination, refuse to certify the applicant as eligible, who is 4682  
found to lack any of the established preliminary requirements for 4683  
the examination, who is addicted to the habitual use of 4684  
intoxicating liquors or drugs to excess, who has a pattern of poor 4685  
work habits and performance with previous employers, who has been 4686  
convicted of a felony, who has been guilty of infamous or 4687  
notoriously disgraceful conduct, who has been dismissed from 4688  
either branch of the civil service for delinquency or misconduct, 4689  
or who has made false statements of any material fact, or 4690  
practiced, or attempted to practice, any deception or fraud in the 4691  
application or examination, in establishing eligibility, or 4692  
securing an appointment. 4693

**Sec. 124.26.** From the returns of ~~the~~ examinations for 4694  
positions in the service of the state, the director of 4695  
administrative services or the director's designee shall prepare 4696  
an eligible list of the persons whose general average standing 4697  
upon examinations for the class or position is not less than the 4698

minimum fixed by the rules of the director, and who are otherwise 4699  
eligible. Those persons shall take rank upon the eligible list as 4700  
candidates in the order of their relative excellence as determined 4701  
by the examination without reference to priority of the time of 4702  
examination. If two or more applicants receive the same mark in an 4703  
open competitive examination, priority in the time of filing the 4704  
application with the director or the director's designee shall 4705  
determine the order in which their names shall be placed on the 4706  
eligible list, except that applicants eligible for veteran's 4707  
preference under section 124.23 of the Revised Code shall receive 4708  
priority in rank on the eligible list over nonveterans on the list 4709  
with a rating equal to that of the veteran. Ties among veterans 4710  
shall be decided by priority of filing the application. 4711

- An eligible list expires upon the filling or closing of the 4712  
position. An expired eligible list may be used to fill a position 4713  
of the same classification within the same appointing authority 4714  
for which the list was created. But, in no event shall an expired 4715  
list be used more than one year past its expiration date. 4716

**Sec. 124.27.** (A) Appointments to all positions in the 4717  
classified civil service of the state, that are not filled by 4718  
promotion, transfer, or reduction, as provided in sections 124.01 4719  
to 124.64 of the Revised Code and the rules of the director 4720  
prescribed under those sections, shall be made only from those 4721  
persons whose names take rank order on an eligible list, and no 4722  
employment, except as provided in those sections, shall be 4723  
otherwise given in the classified civil service of this state ~~or~~ 4724  
~~any political subdivision of the state~~. The appointing authority 4725  
shall appoint in the following manner: each time a selection is 4726  
made, it shall be from one of the names that ranks in the top 4727  
twenty-five per cent of the eligible list. But, in the event that 4728  
ten or fewer names are on the eligible list, the appointing 4729  
authority may select any of the listed candidates, or if the top 4730

twenty-five per cent of the eligible list is ten or fewer names, 4731  
the appointing authority may select from one of the names that 4732  
rank in the top ten of the eligible list. Each person who 4733  
qualifies for the veteran's preference under section 124.23 of the 4734  
Revised Code, who is a resident of this state, and whose name is 4735  
on the eligible list for a position is entitled to preference in 4736  
original appointment to any such competitive position in the 4737  
classified civil service of the state ~~and its civil divisions~~ over 4738  
all other persons who are eligible for those appointments and who 4739  
are standing on the relevant eligible list with a rating equal to 4740  
that of the person qualifying for the veteran's preference. 4741

(B) All original and promotional appointments in the civil 4742  
service of the state, including appointments made pursuant to 4743  
section 124.30 of the Revised Code, but not intermittent 4744  
appointments, shall be for a probationary period, not less than 4745  
sixty days nor more than one year, to be fixed by the rules of the 4746  
director, except as provided in section 124.231 of the Revised 4747  
Code, and except for original appointments to a police department 4748  
as a police officer or to a fire department as a firefighter which 4749  
shall be for a probationary period of one year. No appointment or 4750  
promotion is final until the appointee has satisfactorily served 4751  
the probationary period. If the service of the probationary 4752  
employee is unsatisfactory, the employee may be removed or reduced 4753  
at any time during the probationary period. If the appointing 4754  
authority decides to remove a probationary employee in the service 4755  
of the state, the appointing authority shall communicate the 4756  
removal to the director. A probationary employee duly removed or 4757  
reduced in position for unsatisfactory service does not have the 4758  
right to appeal the removal or reduction under section 124.34 of 4759  
the Revised Code. 4760

**Sec. 124.30.** (A) ~~Positions~~ Classified positions in the 4761  
~~classified~~ civil service of the state may be filled without 4762



competition as follows: 4763

(1) Whenever there are urgent reasons for filling a vacancy 4764  
in any position in the classified civil service of the state and 4765  
the director of administrative services is unable to certify to 4766  
the appointing authority, upon its request, a list of persons 4767  
eligible for appointment to the position after a competitive 4768  
examination, the appointing authority may fill the position by 4769  
noncompetitive examination. 4770

A temporary appointment may be made without regard to the 4771  
rules of sections 124.01 to 124.64 of the Revised Code. Except as 4772  
otherwise provided in this division, the temporary appointment may 4773  
not continue longer than one hundred twenty days, and in no case 4774  
shall successive temporary appointments be made. A temporary 4775  
appointment longer than one hundred twenty days may be made if 4776  
necessary by reason of sickness, disability, or other approved 4777  
leave of absence of regular officers or employees, in which case 4778  
it may continue during the period of sickness, disability, or 4779  
other approved leave of absence, subject to the rules of the 4780  
director. 4781

(2) In case of a vacancy in a position in the classified 4782  
civil service of the state where peculiar and exceptional 4783  
qualifications of a scientific, managerial, professional, or 4784  
educational character are required, and upon satisfactory evidence 4785  
that for specified reasons competition in this special case is 4786  
impracticable and that the position can best be filled by a 4787  
selection of some designated person of high and recognized 4788  
attainments in those qualities, the director may suspend the 4789  
provisions of sections 124.01 to 124.64 of the Revised Code that 4790  
require competition in this special case, but no suspension shall 4791  
be general in its application. All such cases of suspension shall 4792  
be reported in the annual report of the director with the reasons 4793  
for each suspension. The director shall suspend the provisions 4794

when the director of job and family services provides the 4795  
certification under section 5101.051 of the Revised Code that a 4796  
position with the department of job and family services can best 4797  
be filled if the provisions are suspended. 4798

(3) The acceptance or refusal by an eligible person of a 4799  
temporary appointment shall not affect the person's standing on 4800  
the eligible list for permanent appointment, nor shall the period 4801  
of temporary service be counted as a part of the probationary 4802  
service in case of subsequent appointment to a permanent position. 4803

(B) Persons who receive temporary or intermittent 4804  
appointments are in the unclassified civil service and serve at 4805  
the pleasure of their appointing authority. 4806

**Sec. 124.31.** Vacancies in positions in the classified civil 4807  
service of the state shall be filled insofar as practicable by 4808  
promotions. The director of administrative services shall provide 4809  
in the director's rules for keeping a record of efficiency for 4810  
each employee in the classified civil service of the state, and 4811  
for making promotions in the classified civil service of the state 4812  
on the basis of merit and by conduct and capacity in office. 4813

**Sec. 125.05.** Except as provided in division (F) of this 4814  
section, no state agency shall purchase any supplies or services 4815  
except as provided in divisions (A) to (D) of this section. 4816

(A) Subject to division (E) of this section, a state agency 4817  
may, without competitive selection, make any purchase of supplies 4818  
or services that cost twenty-five thousand dollars or less. The 4819  
agency may make the purchase directly or may make the purchase 4820  
from or through the department of administrative services, 4821  
whichever the agency determines. The agency shall adopt written 4822  
procedures consistent with the department's purchasing procedures 4823  
and shall use those procedures when making purchases under this 4824

division. 4825

(B) Subject to division (E) of this section and in accordance 4826  
with section 125.051 of the Revised Code, a state agency may make 4827  
purchases of supplies and services that cost more than twenty-five 4828  
thousand dollars but less than fifty thousand dollars if the 4829  
purchases are made under the direction of an employee of the 4830  
agency who is certified by the department to make purchases and if 4831  
the purchases comply with the department's purchasing procedures. 4832  
Section 127.16 of the Revised Code does not apply to purchases 4833  
made under this division. Until the certification effective date 4834  
established by the department in rules adopted under section 4835  
125.051 of the Revised Code, state agencies may make purchases of 4836  
supplies and services that cost more than twenty-five thousand 4837  
dollars but less than fifty thousand dollars in the same manner as 4838  
provided in division (A) of this section. 4839

(C) Subject to division (E) of this section, a state agency 4840  
wanting to purchase supplies or services that cost more than 4841  
twenty-five thousand dollars shall, unless otherwise authorized by 4842  
law, make the purchase from or through the department. The 4843  
department shall make the purchase by competitive selection. If 4844  
the director of administrative services determines that it is not 4845  
possible or not advantageous to the state for the department to 4846  
make the purchase, the department shall grant the agency a release 4847  
and permit under section 125.06 of the Revised Code to make the 4848  
purchase. Section 127.16 of the Revised Code does not apply to 4849  
purchases the department makes under this section. 4850

(D) An agency that has been granted a release and permit to 4851  
make a purchase may make the purchase without competitive 4852  
selection if after making the purchase the cumulative purchase 4853  
threshold as computed under division (E) of section 127.16 of the 4854  
Revised Code would: 4855

(1) Be exceeded and the controlling board approves the 4856

purchase; 4857

(2) Not be exceeded and the department of administrative 4858  
services approves the purchase. 4859

(E) Not later than the thirty-first day of January of each 4860  
even-numbered year, the directors of administrative services and 4861  
budget and management shall review and recommend to the general 4862  
assembly, if necessary, adjustments to the amounts specified in 4863  
divisions (A) to (C) of this section and division (B) of section 4864  
127.16 of the Revised Code. 4865

(F) If ~~the eTech Ohio commission~~, the department of 4866  
education, or the Ohio education computer network determines that 4867  
it can purchase software services or supplies for specified school 4868  
districts at a price less than the price for which the districts 4869  
could purchase the same software services or supplies for 4870  
themselves, the ~~commission~~, department, or network shall certify 4871  
that fact to the department of administrative services and, acting 4872  
as an agent for the specified school districts, shall make that 4873  
purchase without following the provisions in divisions (A) to (D) 4874  
of this section. 4875

**Sec. 125.082.** (A) When purchasing equipment, materials, or 4876  
supplies, the general assembly; the offices of all elected state 4877  
officers; all departments, boards, offices, commissions, agencies, 4878  
institutions, including, without limitation, state-supported 4879  
institutions of higher education, and other instrumentalities of 4880  
this state; the supreme court; all courts of appeals; and all 4881  
courts of common pleas, may purchase recycled products in 4882  
accordance with the guidelines adopted under division (B) of this 4883  
section if the products are available and meet the performance 4884  
specifications of the procuring entities. Purchases of recycled 4885  
products shall comply with any rules adopted under division (C) of 4886  
this section. 4887

(B) The director of administrative services shall adopt rules 4888  
in accordance with Chapter 119. of the Revised Code establishing 4889  
guidelines for the procurement of recycled products pursuant to 4890  
division (A) of this section. To the extent practicable, the 4891  
guidelines shall do all of the following: 4892

(1) Be consistent with and substantially equivalent to any 4893  
relevant regulations adopted by the administrator of the United 4894  
States environmental protection agency pursuant to the "Resource 4895  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 4896  
6921, as amended; 4897

(2) Establish the minimum percentage of recycled materials 4898  
the various products shall contain in order to be considered 4899  
"recycled" for the purposes of division (A) of this section; 4900

(3) So far as practicable and economically feasible, 4901  
incorporate specifications for recycled-content materials to 4902  
promote the use and purchase of recycled products by state 4903  
agencies. 4904

(C) The director may adopt rules in accordance with Chapter 4905  
119. of the Revised Code establishing a maximum percentage by 4906  
which the cost of recycled products purchased under division (A) 4907  
of this section may exceed the cost of comparable products made of 4908  
virgin materials. 4909

(D) The department of administrative services and the 4910  
~~department of natural resources~~ environmental protection agency 4911  
annually shall prepare and submit to the governor, president of 4912  
the senate, and speaker of the house of representatives a report 4913  
that describes, so far as practicable, the value and types of 4914  
recycled products that are purchased with moneys disbursed from 4915  
the state treasury by the general assembly; the offices of all 4916  
elected state officers; and all departments, boards, offices, 4917  
commissions, agencies, and institutions of this state. 4918

Sec. 125.14. (A) The director of administrative services 4919  
shall allocate any proceeds from the transfer, sale, or lease of 4920  
excess and surplus supplies in the following manner: 4921

(1) Except as otherwise provided in division (A)(2) of this 4922  
section, the proceeds of such a transfer, sale, or lease shall be 4923  
paid into the state treasury to the credit of the investment 4924  
recovery fund, which is hereby created. 4925

(2) Except as otherwise provided in division (A)(2) of this 4926  
section, when supplies originally were purchased with funds from 4927  
nongeneral revenue fund sources, the director shall determine what 4928  
fund or account originally was used to purchase the supplies, and 4929  
the credit for the proceeds from any transfer, sale, or lease of 4930  
those supplies shall be transferred to that fund or account. If 4931  
the director cannot determine which fund or account originally was 4932  
used to purchase the supplies, if the fund or account is no longer 4933  
active, or if the proceeds from the transfer, sale, or lease of a 4934  
unit of supplies are less than one hundred dollars or any larger 4935  
amount the director may establish with the approval of the 4936  
director of budget and management, then the proceeds from the 4937  
transfer, sale, or lease of such supplies shall be paid into the 4938  
state treasury to the credit of the investment recovery fund. 4939

(B) The investment recovery fund shall be used to pay for the 4940  
operating expenses of the state surplus property program. Any 4941  
amounts in excess of these operating expenses shall periodically 4942  
be transferred to the general revenue fund of the state. If 4943  
proceeds paid into the investment recovery fund are insufficient 4944  
to pay for the program's operating expenses, a service fee may be 4945  
charged to state agencies to eliminate the deficit. 4946

(C) Proceeds from the sale of recyclable goods and materials 4947  
shall be paid into the state treasury to the credit of the 4948  
recycled materials fund, which is hereby created, except that the 4949

director of ~~natural resources~~ environmental protection, upon 4950  
request, may grant an exemption from this requirement. The ~~chief~~ 4951  
~~of the division of recycling and litter prevention in the~~ 4952  
~~department of natural resources~~ director shall administer the fund 4953  
for the benefit of recycling programs in state agencies. 4954

**Sec. 126.14.** The release of any money appropriated for the 4955  
purchase of real estate shall be approved by the controlling 4956  
board. The release of money appropriated for all other capital 4957  
projects is also subject to the approval of the controlling board, 4958  
except that the director of budget and management may approve the 4959  
release of money appropriated for specific projects in accordance 4960  
with the requirements of this section and except that the director 4961  
of budget and management may approve the release of unencumbered 4962  
capital balances, for a project to repair, remove, or prevent a 4963  
public exigency declared to exist by the director of 4964  
administrative services under section ~~123.15~~ 123.10 of the Revised 4965  
Code, or by the executive director of the Ohio facilities 4966  
construction commission under section 123.23 of the Revised Code, 4967  
in the amount designated in that declaration. 4968

Within sixty days after the effective date of any act 4969  
appropriating money for capital projects, the director shall 4970  
determine which appropriations are for general projects and which 4971  
are for specific projects. Specific projects may include specific 4972  
higher education projects that are to be funded from general 4973  
purpose appropriations from the higher education improvement fund 4974  
created in section 154.21 of the Revised Code. Upon determining 4975  
which projects are general and which are specific, the director 4976  
shall submit to the controlling board a list that includes a brief 4977  
description of and the estimated expenditures for each specific 4978  
project. The release of money for any specific higher education 4979  
projects that are to be funded from general purpose appropriations 4980  
from the higher education improvement fund but that are not 4981

included on the list, and the release of money for any specific 4982  
higher education projects included on the list that will exceed 4983  
the estimated expenditures by more than ten per cent, are subject 4984  
to the approval of the controlling board. The director may create 4985  
new appropriation line items and make transfers of appropriations 4986  
to them for specific higher education projects included on the 4987  
list that are to be funded from general purpose appropriations for 4988  
basic renovations that are made from the higher education 4989  
improvement fund. 4990

**Sec. 140.01.** As used in this chapter: 4991

(A) "Hospital agency" means any public hospital agency or any 4992  
nonprofit hospital agency. 4993

(B) "Public hospital agency" means any county, board of 4994  
county hospital trustees established pursuant to section 339.02 of 4995  
the Revised Code, county hospital commission established pursuant 4996  
to section 339.14 of the Revised Code, municipal corporation, new 4997  
community authority organized under Chapter 349. of the Revised 4998  
Code, joint township hospital district, state or municipal 4999  
university or college operating or authorized to operate a 5000  
hospital facility, or the state. 5001

(C) "Nonprofit hospital agency" means a corporation or 5002  
association not for profit, no part of the net earnings of which 5003  
inures or may lawfully inure to the benefit of any private 5004  
shareholder or individual, that has authority to own or operate a 5005  
hospital facility or provides or is to provide services to one or 5006  
more other hospital agencies. 5007

(D) "Governing body" means, in the case of a county, the 5008  
board of county commissioners or other legislative body; in the 5009  
case of a board of county hospital trustees, the board; in the 5010  
case of a county hospital commission, the commission; in the case 5011  
of a municipal corporation, the council or other legislative 5012



authority; in the case of a new community authority, its board of 5013  
trustees; in the case of a joint township hospital district, the 5014  
joint township district hospital board; in the case of a state or 5015  
municipal university or college, its board of trustees or board of 5016  
directors; in the case of a nonprofit hospital agency, the board 5017  
of trustees or other body having general management of the agency; 5018  
and, in the case of the state, the director of development or the 5019  
Ohio higher educational facility commission. 5020

(E) "Hospital facilities" means buildings, structures and 5021  
other improvements, additions thereto and extensions thereof, 5022  
furnishings, equipment, and real estate and interests in real 5023  
estate, used or to be used for or in connection with one or more 5024  
hospitals, emergency, intensive, intermediate, extended, 5025  
long-term, or self-care facilities, diagnostic and treatment and 5026  
out-patient facilities, facilities related to programs for home 5027  
health services, clinics, laboratories, public health centers, 5028  
research facilities, and rehabilitation facilities, for or 5029  
pertaining to diagnosis, treatment, care, or rehabilitation of 5030  
sick, ill, injured, infirm, impaired, disabled, or handicapped 5031  
persons, or the prevention, detection, and control of disease, and 5032  
also includes education, training, and food service facilities for 5033  
health professions personnel, housing facilities for such 5034  
personnel and their families, and parking and service facilities 5035  
in connection with any of the foregoing; and includes any one, 5036  
part of, or any combination of the foregoing; and further includes 5037  
site improvements, utilities, machinery, facilities, furnishings, 5038  
and any separate or connected buildings, structures, improvements, 5039  
sites, utilities, facilities, or equipment to be used in, or in 5040  
connection with the operation or maintenance of, or supplementing 5041  
or otherwise related to the services or facilities to be provided 5042  
by, any one or more of such hospital facilities. 5043

(F) "Costs of hospital facilities" means the costs of 5044

acquiring hospital facilities or interests in hospital facilities, 5045  
including membership interests in nonprofit hospital agencies, 5046  
costs of constructing hospital facilities, costs of improving one 5047  
or more hospital facilities, including reconstructing, 5048  
rehabilitating, remodeling, renovating, and enlarging, costs of 5049  
equipping and furnishing such facilities, and all financing costs 5050  
pertaining thereto, including, without limitation thereto, costs 5051  
of engineering, architectural, and other professional services, 5052  
designs, plans, specifications and surveys, and estimates of cost, 5053  
costs of tests and inspections, the costs of any indemnity or 5054  
surety bonds and premiums on insurance, all related direct or 5055  
allocable administrative expenses pertaining thereto, fees and 5056  
expenses of trustees, depositories, and paying agents for the 5057  
obligations, cost of issuance of the obligations and financing 5058  
charges and fees and expenses of financial advisors, attorneys, 5059  
accountants, consultants and rating services in connection 5060  
therewith, capitalized interest on the obligations, amounts 5061  
necessary to establish reserves as required by the bond 5062  
proceedings, the reimbursement of all moneys advanced or applied 5063  
by the hospital agency or others or borrowed from others for the 5064  
payment of any item or items of costs of such facilities, and all 5065  
other expenses necessary or incident to planning or determining 5066  
feasibility or practicability with respect to such facilities, and 5067  
such other expenses as may be necessary or incident to the 5068  
acquisition, construction, reconstruction, rehabilitation, 5069  
remodeling, renovation, enlargement, improvement, equipment, and 5070  
furnishing of such facilities, the financing thereof, and the 5071  
placing of the same in use and operation, including any one, part 5072  
of, or combination of such classes of costs and expenses, and 5073  
means the costs of refinancing obligations issued by, or 5074  
reimbursement of money advanced by, nonprofit hospital agencies or 5075  
others the proceeds of which were used for the payment of costs of 5076  
hospital facilities, if the governing body of the public hospital 5077

agency determines that the refinancing or reimbursement advances 5078  
the purposes of this chapter, whether or not the refinancing or 5079  
reimbursement is in conjunction with the acquisition or 5080  
construction of additional hospital facilities. 5081

(G) "Hospital receipts" means all moneys received by or on 5082  
behalf of a hospital agency from or in connection with the 5083  
ownership, operation, acquisition, construction, improvement, 5084  
equipping, or financing of any hospital facilities, including, 5085  
without limitation thereto, any rentals and other moneys received 5086  
from the lease, sale, or other disposition of hospital facilities, 5087  
and any gifts, grants, interest subsidies, or other moneys 5088  
received under any federal program for assistance in financing the 5089  
costs of hospital facilities, and any other gifts, grants, and 5090  
donations, and receipts therefrom, available for financing the 5091  
costs of hospital facilities. 5092

(H) "Obligations" means bonds, notes, or other evidences of 5093  
indebtedness or obligation, including interest coupons pertaining 5094  
thereto, issued or issuable by a public hospital agency to pay 5095  
costs of hospital facilities. 5096

(I) "Bond service charges" means principal, interest, and 5097  
call premium, if any, required to be paid on obligations. 5098

(J) "Bond proceedings" means one or more ordinances, 5099  
resolutions, trust agreements, indentures, and other agreements or 5100  
documents, and amendments and supplements to the foregoing, or any 5101  
combination thereof, authorizing or providing for the terms, 5102  
including any variable interest rates, and conditions applicable 5103  
to, or providing for the security of, obligations and the 5104  
provisions contained in such obligations. 5105

(K) "Nursing home" has the same meaning as in division (A)(1) 5106  
of section 5701.13 of the Revised Code. 5107

(L) "Residential care facility" has the same meaning as in 5108

division (A)(2) of section 5701.13 of the Revised Code. 5109

~~(M) "Adult care facility" has the same meaning as in division 5110~~  
~~(A)(3) of section 5701.13 of the Revised Code. 5111~~

~~(N)~~ "Independent living facility" means any self-care 5112  
facility or other housing facility designed or used as a residence 5113  
for elderly persons. An "independent living facility" does not 5114  
include a residential facility, or that part of a residential 5115  
facility, that is any of the following: 5116

(1) A hospital required to be certified by section 3727.02 of 5117  
the Revised Code; 5118

(2) A nursing home or residential care facility; 5119

(3) ~~An adult care facility;~~ 5120

~~(4)~~ A facility operated by a hospice care program licensed 5121  
under section 3712.04 of the Revised Code and used for the 5122  
program's hospice patients; 5123

(4) A residential facility licensed by the department of 5124  
mental health under section 5119.22 of the Revised Code that 5125  
provides accommodations, supervision, and personal care services 5126  
for three to sixteen unrelated adults; 5127

(5) A residential facility ~~for the mentally ill~~ licensed by 5128  
the department of mental health under section 5119.22 of the 5129  
Revised Code that is not a residential facility described in 5130  
division (M)(4) of this section; 5131

(6) A facility licensed to provide methadone treatment under 5132  
section 3793.11 of the Revised Code; 5133

(7) A facility certified as an alcohol and drug addiction 5134  
program under section 3793.06 of the Revised Code; 5135

(8) A residential facility licensed under section 5123.19 of 5136  
the Revised Code or a facility providing services under a contract 5137  
with the department of developmental disabilities under section 5138

5123.18 of the Revised Code; 5139

(9) A residential facility used as part of a hospital to 5140  
provide housing for staff of the hospital or students pursuing a 5141  
course of study at the hospital. 5142

**Sec. 140.03.** (A) Two or more hospital agencies may enter into 5143  
agreements for the acquisition, construction, reconstruction, 5144  
rehabilitation, remodeling, renovating, enlarging, equipping, and 5145  
furnishing of hospital facilities, or the management, operation, 5146  
occupancy, use, maintenance, and repair of hospital facilities, or 5147  
for participation in programs, projects, activities, and services 5148  
useful to, connected with, supplementing, or otherwise related to 5149  
the services provided by, or the operation of, hospital facilities 5150  
operated by one or more participating hospital agencies, including 5151  
any combination of such purposes, all in such manner as to promote 5152  
the public purpose stated in section 140.02 of the Revised Code. A 5153  
city health district; general health district; board of alcohol, 5154  
drug addiction, and mental health services; county board of 5155  
developmental disabilities; the department of mental health; the 5156  
department of developmental disabilities; or any public body 5157  
engaged in the education or training of health professions 5158  
personnel may join in any such agreement for purposes related to 5159  
its authority under laws applicable to it, and as such a 5160  
participant shall be considered a public hospital agency or 5161  
hospital agency for the purposes of this section. 5162

(B) An agreement entered into under authority of this section 5163  
shall, where appropriate, provide for: 5164

(1) The manner in which the title to the hospital facilities, 5165  
including the sites and interest in real estate pertaining 5166  
thereto, is to be held, transferred, or disposed of; 5167

(2) Unless provided for by lease pursuant to section 140.05 5168  
of the Revised Code, the method by which such hospital facilities 5169

are to be acquired, constructed, or otherwise improved and by 5170  
which they shall be managed, occupied, maintained, and repaired, 5171  
including the designation of one of the hospital agencies to have 5172  
charge of the details of acquisition, construction, or improvement 5173  
pursuant to the contracting procedures prescribed under the law 5174  
applicable to one of the participating public hospital agencies; 5175

(3) The management or administration of any such programs, 5176  
projects, activities, or services, which may include management or 5177  
administration by one of said hospital agencies or a board or 5178  
agency thereof; 5179

(4) Annual, or more frequent, reports to the participating 5180  
hospital agencies as to the revenues and receipts pertaining to 5181  
the subject of the agreement, the expenditures thereof, the status 5182  
and application of other funds contributed under such agreement, 5183  
and such other matters as may be specified by or pursuant to such 5184  
agreement; 5185

(5) The manner of apportionment or sharing of costs of 5186  
hospital facilities, any other applicable costs of management, 5187  
operation, maintenance, and repair of hospital facilities, and 5188  
costs for the programs, projects, activities, and services forming 5189  
the subject of the agreement, which apportionment or sharing may 5190  
be prescribed in fixed amounts, or determined by ratios, formulas, 5191  
or otherwise, and paid as service charges, rentals, or in such 5192  
other manner as provided in the agreement, and may include amounts 5193  
sufficient to meet the bond service charges and other payments and 5194  
deposits required under the bond proceedings for obligations 5195  
issued to pay costs of hospital facilities. A hospital agency may 5196  
commit itself to make such payments at least for so long as any 5197  
such obligations are outstanding. In the apportionment, different 5198  
classes of costs or expenses may be apportioned to one or more, 5199  
all or less than all, of the participating hospital agencies as 5200  
determined under such agreement. 5201

(C) An agreement entered into under authority of this section	5202
may provide for:	5203
(1) An orderly process for making determinations or advising	5204
as to planning, execution, implementation, and operation, which	5205
may include designating one of the hospital agencies, or a board	5206
thereof, for any of such purposes, provisions for a committee,	5207
board, or commission, and for representation thereon, or as may	5208
otherwise be provided;	5209
(2) Securing necessary personnel, including participation of	5210
personnel from the respective hospital agencies;	5211
(3) Standards or conditions for the admission or	5212
participation of patients and physicians;	5213
(4) Conditions for admittance of other hospital agencies to	5214
participation under the agreement;	5215
(5) Fixing or establishing the method of determining charges	5216
to be made for particular services;	5217
(6) The manner of amending, supplementing, terminating, or	5218
withdrawal or removal of any party from, the agreement, and the	5219
term of the agreement, or an indefinite term;	5220
(7) Designation of the applicants for or recipients of any	5221
federal, state, or other aid, assistance, or loans available by	5222
reason of any activities conducted under the agreement;	5223
(8) Designation of one or more of the participating hospital	5224
agencies to maintain, prepare, and submit, on behalf of all	5225
parties to the agreement, any or all records and reports with	5226
regard to the activities conducted under the agreement;	5227
(9) Any incidental use of the hospital facilities, or	5228
services thereof, by participating public hospital agencies for	5229
any of their lawful purposes, which incidental use does not impair	5230
the character of the facilities as hospital facilities for any	5231

purpose of this chapter; 5232

(10) Such other matters as the parties thereto may agree upon 5233  
for the purposes of division (A) of this section. 5234

(D) For the purpose of paying or contributing its share under 5235  
an agreement made under this section, a public hospital agency 5236  
may: 5237

(1) Expend any moneys from its general fund, and from any 5238  
other funds not otherwise restricted by law, but including funds 5239  
for permanent improvements of hospital facilities of such public 5240  
hospital agency where the contribution is to be made toward the 5241  
costs of hospital facilities under the agreement, and including 5242  
funds derived from levies for, or receipts available for, 5243  
operating expenses of hospital facilities or services of such 5244  
public hospital agency where the contribution or payment is to be 5245  
made toward operating expenses of the hospital facilities or 5246  
services under the agreement or for the services provided thereby; 5247

(2) Issue obligations under Chapter 133. or section 140.06, 5248  
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 5249  
3 of Article XVIII, Ohio Constitution, if applicable to such 5250  
public hospital agency, to pay costs of hospital facilities, or 5251  
issue obligations under any other provision of law authorizing 5252  
such public hospital agency to issue obligations for any costs of 5253  
hospital facilities; 5254

(3) Levy taxes under Chapter 5705. or section 513.13 or 5255  
3709.29 of the Revised Code, if applicable to such public hospital 5256  
agency, provided that the purpose of such levy may include the 5257  
provision of funds for either or both permanent improvements and 5258  
current expenses if required for the contribution or payment of 5259  
such hospital agency under such agreement, and each such public 5260  
hospital agency may issue notes in anticipation of any such levy, 5261  
pursuant to the procedures provided in section 5705.191 of the 5262



Revised Code if the levy is solely for current expenses, and in 5263  
section 5705.193 of the Revised Code if the levy is all or in part 5264  
for permanent improvements; 5265

(4) Contribute real and personal property or interest therein 5266  
without necessity for competitive bidding or public auction on 5267  
disposition of such property. 5268

(E) Any funds provided by public hospital agencies that are 5269  
parties to an agreement entered into under this section shall be 5270  
transferred to and placed in a separate fund or funds of such 5271  
participating public hospital agency as is designated under the 5272  
agreement. The funds shall be applied for the purposes provided in 5273  
such agreement and are subject to audit. Pursuant to any 5274  
determinations to be made under such agreement, the funds shall be 5275  
deposited, invested, and disbursed under the provisions of law 5276  
applicable to the public hospital agency in whose custody the 5277  
funds are held. This division is subject to the provisions of any 5278  
applicable bond proceedings under section 133.08, 140.06, 339.15, 5279  
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 5280  
Constitution. The records and reports of such public hospital 5281  
agency under Chapter 117. of the Revised Code and sections 3702.51 5282  
to 3702.62 of the Revised Code, with respect to the funds shall be 5283  
sufficient without necessity for reports thereon by the other 5284  
public hospital agencies participating under such agreement. 5285

(F)(1) Prior to its entry into any such agreement, the public 5286  
hospital agency must determine, and set forth in a resolution or 5287  
ordinance, that the contribution to be made by it under such 5288  
agreement will be fair consideration for value and benefit to be 5289  
derived by it under such agreement and that the agreement will 5290  
promote the public purpose stated in section 140.02 of the Revised 5291  
Code. 5292

(2) If the agreement is with a board of county commissioners, 5293  
board of county hospital trustees, or county hospital commission 5294

and is an initial agreement for the acquisition or operation of a 5295  
county hospital operated by a board of county hospital trustees 5296  
under section 339.06 of the Revised Code, the governing body of 5297  
the public hospital agency shall submit the agreement, accompanied 5298  
by the resolution or ordinance, to the board of county 5299  
commissioners for review pursuant to section 339.091 of the 5300  
Revised Code. The agreement may be entered into only if the board 5301  
of county commissioners adopts a resolution under that section. 5302  
The requirements of division (F)(2) of this section do not apply 5303  
to the agreement if one or more hospitals classified as general 5304  
hospitals by the ~~public director of health council~~ under section 5305  
3701.07 of the Revised Code are operating in the same county as 5306  
the county hospital. 5307

**Sec. 140.05.** (A)(1) A public hospital agency may lease any 5308  
hospital facility to one or more hospital agencies for use as a 5309  
hospital facility, or to one or more city or general health 5310  
districts; boards of alcohol, drug addiction, and mental health 5311  
services; county boards of developmental disabilities; the 5312  
department of mental health; or the department of developmental 5313  
disabilities, for uses which they are authorized to make thereof 5314  
under the laws applicable to them, or any combination of them, and 5315  
they may lease such facilities to or from a hospital agency for 5316  
such uses, upon such terms and conditions as are agreed upon by 5317  
the parties. Such lease may be for a term of fifty years or less 5318  
and may provide for an option of the lessee to renew for a term of 5319  
fifty years or less, as therein set forth. Prior to entering into 5320  
such lease, the governing body of any public hospital agency 5321  
granting such lease must determine, and set forth in a resolution 5322  
or ordinance, that such lease will promote the public purpose 5323  
stated in section 140.02 of the Revised Code and that the lessor 5324  
public hospital agency will be duly benefited thereby. 5325

(2) If the lease is with a board of county commissioners, 5326

board of county hospital trustees, or county hospital commission 5327  
and is an agreement for the initial lease of a county hospital 5328  
operated by a board of county hospital trustees under section 5329  
339.06 of the Revised Code, the governing body of the public 5330  
hospital agency shall submit the agreement, accompanied by the 5331  
resolution or ordinance, to the board of county commissioners for 5332  
review pursuant to section 339.091 of the Revised Code. The 5333  
agreement may be entered into only if the board of county 5334  
commissioners adopts a resolution under that section. The 5335  
requirements of division (A)(2) of this section do not apply to 5336  
the lease if one or more hospitals classified as general hospitals 5337  
by the ~~public director of health council~~ under section 3701.07 of 5338  
the Revised Code are operating in the same county as the county 5339  
hospital. 5340

(B) Any lease entered into pursuant to this section shall 5341  
provide that in the event that the lessee fails faithfully and 5342  
efficiently to administer, maintain, and operate such leased 5343  
facilities as hospital facilities, or fails to provide the 5344  
services thereof without regard to race, creed, color, or national 5345  
origin, or fails to require that any hospital agency using such 5346  
facilities or the services thereof shall not discriminate by 5347  
reason of race, creed, color, or national origin, after an 5348  
opportunity to be heard upon written charges, said lease may be 5349  
terminated at the time, in the manner and with consequences 5350  
therein provided. If any such lease does not contain terms to the 5351  
effect provided in this division, it shall nevertheless be deemed 5352  
to contain such terms which shall be implemented as determined by 5353  
the governing body of the lessor. 5354

(C) Such lease may provide for rentals commencing at any time 5355  
agreed upon, or advance rental, and continuing for such period 5356  
therein provided, notwithstanding and without diminution, rebate, 5357  
or setoff by reason of time of availability of the hospital 5358

facility for use, delays in construction, failure of completion, 5359  
damage or destruction of the hospital facilities, or for any other 5360  
reason. 5361

(D) Such lease may provide for the sale or transfer of title 5362  
of the leased facilities pursuant to an option to purchase, 5363  
lease-purchase, or installment purchase upon terms therein 5364  
provided or to be determined as therein provided, which may 5365  
include provision for the continued use thereof as a hospital 5366  
facility for some reasonable period, taking into account efficient 5367  
useful life and other factors, as is provided therein. 5368

(E) Such lease may be entered as part of or in connection 5369  
with an agreement pursuant to section 140.03 of the Revised Code. 5370  
Any hospital facilities which are the subject of an agreement 5371  
entered into under section 140.03 of the Revised Code may be 5372  
leased pursuant to this section. 5373

(F) If land acquired by a public hospital agency for a 5374  
hospital facility is adjacent to an existing hospital facility 5375  
owned by another hospital agency, the public hospital agency may, 5376  
in connection with such acquisition or the leasing of such land 5377  
and hospital facilities thereon to one or more hospital agencies, 5378  
enter into an agreement with the hospital agency which owns such 5379  
adjacent hospital facility for the use of common walls in the 5380  
construction, operation, or maintenance of hospital facilities of 5381  
the public hospital agency. For the purpose of construction, 5382  
operation, or maintenance of hospital facilities, a public 5383  
hospital agency may acquire by purchase, gift, lease, lease with 5384  
option to purchase, lease-purchase, or installment purchase, 5385  
easement deed, or other agreement, real estate and interests in 5386  
real estate, including rights to use space over, under or upon 5387  
real property owned by others, and support, access, common wall, 5388  
and other rights in connection therewith. Any public hospital 5389  
agency or other political subdivision or any public agency, board, 5390

commission, institution, body, or instrumentality may grant such 5391  
real estate, interests, or rights to any hospital agency upon such 5392  
terms as are agreed upon without necessity for competitive bidding 5393  
or public auction. 5394

**Sec. 140.08.** (A) Except as otherwise provided in divisions 5395  
(B)(1) and (2) of this section, all hospital facilities purchased, 5396  
acquired, constructed, or owned by a public hospital agency, or 5397  
financed in whole or in part by obligations issued by a public 5398  
hospital agency, and used, or to be used when completed, as 5399  
hospital facilities, and the income therefrom, are exempt from all 5400  
taxation within this state, including ad valorem and excise taxes, 5401  
notwithstanding any other provisions of law, and hospital agencies 5402  
are exempt from taxes levied under Chapters 5739. and 5741. of the 5403  
Revised Code. The obligations issued hereafter under section 5404  
133.08, 140.06, or 339.15 of the Revised Code or Section 3 of 5405  
Article XVIII, Ohio Constitution, to pay costs of hospital 5406  
facilities or to refund such obligations, and the transfer 5407  
thereof, and the interest and other income from such obligations, 5408  
including any profit made on the sale thereof, is free from 5409  
taxation within the state. 5410

(B)(1) Division (A) of this section does not exempt 5411  
independent living facilities from taxes levied on property or 5412  
taxes levied under Chapters 5739. and 5741. of the Revised Code. 5413  
If an independent living facility or part of such facility becomes 5414  
~~an adult care facility, nursing home, or residential care facility~~ 5415  
on or after January 10, 1991, a nursing home, residential care 5416  
facility, or residential facility described in division (M)(4) of 5417  
section 140.01 of the Revised Code, that part of the independent 5418  
living facility that is ~~an adult care facility, a nursing home, or~~ 5419  
residential care facility, or residential facility described in 5420  
division (M)(4) of section 140.01 of the Revised Code is exempt 5421  
from taxation subject to division (B)(2) of this section on and 5422

after the date it becomes ~~an adult care facility~~, a nursing home, 5423  
~~or residential care facility, or residential facility described in~~ 5424  
division (M)(4) of section 140.01 of the Revised Code. 5425

(2) Division (A) of this section exempts nursing homes, 5426  
residential care facilities, and ~~adult care~~ residential facilities 5427  
described in division (M)(4) of section 140.01 of the Revised Code 5428  
from taxes levied on property and taxes levied under Chapters 5429  
5739. and 5741. of the Revised Code only until all obligations 5430  
issued to finance such homes or facilities, or all refunding or 5431  
series of refundings of those obligations, are redeemed or 5432  
otherwise retired. 5433

**Sec. 145.01.** As used in this chapter: 5434

(A) "Public employee" means: 5435

(1) Any person holding an office, not elective, under the 5436  
state or any county, township, municipal corporation, park 5437  
district, conservancy district, sanitary district, health 5438  
district, metropolitan housing authority, state retirement board, 5439  
Ohio historical society, public library, county law library, union 5440  
cemetery, joint hospital, institutional commissary, state 5441  
university, or board, bureau, commission, council, committee, 5442  
authority, or administrative body as the same are, or have been, 5443  
created by action of the general assembly or by the legislative 5444  
authority of any of the units of local government named in 5445  
division (A)(1) of this section, or employed and paid in whole or 5446  
in part by the state or any of the authorities named in division 5447  
(A)(1) of this section in any capacity not covered by section 5448  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 5449

(2) A person who is a member of the public employees 5450  
retirement system and who continues to perform the same or similar 5451  
duties under the direction of a contractor who has contracted to 5452  
take over what before the date of the contract was a publicly 5453

operated function. The governmental unit with which the contract 5454  
has been made shall be deemed the employer for the purposes of 5455  
administering this chapter. 5456

(3) Any person who is an employee of a public employer, 5457  
notwithstanding that the person's compensation for that employment 5458  
is derived from funds of a person or entity other than the 5459  
employer. Credit for such service shall be included as total 5460  
service credit, provided that the employee makes the payments 5461  
required by this chapter, and the employer makes the payments 5462  
required by sections 145.48 and 145.51 of the Revised Code. 5463

(4) A person who elects in accordance with section 145.015 of 5464  
the Revised Code to remain a contributing member of the public 5465  
employees retirement system. 5466

(5) A person who is an employee of the legal rights service 5467  
on September 30, 2012, and continues to be employed by the 5468  
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 5469  
153 of the 129th general assembly. The nonprofit entity is the 5470  
employer for the purpose of this chapter. 5471

In all cases of doubt, the public employees retirement board 5472  
shall determine whether any person is a public employee, and its 5473  
decision is final. 5474

(B) "Member" means any public employee, other than a public 5475  
employee excluded or exempted from membership in the retirement 5476  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 5477  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 5478  
retirant who becomes a member under division (C) of section 145.38 5479  
of the Revised Code. "Member" also includes a disability benefit 5480  
recipient. 5481

(C) "Head of the department" means the elective or appointive 5482  
head of the several executive, judicial, and administrative 5483  
departments, institutions, boards, and commissions of the state 5484

and local government as the same are created and defined by the 5485  
laws of this state or, in case of a charter government, by that 5486  
charter. 5487

(D) "Employer" or "public employer" means the state or any 5488  
county, township, municipal corporation, park district, 5489  
conservancy district, sanitary district, health district, 5490  
metropolitan housing authority, state retirement board, Ohio 5491  
historical society, public library, county law library, union 5492  
cemetery, joint hospital, institutional commissary, state medical 5493  
university, state university, or board, bureau, commission, 5494  
council, committee, authority, or administrative body as the same 5495  
are, or have been, created by action of the general assembly or by 5496  
the legislative authority of any of the units of local government 5497  
named in this division not covered by section 742.01, 3307.01, 5498  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 5499  
means the employer of any public employee. 5500

(E) "Prior service" means all service as a public employee 5501  
rendered before January 1, 1935, and all service as an employee of 5502  
any employer who comes within the state teachers retirement system 5503  
or of the school employees retirement system or of any other 5504  
retirement system established under the laws of this state 5505  
rendered prior to January 1, 1935, provided that if the employee 5506  
claiming the service was employed in any capacity covered by that 5507  
other system after that other system was established, credit for 5508  
the service may be allowed by the public employees retirement 5509  
system only when the employee has made payment, to be computed on 5510  
the salary earned from the date of appointment to the date 5511  
membership was established in the public employees retirement 5512  
system, at the rate in effect at the time of payment, and the 5513  
employer has made payment of the corresponding full liability as 5514  
provided by section 145.44 of the Revised Code. "Prior service" 5515  
also means all service credited for active duty with the armed 5516



forces of the United States as provided in section 145.30 of the Revised Code.

If an employee who has been granted prior service credit by the public employees retirement system for service rendered prior to January 1, 1935, as an employee of a board of education establishes, before retirement, one year or more of contributing service in the state teachers retirement system or school employees retirement system, then the prior service ceases to be the liability of this system.

If the board determines that a position of any member in any calendar year prior to January 1, 1935, was a part-time position, the board shall determine what fractional part of a year's credit shall be allowed by the following formula:

(1) When the member has been either elected or appointed to an office the term of which was two or more years and for which an annual salary is established, the fractional part of the year's credit shall be computed as follows:

First, when the member's annual salary is one thousand dollars or less, the service credit for each such calendar year shall be forty per cent of a year.

Second, for each full one hundred dollars of annual salary above one thousand dollars, the member's service credit for each such calendar year shall be increased by two and one-half per cent.

(2) When the member is paid on a per diem basis, the service credit for any single year of the service shall be determined by using the number of days of service for which the compensation was received in any such year as a numerator and using two hundred fifty days as a denominator.

(3) When the member is paid on an hourly basis, the service credit for any single year of the service shall be determined by

using the number of hours of service for which the compensation 5548  
was received in any such year as a numerator and using two 5549  
thousand hours as a denominator. 5550

(F) "Contributor" means any person who has an account in the 5551  
employees' savings fund created by section 145.23 of the Revised 5552  
Code. When used in the sections listed in division (B) of section 5553  
145.82 of the Revised Code, "contributor" includes any person 5554  
participating in a PERS defined contribution plan. 5555

(G) "Beneficiary" or "beneficiaries" means the estate or a 5556  
person or persons who, as the result of the death of a member, 5557  
contributor, or retirant, qualify for or are receiving some right 5558  
or benefit under this chapter. 5559

(H)(1) "Total service credit," except as provided in section 5560  
145.37 of the Revised Code, means all service credited to a member 5561  
of the retirement system since last becoming a member, including 5562  
restored service credit as provided by section 145.31 of the 5563  
Revised Code; credit purchased under sections 145.293 and 145.299 5564  
of the Revised Code; all the member's prior service credit; all 5565  
the member's military service credit computed as provided in this 5566  
chapter; all service credit established pursuant to section 5567  
145.297 of the Revised Code; and any other service credited under 5568  
this chapter. In addition, "total service credit" includes any 5569  
period, not in excess of three years, during which a member was 5570  
out of service and receiving benefits under Chapters 4121. and 5571  
4123. of the Revised Code. For the exclusive purpose of satisfying 5572  
the service credit requirement and of determining eligibility for 5573  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 5574  
and 145.361 of the Revised Code, "five or more years of total 5575  
service credit" means sixty or more calendar months of 5576  
contributing service in this system. 5577

(2) "One and one-half years of contributing service credit," 5578  
as used in division (B) of section 145.45 of the Revised Code, 5579

also means eighteen or more calendar months of employment by a 5580  
municipal corporation that formerly operated its own retirement 5581  
plan for its employees or a part of its employees, provided that 5582  
all employees of that municipal retirement plan who have eighteen 5583  
or more months of such employment, upon establishing membership in 5584  
the public employees retirement system, shall make a payment of 5585  
the contributions they would have paid had they been members of 5586  
this system for the eighteen months of employment preceding the 5587  
date membership was established. When that payment has been made 5588  
by all such employee members, a corresponding payment shall be 5589  
paid into the employers' accumulation fund by that municipal 5590  
corporation as the employer of the employees. 5591

(3) Where a member also is a member of the state teachers 5592  
retirement system or the school employees retirement system, or 5593  
both, except in cases of retirement on a combined basis pursuant 5594  
to section 145.37 of the Revised Code or as provided in section 5595  
145.383 of the Revised Code, service credit for any period shall 5596  
be credited on the basis of the ratio that contributions to the 5597  
public employees retirement system bear to total contributions in 5598  
all state retirement systems. 5599

(4) Not more than one year of credit may be given for any 5600  
period of twelve months. 5601

(5) "Ohio service credit" means credit for service that was 5602  
rendered to the state or any of its political subdivisions or any 5603  
employer. 5604

(I) "Regular interest" means interest at any rates for the 5605  
respective funds and accounts as the public employees retirement 5606  
board may determine from time to time. 5607

(J) "Accumulated contributions" means the sum of all amounts 5608  
credited to a contributor's individual account in the employees' 5609  
savings fund together with any interest credited to the 5610

contributor's account under section 145.471 or 145.472 of the Revised Code.

(K)(1) "Final average salary" means the quotient obtained by dividing by three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.

(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this section, "final average salary" means the total earnable salary on which contributions were made divided by the total number of years during which contributions were made, including any fraction of a year. If contributions were made for less than twelve months, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit

in lieu of any annuity, granted to a retirant as provided in this 5642  
chapter. 5643

(N)(1) "Disability retirement" means retirement as provided 5644  
in section 145.36 of the Revised Code. 5645

(2) "Disability allowance" means an allowance paid on account 5646  
of disability under section 145.361 of the Revised Code. 5647

(3) "Disability benefit" means a benefit paid as disability 5648  
retirement under section 145.36 of the Revised Code, as a 5649  
disability allowance under section 145.361 of the Revised Code, or 5650  
as a disability benefit under section 145.37 of the Revised Code. 5651

(4) "Disability benefit recipient" means a member who is 5652  
receiving a disability benefit. 5653

(O) "Age and service retirement" means retirement as provided 5654  
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 5655  
the Revised Code. 5656

(P) "Pensions" means annual payments for life derived from 5657  
contributions made by the employer that at the time of retirement 5658  
are credited into the annuity and pension reserve fund from the 5659  
employers' accumulation fund and paid from the annuity and pension 5660  
reserve fund as provided in this chapter. All pensions shall be 5661  
paid in twelve equal monthly installments. 5662

(Q) "Retirement allowance" means the pension plus that 5663  
portion of the benefit derived from contributions made by the 5664  
member. 5665

(R)(1) Except as otherwise provided in division (R) of this 5666  
section, "earnable salary" means all salary, wages, and other 5667  
earnings paid to a contributor by reason of employment in a 5668  
position covered by the retirement system. The salary, wages, and 5669  
other earnings shall be determined prior to determination of the 5670  
amount required to be contributed to the employees' savings fund 5671

under section 145.47 of the Revised Code and without regard to 5672  
whether any of the salary, wages, or other earnings are treated as 5673  
deferred income for federal income tax purposes. "Earnable salary" 5674  
includes the following: 5675

(a) Payments made by the employer in lieu of salary, wages, 5676  
or other earnings for sick leave, personal leave, or vacation used 5677  
by the contributor; 5678

(b) Payments made by the employer for the conversion of sick 5679  
leave, personal leave, and vacation leave accrued, but not used if 5680  
the payment is made during the year in which the leave is accrued, 5681  
except that payments made pursuant to section 124.383 or 124.386 5682  
of the Revised Code are not earnable salary; 5683

(c) Allowances paid by the employer for full maintenance, 5684  
consisting of housing, laundry, and meals, as certified to the 5685  
retirement board by the employer or the head of the department 5686  
that employs the contributor; 5687

(d) Fees and commissions paid under section 507.09 of the 5688  
Revised Code; 5689

(e) Payments that are made under a disability leave program 5690  
sponsored by the employer and for which the employer is required 5691  
by section 145.296 of the Revised Code to make periodic employer 5692  
and employee contributions; 5693

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 5694  
this section. 5695

(2) "Earnable salary" does not include any of the following: 5696

(a) Fees and commissions, other than those paid under section 5697  
507.09 of the Revised Code, paid as sole compensation for personal 5698  
services and fees and commissions for special services over and 5699  
above services for which the contributor receives a salary; 5700

(b) Amounts paid by the employer to provide life insurance, 5701

sickness, accident, endowment, health, medical, hospital, dental, 5702  
or surgical coverage, or other insurance for the contributor or 5703  
the contributor's family, or amounts paid by the employer to the 5704  
contributor in lieu of providing the insurance; 5705

(c) Incidental benefits, including lodging, food, laundry, 5706  
parking, or services furnished by the employer, or use of the 5707  
employer's property or equipment, or amounts paid by the employer 5708  
to the contributor in lieu of providing the incidental benefits; 5709

(d) Reimbursement for job-related expenses authorized by the 5710  
employer, including moving and travel expenses and expenses 5711  
related to professional development; 5712

(e) Payments for accrued but unused sick leave, personal 5713  
leave, or vacation that are made at any time other than in the 5714  
year in which the sick leave, personal leave, or vacation was 5715  
accrued; 5716

(f) Payments made to or on behalf of a contributor that are 5717  
in excess of the annual compensation that may be taken into 5718  
account by the retirement system under division (a)(17) of section 5719  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5720  
U.S.C.A. 401(a)(17), as amended; 5721

(g) Payments made under division (B), (C), or (E) of section 5722  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 5723  
No. 3 of the 119th general assembly, Section 3 of Amended 5724  
Substitute Senate Bill No. 164 of the 124th general assembly, or 5725  
Amended Substitute House Bill No. 405 of the 124th general 5726  
assembly; 5727

(h) Anything of value received by the contributor that is 5728  
based on or attributable to retirement or an agreement to retire, 5729  
except that payments made on or before January 1, 1989, that are 5730  
based on or attributable to an agreement to retire shall be 5731  
included in earnable salary if both of the following apply: 5732

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the following formula:

(a) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit.

(b) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit. The numerator of this fraction shall be the earnable salary during the month, and the denominator shall be two hundred fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month. Division (T)(1)(b) of this section shall not reduce any credit earned before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an



elected official who prior to January 1, 1980, was granted a full 5764  
year of credit for each year of service as an elected official 5765  
shall be considered to have earned a full year of credit for each 5766  
year of service regardless of whether the service was full-time or 5767  
part-time. The public employees retirement board has no authority 5768  
to reduce the credit. 5769

(U) "State retirement board" means the public employees 5770  
retirement board, the school employees retirement board, or the 5771  
state teachers retirement board. 5772

(V) "Retirant" means any former member who retires and is 5773  
receiving a monthly allowance as provided in sections 145.32, 5774  
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 5775

(W) "Employer contribution" means the amount paid by an 5776  
employer as determined under section 145.48 of the Revised Code. 5777

(X) "Public service terminates" means the last day for which 5778  
a public employee is compensated for services performed for an 5779  
employer or the date of the employee's death, whichever occurs 5780  
first. 5781

(Y) When a member has been elected or appointed to an office, 5782  
the term of which is two or more years, for which an annual salary 5783  
is established, and in the event that the salary of the office is 5784  
increased and the member is denied the additional salary by reason 5785  
of any constitutional provision prohibiting an increase in salary 5786  
during a term of office, the member may elect to have the amount 5787  
of the member's contributions calculated upon the basis of the 5788  
increased salary for the office. At the member's request, the 5789  
board shall compute the total additional amount the member would 5790  
have contributed, or the amount by which each of the member's 5791  
contributions would have increased, had the member received the 5792  
increased salary for the office the member holds. If the member 5793  
elects to have the amount by which the member's contribution would 5794

have increased withheld from the member's salary, the member shall 5795  
notify the employer, and the employer shall make the withholding 5796  
and transmit it to the retirement system. A member who has not 5797  
elected to have that amount withheld may elect at any time to make 5798  
a payment to the retirement system equal to the additional amount 5799  
the member's contribution would have increased, plus interest on 5800  
that contribution, compounded annually at a rate established by 5801  
the board and computed from the date on which the last 5802  
contribution would have been withheld from the member's salary to 5803  
the date of payment. A member may make a payment for part of the 5804  
period for which the increased contribution was not withheld, in 5805  
which case the interest shall be computed from the date the last 5806  
contribution would have been withheld for the period for which the 5807  
payment is made. Upon the payment of the increased contributions 5808  
as provided in this division, the increased annual salary as 5809  
provided by law for the office for the period for which the member 5810  
paid increased contributions thereon shall be used in determining 5811  
the member's earnable salary for the purpose of computing the 5812  
member's final average salary. 5813

(Z) "Five years of service credit," for the exclusive purpose 5814  
of satisfying the service credit requirements and of determining 5815  
eligibility for benefits under section 145.33 of the Revised Code, 5816  
means employment covered under this chapter or under a former 5817  
retirement plan operated, recognized, or endorsed by the employer 5818  
prior to coverage under this chapter or under a combination of the 5819  
coverage. 5820

(AA) "Deputy sheriff" means any person who is commissioned 5821  
and employed as a full-time peace officer by the sheriff of any 5822  
county, and has been so employed since on or before December 31, 5823  
1965; any person who is or has been commissioned and employed as a 5824  
peace officer by the sheriff of any county since January 1, 1966, 5825  
and who has received a certificate attesting to the person's 5826

satisfactory completion of the peace officer training school as 5827  
required by section 109.77 of the Revised Code; or any person 5828  
deputized by the sheriff of any county and employed pursuant to 5829  
section 2301.12 of the Revised Code as a criminal bailiff or court 5830  
constable who has received a certificate attesting to the person's 5831  
satisfactory completion of the peace officer training school as 5832  
required by section 109.77 of the Revised Code. 5833

(BB) "Township constable or police officer in a township 5834  
police department or district" means any person who is 5835  
commissioned and employed as a full-time peace officer pursuant to 5836  
Chapter 505. or 509. of the Revised Code, who has received a 5837  
certificate attesting to the person's satisfactory completion of 5838  
the peace officer training school as required by section 109.77 of 5839  
the Revised Code. 5840

(CC) "Drug agent" means any person who is either of the 5841  
following: 5842

(1) Employed full time as a narcotics agent by a county 5843  
narcotics agency created pursuant to section 307.15 of the Revised 5844  
Code and has received a certificate attesting to the satisfactory 5845  
completion of the peace officer training school as required by 5846  
section 109.77 of the Revised Code; 5847

(2) Employed full time as an undercover drug agent as defined 5848  
in section 109.79 of the Revised Code and is in compliance with 5849  
section 109.77 of the Revised Code. 5850

(DD) "Department of public safety enforcement agent" means a 5851  
full-time employee of the department of public safety who is 5852  
designated under section 5502.14 of the Revised Code as an 5853  
enforcement agent and who is in compliance with section 109.77 of 5854  
the Revised Code. 5855

(EE) "Natural resources law enforcement staff officer" means 5856  
a full-time employee of the department of natural resources who is 5857

designated a natural resources law enforcement staff officer under 5858  
section 1501.013 of the Revised Code and is in compliance with 5859  
section 109.77 of the Revised Code. 5860

(FF) "Park officer" means a full-time employee of the 5861  
department of natural resources who is designated a park officer 5862  
under section 1541.10 of the Revised Code and is in compliance 5863  
with section 109.77 of the Revised Code. 5864

(GG) "Forest officer" means a full-time employee of the 5865  
department of natural resources who is designated a forest officer 5866  
under section 1503.29 of the Revised Code and is in compliance 5867  
with section 109.77 of the Revised Code. 5868

(HH) "Preserve officer" means a full-time employee of the 5869  
department of natural resources who is designated a preserve 5870  
officer under section 1517.10 of the Revised Code and is in 5871  
compliance with section 109.77 of the Revised Code. 5872

(II) "Wildlife officer" means a full-time employee of the 5873  
department of natural resources who is designated a wildlife 5874  
officer under section 1531.13 of the Revised Code and is in 5875  
compliance with section 109.77 of the Revised Code. 5876

(JJ) "State watercraft officer" means a full-time employee of 5877  
the department of natural resources who is designated a state 5878  
watercraft officer under section 1547.521 of the Revised Code and 5879  
is in compliance with section 109.77 of the Revised Code. 5880

(KK) "Park district police officer" means a full-time 5881  
employee of a park district who is designated pursuant to section 5882  
511.232 or 1545.13 of the Revised Code and is in compliance with 5883  
section 109.77 of the Revised Code. 5884

(LL) "Conservancy district officer" means a full-time 5885  
employee of a conservancy district who is designated pursuant to 5886  
section 6101.75 of the Revised Code and is in compliance with 5887  
section 109.77 of the Revised Code. 5888

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(NN) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.14 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "Special police officer for an institution for the mentally retarded and developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(QQ) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(RR) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(SS) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(TT) "Regional transit authority police officer" means a

person who is employed full time as a regional transit authority 5920  
police officer under division (Y) of section 306.35 of the Revised 5921  
Code and is in compliance with section 109.77 of the Revised Code. 5922

(UU) "State highway patrol police officer" means a special 5923  
police officer employed full time and designated by the 5924  
superintendent of the state highway patrol pursuant to section 5925  
5503.09 of the Revised Code or a person serving full time as a 5926  
special police officer pursuant to that section on a permanent 5927  
basis on October 21, 1997, who is in compliance with section 5928  
109.77 of the Revised Code. 5929

(VV) "Municipal public safety director" means a person who 5930  
serves full time as the public safety director of a municipal 5931  
corporation with the duty of directing the activities of the 5932  
municipal corporation's police department and fire department. 5933

(WW) Notwithstanding section 2901.01 of the Revised Code, 5934  
"PERS law enforcement officer" means a sheriff or any of the 5935  
following whose primary duties are to preserve the peace, protect 5936  
life and property, and enforce the laws of this state: a deputy 5937  
sheriff, township constable or police officer in a township police 5938  
department or district, drug agent, department of public safety 5939  
enforcement agent, natural resources law enforcement staff 5940  
officer, park officer, forest officer, preserve officer, wildlife 5941  
officer, state watercraft officer, park district police officer, 5942  
conservancy district officer, veterans' home police officer, 5943  
special police officer for a mental health institution, special 5944  
police officer for an institution for the mentally retarded and 5945  
developmentally disabled, state university law enforcement 5946  
officer, municipal police officer, house sergeant at arms, 5947  
assistant house sergeant at arms, regional transit authority 5948  
police officer, or state highway patrol police officer. PERS law 5949  
enforcement officer also includes a person serving as a municipal 5950  
public safety director at any time during the period from 5951

September 29, 2005, to March 24, 2009, if the duties of that 5952  
service were to preserve the peace, protect life and property, and 5953  
enforce the laws of this state. 5954

(XX) "Hamilton county municipal court bailiff" means a person 5955  
appointed by the clerk of courts of the Hamilton county municipal 5956  
court under division (A)(3) of section 1901.32 of the Revised Code 5957  
who is employed full time as a bailiff or deputy bailiff, who has 5958  
received a certificate attesting to the person's satisfactory 5959  
completion of the peace officer basic training described in 5960  
division (D)(1) of section 109.77 of the Revised Code. 5961

(YY) "PERS public safety officer" means a Hamilton county 5962  
municipal court bailiff, or any of the following whose primary 5963  
duties are other than to preserve the peace, protect life and 5964  
property, and enforce the laws of this state: a deputy sheriff, 5965  
township constable or police officer in a township police 5966  
department or district, drug agent, department of public safety 5967  
enforcement agent, natural resources law enforcement staff 5968  
officer, park officer, forest officer, preserve officer, wildlife 5969  
officer, state watercraft officer, park district police officer, 5970  
conservancy district officer, veterans' home police officer, 5971  
special police officer for a mental health institution, special 5972  
police officer for an institution for the mentally retarded and 5973  
developmentally disabled, state university law enforcement 5974  
officer, municipal police officer, house sergeant at arms, 5975  
assistant house sergeant at arms, regional transit authority 5976  
police officer, or state highway patrol police officer. "PERS 5977  
public safety officer" also includes a person serving as a 5978  
municipal public safety director at any time during the period 5979  
from September 29, 2005, to March 24, 2009, if the duties of that 5980  
service were other than to preserve the peace, protect life and 5981  
property, and enforce the laws of this state. 5982

(ZZ) "Fiduciary" means a person who does any of the 5983

following:	5984
(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;	5985 5986 5987
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	5988 5989
(3) Has any discretionary authority or responsibility in the administration of the system.	5990 5991
(AAA) "Actuary" means an individual who satisfies all of the following requirements:	5992 5993
(1) Is a member of the American academy of actuaries;	5994
(2) Is an associate or fellow of the society of actuaries;	5995
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	5996 5997
(BBB) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	5998 5999
(CCC) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	6000 6001
<b>Sec. 145.012.</b> (A) "Public employee," as defined in division (A) of section 145.01 of the Revised Code, does not include any person:	6002 6003 6004
(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	6005 6006 6007 6008
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	6009 6010 6011



(3) Who is employed in a program established pursuant to the	6012
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	6013
1501;	6014
(4) Who is an appointed member of either the motor vehicle	6015
salvage dealers board or the motor vehicle dealer's board whose	6016
rate and method of payment are determined pursuant to division (J)	6017
of section 124.15 of the Revised Code;	6018
(5) Who is employed as an election worker and paid less than	6019
five hundred dollars per calendar year for that service;	6020
(6) Who is employed as a firefighter in a position requiring	6021
satisfactory completion of a firefighter training course approved	6022
under former section 3303.07 or section 4765.55 of the Revised	6023
Code or conducted under section 3737.33 of the Revised Code except	6024
for the following:	6025
(a) Any firefighter who has elected under section 145.013 of	6026
the Revised Code to remain a contributing member of the public	6027
employees retirement system;	6028
(b) Any firefighter who was eligible to transfer from the	6029
public employees retirement system to the Ohio police and fire	6030
pension fund under section 742.51 or 742.515 of the Revised Code	6031
and did not elect to transfer;	6032
(c) Any firefighter who has elected under section 742.516 of	6033
the Revised Code to transfer from the Ohio police and fire pension	6034
fund to the public employees retirement system.	6035
(7) Who is a member of the board of health of a city or	6036
general health district, which pursuant to sections 3709.051 and	6037
3709.07 of the Revised Code includes a combined health district,	6038
and whose compensation for attendance at meetings of the board is	6039
set forth in division (B) of section 3709.02 or division (B) of	6040
section 3709.05 of the Revised Code, as appropriate;	6041

(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	6042 6043
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	6044 6045
(10) Who is a member of the unemployment compensation advisory council;	6046 6047
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	6048 6049 6050
<u>(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.</u>	6051 6052 6053 6054 6055
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or such a person's beneficiaries otherwise would be eligible.	6056 6057 6058 6059 6060 6061 6062 6063 6064 6065 6066 6067 6068 6069 6070
<b>Sec. 149.43.</b> (A) As used in this section:	6071

(1) "Public record" means records kept by any public office, 6072  
including, but not limited to, state, county, city, village, 6073  
township, and school district units, and records pertaining to the 6074  
delivery of educational services by an alternative school in this 6075  
state kept by the nonprofit or for-profit entity operating the 6076  
alternative school pursuant to section 3313.533 of the Revised 6077  
Code. "Public record" does not mean any of the following: 6078

(a) Medical records; 6079

(b) Records pertaining to probation and parole proceedings or 6080  
to proceedings related to the imposition of community control 6081  
sanctions and post-release control sanctions; 6082

(c) Records pertaining to actions under section 2151.85 and 6083  
division (C) of section 2919.121 of the Revised Code and to 6084  
appeals of actions arising under those sections; 6085

(d) Records pertaining to adoption proceedings, including the 6086  
contents of an adoption file maintained by the department of 6087  
health under section 3705.12 of the Revised Code; 6088

(e) Information in a record contained in the putative father 6089  
registry established by section 3107.062 of the Revised Code, 6090  
regardless of whether the information is held by the department of 6091  
job and family services or, pursuant to section 3111.69 of the 6092  
Revised Code, the office of child support in the department or a 6093  
child support enforcement agency; 6094

(f) Records listed in division (A) of section 3107.42 of the 6095  
Revised Code or specified in division (A) of section 3107.52 of 6096  
the Revised Code; 6097

(g) Trial preparation records; 6098

(h) Confidential law enforcement investigatory records; 6099

(i) Records containing information that is confidential under 6100  
section 2710.03 or 4112.05 of the Revised Code; 6101

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	6102 6103
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	6104 6105 6106 6107
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	6108 6109 6110 6111
(m) Intellectual property records;	6112
(n) Donor profile records;	6113
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	6114 6115
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, <u>community-based correctional facility employee</u> , youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	6116 6117 6118 6119 6120 6121
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	6122 6123 6124 6125 6126
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	6127 6128
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of	6129 6130 6131

the Revised Code, and child fatality review data submitted by the 6132  
child fatality review board to the department of health or a 6133  
national child death review database, other than the report 6134  
prepared pursuant to division (A) of section 307.626 of the 6135  
Revised Code; 6136

(t) Records provided to and statements made by the executive 6137  
director of a public children services agency or a prosecuting 6138  
attorney acting pursuant to section 5153.171 of the Revised Code 6139  
other than the information released under that section; 6140

(u) Test materials, examinations, or evaluation tools used in 6141  
an examination for licensure as a nursing home administrator that 6142  
the board of examiners of nursing home administrators administers 6143  
under section 4751.04 of the Revised Code or contracts under that 6144  
section with a private or government entity to administer; 6145

(v) Records the release of which is prohibited by state or 6146  
federal law; 6147

(w) Proprietary information of or relating to any person that 6148  
is submitted to or compiled by the Ohio venture capital authority 6149  
created under section 150.01 of the Revised Code; 6150

(x) Information reported and evaluations conducted pursuant 6151  
to section 3701.072 of the Revised Code; 6152

(y) Financial statements and data any person submits for any 6153  
purpose to the Ohio housing finance agency or the controlling 6154  
board in connection with applying for, receiving, or accounting 6155  
for financial assistance from the agency, and information that 6156  
identifies any individual who benefits directly or indirectly from 6157  
financial assistance from the agency; 6158

(z) Records listed in section 5101.29 of the Revised Code; 6159

(aa) Discharges recorded with a county recorder under section 6160  
317.24 of the Revised Code, as specified in division (B)(2) of 6161

that section; 6162

(bb) Usage information including names and addresses of 6163  
specific residential and commercial customers of a municipally 6164  
owned or operated public utility. 6165

(2) "Confidential law enforcement investigatory record" means 6166  
any record that pertains to a law enforcement matter of a 6167  
criminal, quasi-criminal, civil, or administrative nature, but 6168  
only to the extent that the release of the record would create a 6169  
high probability of disclosure of any of the following: 6170

(a) The identity of a suspect who has not been charged with 6171  
the offense to which the record pertains, or of an information 6172  
source or witness to whom confidentiality has been reasonably 6173  
promised; 6174

(b) Information provided by an information source or witness 6175  
to whom confidentiality has been reasonably promised, which 6176  
information would reasonably tend to disclose the source's or 6177  
witness's identity; 6178

(c) Specific confidential investigatory techniques or 6179  
procedures or specific investigatory work product; 6180

(d) Information that would endanger the life or physical 6181  
safety of law enforcement personnel, a crime victim, a witness, or 6182  
a confidential information source. 6183

(3) "Medical record" means any document or combination of 6184  
documents, except births, deaths, and the fact of admission to or 6185  
discharge from a hospital, that pertains to the medical history, 6186  
diagnosis, prognosis, or medical condition of a patient and that 6187  
is generated and maintained in the process of medical treatment. 6188

(4) "Trial preparation record" means any record that contains 6189  
information that is specifically compiled in reasonable 6190  
anticipation of, or in defense of, a civil or criminal action or 6191

proceeding, including the independent thought processes and 6192  
personal trial preparation of an attorney. 6193

(5) "Intellectual property record" means a record, other than 6194  
a financial or administrative record, that is produced or 6195  
collected by or for faculty or staff of a state institution of 6196  
higher learning in the conduct of or as a result of study or 6197  
research on an educational, commercial, scientific, artistic, 6198  
technical, or scholarly issue, regardless of whether the study or 6199  
research was sponsored by the institution alone or in conjunction 6200  
with a governmental body or private concern, and that has not been 6201  
publicly released, published, or patented. 6202

(6) "Donor profile record" means all records about donors or 6203  
potential donors to a public institution of higher education 6204  
except the names and reported addresses of the actual donors and 6205  
the date, amount, and conditions of the actual donation. 6206

(7) "Peace officer, parole officer, probation officer, 6207  
bailiff, prosecuting attorney, assistant prosecuting attorney, 6208  
correctional employee, community-based correctional facility 6209  
employee, youth services employee, firefighter, EMT, or 6210  
investigator of the bureau of criminal identification and 6211  
investigation residential and familial information" means any 6212  
information that discloses any of the following about a peace 6213  
officer, parole officer, probation officer, bailiff, prosecuting 6214  
attorney, assistant prosecuting attorney, correctional employee, 6215  
community-based correctional facility employee, youth services 6216  
employee, firefighter, EMT, or investigator of the bureau of 6217  
criminal identification and investigation: 6218

(a) The address of the actual personal residence of a peace 6219  
officer, parole officer, probation officer, bailiff, assistant 6220  
prosecuting attorney, correctional employee, community-based 6221  
correctional facility employee, youth services employee, 6222  
firefighter, EMT, or an investigator of the bureau of criminal 6223

identification and investigation, except for the state or 6224  
political subdivision in which the peace officer, parole officer, 6225  
probation officer, bailiff, assistant prosecuting attorney, 6226  
correctional employee, community-based correctional facility 6227  
employee, youth services employee, firefighter, EMT, or 6228  
investigator of the bureau of criminal identification and 6229  
investigation resides; 6230

(b) Information compiled from referral to or participation in 6231  
an employee assistance program; 6232

(c) The social security number, the residential telephone 6233  
number, any bank account, debit card, charge card, or credit card 6234  
number, or the emergency telephone number of, or any medical 6235  
information pertaining to, a peace officer, parole officer, 6236  
probation officer, bailiff, prosecuting attorney, assistant 6237  
prosecuting attorney, correctional employee, community-based 6238  
correctional facility employee, youth services employee, 6239  
firefighter, EMT, or investigator of the bureau of criminal 6240  
identification and investigation; 6241

(d) The name of any beneficiary of employment benefits, 6242  
including, but not limited to, life insurance benefits, provided 6243  
to a peace officer, parole officer, probation officer, bailiff, 6244  
prosecuting attorney, assistant prosecuting attorney, correctional 6245  
employee, community-based correctional facility employee, youth 6246  
services employee, firefighter, EMT, or investigator of the bureau 6247  
of criminal identification and investigation by the peace 6248  
officer's, parole officer's, probation officer's, bailiff's, 6249  
prosecuting attorney's, assistant prosecuting attorney's, 6250  
correctional employee's, community-based correctional facility 6251  
employee's, youth services employee's, firefighter's, EMT's, or 6252  
investigator of the bureau of criminal identification and 6253  
investigation's employer; 6254

(e) The identity and amount of any charitable or employment 6255



benefit deduction made by the peace officer's, parole officer's, 6256  
probation officer's, bailiff's, prosecuting attorney's, assistant 6257  
prosecuting attorney's, correctional employee's, community-based 6258  
correctional facility employee's, youth services employee's, 6259  
firefighter's, EMT's, or investigator of the bureau of criminal 6260  
identification and investigation's employer from the peace 6261  
officer's, parole officer's, probation officer's, bailiff's, 6262  
prosecuting attorney's, assistant prosecuting attorney's, 6263  
correctional employee's, community-based correctional facility 6264  
employee's, youth services employee's, firefighter's, EMT's, or 6265  
investigator of the bureau of criminal identification and 6266  
investigation's compensation unless the amount of the deduction is 6267  
required by state or federal law; 6268

(f) The name, the residential address, the name of the 6269  
employer, the address of the employer, the social security number, 6270  
the residential telephone number, any bank account, debit card, 6271  
charge card, or credit card number, or the emergency telephone 6272  
number of the spouse, a former spouse, or any child of a peace 6273  
officer, parole officer, probation officer, bailiff, prosecuting 6274  
attorney, assistant prosecuting attorney, correctional employee, 6275  
community-based correctional facility employee, youth services 6276  
employee, firefighter, EMT, or investigator of the bureau of 6277  
criminal identification and investigation; 6278

(g) A photograph of a peace officer who holds a position or 6279  
has an assignment that may include undercover or plain clothes 6280  
positions or assignments as determined by the peace officer's 6281  
appointing authority. 6282

As used in divisions (A)(7) and (B)(9) of this section, 6283  
"peace officer" has the same meaning as in section 109.71 of the 6284  
Revised Code and also includes the superintendent and troopers of 6285  
the state highway patrol; it does not include the sheriff of a 6286  
county or a supervisory employee who, in the absence of the 6287

sheriff, is authorized to stand in for, exercise the authority of, 6288  
and perform the duties of the sheriff. 6289

As used in divisions (A)(7) and (B)(5) of this section, 6290  
"correctional employee" means any employee of the department of 6291  
rehabilitation and correction who in the course of performing the 6292  
employee's job duties has or has had contact with inmates and 6293  
persons under supervision. 6294

As used in divisions (A)(7) and (B)(5) of this section, 6295  
"youth services employee" means any employee of the department of 6296  
youth services who in the course of performing the employee's job 6297  
duties has or has had contact with children committed to the 6298  
custody of the department of youth services. 6299

As used in divisions (A)(7) and (B)(9) of this section, 6300  
"firefighter" means any regular, paid or volunteer, member of a 6301  
lawfully constituted fire department of a municipal corporation, 6302  
township, fire district, or village. 6303

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 6304  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 6305  
medical services for a public emergency medical service 6306  
organization. "Emergency medical service organization," 6307  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 6308  
section 4765.01 of the Revised Code. 6309

As used in divisions (A)(7) and (B)(9) of this section, 6310  
"investigator of the bureau of criminal identification and 6311  
investigation" has the meaning defined in section 2903.11 of the 6312  
Revised Code. 6313

(8) "Information pertaining to the recreational activities of 6314  
a person under the age of eighteen" means information that is kept 6315  
in the ordinary course of business by a public office, that 6316  
pertains to the recreational activities of a person under the age 6317  
of eighteen years, and that discloses any of the following: 6318

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 6319  
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(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 6322  
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(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 6324  
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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 6326  
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(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 6332  
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(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 6334  
6335

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 6336  
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(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code. 6340  
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(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable 6342  
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period of time. If a public record contains information that is 6349  
exempt from the duty to permit public inspection or to copy the 6350  
public record, the public office or the person responsible for the 6351  
public record shall make available all of the information within 6352  
the public record that is not exempt. When making that public 6353  
record available for public inspection or copying that public 6354  
record, the public office or the person responsible for the public 6355  
record shall notify the requester of any redaction or make the 6356  
redaction plainly visible. A redaction shall be deemed a denial of 6357  
a request to inspect or copy the redacted information, except if 6358  
federal or state law authorizes or requires a public office to 6359  
make the redaction. 6360

(2) To facilitate broader access to public records, a public 6361  
office or the person responsible for public records shall organize 6362  
and maintain public records in a manner that they can be made 6363  
available for inspection or copying in accordance with division 6364  
(B) of this section. A public office also shall have available a 6365  
copy of its current records retention schedule at a location 6366  
readily available to the public. If a requester makes an ambiguous 6367  
or overly broad request or has difficulty in making a request for 6368  
copies or inspection of public records under this section such 6369  
that the public office or the person responsible for the requested 6370  
public record cannot reasonably identify what public records are 6371  
being requested, the public office or the person responsible for 6372  
the requested public record may deny the request but shall provide 6373  
the requester with an opportunity to revise the request by 6374  
informing the requester of the manner in which records are 6375  
maintained by the public office and accessed in the ordinary 6376  
course of the public office's or person's duties. 6377

(3) If a request is ultimately denied, in part or in whole, 6378  
the public office or the person responsible for the requested 6379  
public record shall provide the requester with an explanation, 6380

including legal authority, setting forth why the request was 6381  
denied. If the initial request was provided in writing, the 6382  
explanation also shall be provided to the requester in writing. 6383  
The explanation shall not preclude the public office or the person 6384  
responsible for the requested public record from relying upon 6385  
additional reasons or legal authority in defending an action 6386  
commenced under division (C) of this section. 6387

(4) Unless specifically required or authorized by state or 6388  
federal law or in accordance with division (B) of this section, no 6389  
public office or person responsible for public records may limit 6390  
or condition the availability of public records by requiring 6391  
disclosure of the requester's identity or the intended use of the 6392  
requested public record. Any requirement that the requester 6393  
disclose the requestor's identity or the intended use of the 6394  
requested public record constitutes a denial of the request. 6395

(5) A public office or person responsible for public records 6396  
may ask a requester to make the request in writing, may ask for 6397  
the requester's identity, and may inquire about the intended use 6398  
of the information requested, but may do so only after disclosing 6399  
to the requester that a written request is not mandatory and that 6400  
the requester may decline to reveal the requester's identity or 6401  
the intended use and when a written request or disclosure of the 6402  
identity or intended use would benefit the requester by enhancing 6403  
the ability of the public office or person responsible for public 6404  
records to identify, locate, or deliver the public records sought 6405  
by the requester. 6406

(6) If any person chooses to obtain a copy of a public record 6407  
in accordance with division (B) of this section, the public office 6408  
or person responsible for the public record may require that 6409  
person to pay in advance the cost involved in providing the copy 6410  
of the public record in accordance with the choice made by the 6411  
person seeking the copy under this division. The public office or 6412

the person responsible for the public record shall permit that 6413  
person to choose to have the public record duplicated upon paper, 6414  
upon the same medium upon which the public office or person 6415  
responsible for the public record keeps it, or upon any other 6416  
medium upon which the public office or person responsible for the 6417  
public record determines that it reasonably can be duplicated as 6418  
an integral part of the normal operations of the public office or 6419  
person responsible for the public record. When the person seeking 6420  
the copy makes a choice under this division, the public office or 6421  
person responsible for the public record shall provide a copy of 6422  
it in accordance with the choice made by the person seeking the 6423  
copy. Nothing in this section requires a public office or person 6424  
responsible for the public record to allow the person seeking a 6425  
copy of the public record to make the copies of the public record. 6426

(7) Upon a request made in accordance with division (B) of 6427  
this section and subject to division (B)(6) of this section, a 6428  
public office or person responsible for public records shall 6429  
transmit a copy of a public record to any person by United States 6430  
mail or by any other means of delivery or transmission within a 6431  
reasonable period of time after receiving the request for the 6432  
copy. The public office or person responsible for the public 6433  
record may require the person making the request to pay in advance 6434  
the cost of postage if the copy is transmitted by United States 6435  
mail or the cost of delivery if the copy is transmitted other than 6436  
by United States mail, and to pay in advance the costs incurred 6437  
for other supplies used in the mailing, delivery, or transmission. 6438

Any public office may adopt a policy and procedures that it 6439  
will follow in transmitting, within a reasonable period of time 6440  
after receiving a request, copies of public records by United 6441  
States mail or by any other means of delivery or transmission 6442  
pursuant to this division. A public office that adopts a policy 6443  
and procedures under this division shall comply with them in 6444

performing its duties under this division. 6445

In any policy and procedures adopted under this division, a 6446  
public office may limit the number of records requested by a 6447  
person that the office will transmit by United States mail to ten 6448  
per month, unless the person certifies to the office in writing 6449  
that the person does not intend to use or forward the requested 6450  
records, or the information contained in them, for commercial 6451  
purposes. For purposes of this division, "commercial" shall be 6452  
narrowly construed and does not include reporting or gathering 6453  
news, reporting or gathering information to assist citizen 6454  
oversight or understanding of the operation or activities of 6455  
government, or nonprofit educational research. 6456

(8) A public office or person responsible for public records 6457  
is not required to permit a person who is incarcerated pursuant to 6458  
a criminal conviction or a juvenile adjudication to inspect or to 6459  
obtain a copy of any public record concerning a criminal 6460  
investigation or prosecution or concerning what would be a 6461  
criminal investigation or prosecution if the subject of the 6462  
investigation or prosecution were an adult, unless the request to 6463  
inspect or to obtain a copy of the record is for the purpose of 6464  
acquiring information that is subject to release as a public 6465  
record under this section and the judge who imposed the sentence 6466  
or made the adjudication with respect to the person, or the 6467  
judge's successor in office, finds that the information sought in 6468  
the public record is necessary to support what appears to be a 6469  
justiciable claim of the person. 6470

(9)(a) Upon written request made and signed by a journalist 6471  
on or after December 16, 1999, a public office, or person 6472  
responsible for public records, having custody of the records of 6473  
the agency employing a specified peace officer, parole officer, 6474  
probation officer, bailiff, prosecuting attorney, assistant 6475  
prosecuting attorney, correctional employee, youth services 6476

employee, firefighter, EMT, or investigator of the bureau of 6477  
criminal identification and investigation shall disclose to the 6478  
journalist the address of the actual personal residence of the 6479  
peace officer, parole officer, probation officer, bailiff, 6480  
prosecuting attorney, assistant prosecuting attorney, correctional 6481  
employee, youth services employee, firefighter, EMT, or 6482  
investigator of the bureau of criminal identification and 6483  
investigation and, if the peace officer's, parole officer's, 6484  
probation officer's, bailiff's, prosecuting attorney's, assistant 6485  
prosecuting attorney's, correctional employee's, youth services 6486  
employee's, firefighter's, EMT's, or investigator of the bureau of 6487  
criminal identification and investigation's spouse, former spouse, 6488  
or child is employed by a public office, the name and address of 6489  
the employer of the peace officer's, parole officer's, probation 6490  
officer's, bailiff's, prosecuting attorney's, assistant 6491  
prosecuting attorney's, correctional employee's, youth services 6492  
employee's, firefighter's, EMT's, or investigator of the bureau of 6493  
criminal identification and investigation's spouse, former spouse, 6494  
or child. The request shall include the journalist's name and 6495  
title and the name and address of the journalist's employer and 6496  
shall state that disclosure of the information sought would be in 6497  
the public interest. 6498

(b) Division (B)(9)(a) of this section also applies to 6499  
journalist requests for customer information maintained by a 6500  
municipally owned or operated public utility, other than social 6501  
security numbers and any private financial information such as 6502  
credit reports, payment methods, credit card numbers, and bank 6503  
account information. 6504

(c) As used in division (B)(9) of this section, "journalist" 6505  
means a person engaged in, connected with, or employed by any news 6506  
medium, including a newspaper, magazine, press association, news 6507  
agency, or wire service, a radio or television station, or a 6508



similar medium, for the purpose of gathering, processing, 6509  
transmitting, compiling, editing, or disseminating information for 6510  
the general public. 6511

(C)(1) If a person allegedly is aggrieved by the failure of a 6512  
public office or the person responsible for public records to 6513  
promptly prepare a public record and to make it available to the 6514  
person for inspection in accordance with division (B) of this 6515  
section or by any other failure of a public office or the person 6516  
responsible for public records to comply with an obligation in 6517  
accordance with division (B) of this section, the person allegedly 6518  
aggrieved may commence a mandamus action to obtain a judgment that 6519  
orders the public office or the person responsible for the public 6520  
record to comply with division (B) of this section, that awards 6521  
court costs and reasonable attorney's fees to the person that 6522  
instituted the mandamus action, and, if applicable, that includes 6523  
an order fixing statutory damages under division (C)(1) of this 6524  
section. The mandamus action may be commenced in the court of 6525  
common pleas of the county in which division (B) of this section 6526  
allegedly was not complied with, in the supreme court pursuant to 6527  
its original jurisdiction under Section 2 of Article IV, Ohio 6528  
Constitution, or in the court of appeals for the appellate 6529  
district in which division (B) of this section allegedly was not 6530  
complied with pursuant to its original jurisdiction under Section 6531  
3 of Article IV, Ohio Constitution. 6532

If a requestor transmits a written request by hand delivery 6533  
or certified mail to inspect or receive copies of any public 6534  
record in a manner that fairly describes the public record or 6535  
class of public records to the public office or person responsible 6536  
for the requested public records, except as otherwise provided in 6537  
this section, the requestor shall be entitled to recover the 6538  
amount of statutory damages set forth in this division if a court 6539  
determines that the public office or the person responsible for 6540

public records failed to comply with an obligation in accordance 6541  
with division (B) of this section. 6542

The amount of statutory damages shall be fixed at one hundred 6543  
dollars for each business day during which the public office or 6544  
person responsible for the requested public records failed to 6545  
comply with an obligation in accordance with division (B) of this 6546  
section, beginning with the day on which the requester files a 6547  
mandamus action to recover statutory damages, up to a maximum of 6548  
one thousand dollars. The award of statutory damages shall not be 6549  
construed as a penalty, but as compensation for injury arising 6550  
from lost use of the requested information. The existence of this 6551  
injury shall be conclusively presumed. The award of statutory 6552  
damages shall be in addition to all other remedies authorized by 6553  
this section. 6554

The court may reduce an award of statutory damages or not 6555  
award statutory damages if the court determines both of the 6556  
following: 6557

(a) That, based on the ordinary application of statutory law 6558  
and case law as it existed at the time of the conduct or 6559  
threatened conduct of the public office or person responsible for 6560  
the requested public records that allegedly constitutes a failure 6561  
to comply with an obligation in accordance with division (B) of 6562  
this section and that was the basis of the mandamus action, a 6563  
well-informed public office or person responsible for the 6564  
requested public records reasonably would believe that the conduct 6565  
or threatened conduct of the public office or person responsible 6566  
for the requested public records did not constitute a failure to 6567  
comply with an obligation in accordance with division (B) of this 6568  
section; 6569

(b) That a well-informed public office or person responsible 6570  
for the requested public records reasonably would believe that the 6571  
conduct or threatened conduct of the public office or person 6572

responsible for the requested public records would serve the 6573  
public policy that underlies the authority that is asserted as 6574  
permitting that conduct or threatened conduct. 6575

(2)(a) If the court issues a writ of mandamus that orders the 6576  
public office or the person responsible for the public record to 6577  
comply with division (B) of this section and determines that the 6578  
circumstances described in division (C)(1) of this section exist, 6579  
the court shall determine and award to the relator all court 6580  
costs. 6581

(b) If the court renders a judgment that orders the public 6582  
office or the person responsible for the public record to comply 6583  
with division (B) of this section, the court may award reasonable 6584  
attorney's fees subject to reduction as described in division 6585  
(C)(2)(c) of this section. The court shall award reasonable 6586  
attorney's fees, subject to reduction as described in division 6587  
(C)(2)(c) of this section when either of the following applies: 6588

(i) The public office or the person responsible for the 6589  
public records failed to respond affirmatively or negatively to 6590  
the public records request in accordance with the time allowed 6591  
under division (B) of this section. 6592

(ii) The public office or the person responsible for the 6593  
public records promised to permit the relator to inspect or 6594  
receive copies of the public records requested within a specified 6595  
period of time but failed to fulfill that promise within that 6596  
specified period of time. 6597

(c) Court costs and reasonable attorney's fees awarded under 6598  
this section shall be construed as remedial and not punitive. 6599  
Reasonable attorney's fees shall include reasonable fees incurred 6600  
to produce proof of the reasonableness and amount of the fees and 6601  
to otherwise litigate entitlement to the fees. The court may 6602  
reduce an award of attorney's fees to the relator or not award 6603

attorney's fees to the relator if the court determines both of the 6604  
following: 6605

(i) That, based on the ordinary application of statutory law 6606  
and case law as it existed at the time of the conduct or 6607  
threatened conduct of the public office or person responsible for 6608  
the requested public records that allegedly constitutes a failure 6609  
to comply with an obligation in accordance with division (B) of 6610  
this section and that was the basis of the mandamus action, a 6611  
well-informed public office or person responsible for the 6612  
requested public records reasonably would believe that the conduct 6613  
or threatened conduct of the public office or person responsible 6614  
for the requested public records did not constitute a failure to 6615  
comply with an obligation in accordance with division (B) of this 6616  
section; 6617

(ii) That a well-informed public office or person responsible 6618  
for the requested public records reasonably would believe that the 6619  
conduct or threatened conduct of the public office or person 6620  
responsible for the requested public records as described in 6621  
division (C)(2)(c)(i) of this section would serve the public 6622  
policy that underlies the authority that is asserted as permitting 6623  
that conduct or threatened conduct. 6624

(D) Chapter 1347. of the Revised Code does not limit the 6625  
provisions of this section. 6626

(E)(1) To ensure that all employees of public offices are 6627  
appropriately educated about a public office's obligations under 6628  
division (B) of this section, all elected officials or their 6629  
appropriate designees shall attend training approved by the 6630  
attorney general as provided in section 109.43 of the Revised 6631  
Code. In addition, all public offices shall adopt a public records 6632  
policy in compliance with this section for responding to public 6633  
records requests. In adopting a public records policy under this 6634  
division, a public office may obtain guidance from the model 6635

public records policy developed and provided to the public office 6636  
by the attorney general under section 109.43 of the Revised Code. 6637  
Except as otherwise provided in this section, the policy may not 6638  
limit the number of public records that the public office will 6639  
make available to a single person, may not limit the number of 6640  
public records that it will make available during a fixed period 6641  
of time, and may not establish a fixed period of time before it 6642  
will respond to a request for inspection or copying of public 6643  
records, unless that period is less than eight hours. 6644

(2) The public office shall distribute the public records 6645  
policy adopted by the public office under division (E)(1) of this 6646  
section to the employee of the public office who is the records 6647  
custodian or records manager or otherwise has custody of the 6648  
records of that office. The public office shall require that 6649  
employee to acknowledge receipt of the copy of the public records 6650  
policy. The public office shall create a poster that describes its 6651  
public records policy and shall post the poster in a conspicuous 6652  
place in the public office and in all locations where the public 6653  
office has branch offices. The public office may post its public 6654  
records policy on the internet web site of the public office if 6655  
the public office maintains an internet web site. A public office 6656  
that has established a manual or handbook of its general policies 6657  
and procedures for all employees of the public office shall 6658  
include the public records policy of the public office in the 6659  
manual or handbook. 6660

(F)(1) The bureau of motor vehicles may adopt rules pursuant 6661  
to Chapter 119. of the Revised Code to reasonably limit the number 6662  
of bulk commercial special extraction requests made by a person 6663  
for the same records or for updated records during a calendar 6664  
year. The rules may include provisions for charges to be made for 6665  
bulk commercial special extraction requests for the actual cost of 6666  
the bureau, plus special extraction costs, plus ten per cent. The 6667

bureau may charge for expenses for redacting information, the 6668  
release of which is prohibited by law. 6669

(2) As used in division (F)(1) of this section: 6670

(a) "Actual cost" means the cost of depleted supplies, 6671  
records storage media costs, actual mailing and alternative 6672  
delivery costs, or other transmitting costs, and any direct 6673  
equipment operating and maintenance costs, including actual costs 6674  
paid to private contractors for copying services. 6675

(b) "Bulk commercial special extraction request" means a 6676  
request for copies of a record for information in a format other 6677  
than the format already available, or information that cannot be 6678  
extracted without examination of all items in a records series, 6679  
class of records, or data base by a person who intends to use or 6680  
forward the copies for surveys, marketing, solicitation, or resale 6681  
for commercial purposes. "Bulk commercial special extraction 6682  
request" does not include a request by a person who gives 6683  
assurance to the bureau that the person making the request does 6684  
not intend to use or forward the requested copies for surveys, 6685  
marketing, solicitation, or resale for commercial purposes. 6686

(c) "Commercial" means profit-seeking production, buying, or 6687  
selling of any good, service, or other product. 6688

(d) "Special extraction costs" means the cost of the time 6689  
spent by the lowest paid employee competent to perform the task, 6690  
the actual amount paid to outside private contractors employed by 6691  
the bureau, or the actual cost incurred to create computer 6692  
programs to make the special extraction. "Special extraction 6693  
costs" include any charges paid to a public agency for computer or 6694  
records services. 6695

(3) For purposes of divisions (F)(1) and (2) of this section, 6696  
"surveys, marketing, solicitation, or resale for commercial 6697  
purposes" shall be narrowly construed and does not include 6698

reporting or gathering news, reporting or gathering information to 6699  
assist citizen oversight or understanding of the operation or 6700  
activities of government, or nonprofit educational research. 6701

**Sec. 152.09.** (A) As used in sections 152.06 and 152.09 to 6702  
152.33 of the Revised Code: 6703

(1) "Obligations" means bonds, notes, or other evidences of 6704  
obligation, including interest coupons pertaining thereto, issued 6705  
pursuant to sections 152.09 to 152.33 of the Revised Code. 6706

(2) "State agencies" means the state of Ohio and branches, 6707  
officers, boards, commissions, authorities, departments, 6708  
divisions, courts, general assembly, or other units or agencies of 6709  
the state. "State agency" also includes counties, municipal 6710  
corporations, and governmental entities of this state that enter 6711  
into leases with the Ohio building authority pursuant to section 6712  
152.31 of the Revised Code or that are designated by law as state 6713  
agencies for the purpose of performing a state function that is to 6714  
be housed by a capital facility for which the Ohio building 6715  
authority is authorized to issue revenue obligations pursuant to 6716  
sections 152.09 to 152.33 of the Revised Code. 6717

(3) "Bond service charges" means principal, including 6718  
mandatory sinking fund requirements for retirement of obligations, 6719  
and interest, and redemption premium, if any, required to be paid 6720  
by the Ohio building authority on obligations. 6721

(4) "Capital facilities" means buildings, structures, and 6722  
other improvements, and equipment, real estate, and interests in 6723  
real estate therefor, within the state, and any one, part of, or 6724  
combination of the foregoing, for housing of branches and agencies 6725  
of state government, including capital facilities for the purpose 6726  
of housing personnel, equipment, or functions, or any combination 6727  
thereof that the state agencies are responsible for housing, for 6728  
which the Ohio building authority is authorized to issue 6729

obligations pursuant to Chapter 152. of the Revised Code, and 6730  
includes storage and parking facilities related to such capital 6731  
facilities. For purposes of sections 152.10 to 152.15 of the 6732  
Revised Code, "capital facilities" includes community or technical 6733  
college capital facilities. 6734

(5) "Cost of capital facilities" means the costs of 6735  
assessing, planning, acquiring, constructing, reconstructing, 6736  
rehabilitating, remodeling, renovating, enlarging, improving, 6737  
altering, maintaining, equipping, furnishing, repairing, painting, 6738  
decorating, managing, or operating capital facilities, and the 6739  
financing thereof, including the cost of clearance and preparation 6740  
of the site and of any land to be used in connection with capital 6741  
facilities, the cost of participating in capital facilities 6742  
pursuant to section 152.33 of the Revised Code, the cost of any 6743  
indemnity and surety bonds and premiums on insurance, all related 6744  
direct administrative expenses and allocable portions of direct 6745  
costs of the authority and lessee state agencies, cost of 6746  
engineering and architectural services, designs, plans, 6747  
specifications, surveys, and estimates of cost, legal fees, fees 6748  
and expenses of trustees, depositories, and paying agents for the 6749  
obligations, cost of issuance of the obligations and financing 6750  
charges and fees and expenses of financial advisers and 6751  
consultants in connection therewith, interest on obligations from 6752  
the date thereof to the time when interest is to be covered from 6753  
sources other than proceeds of obligations, amounts that represent 6754  
the portion of investment earnings to be rebated or to be paid to 6755  
the federal government in order to maintain the exclusion from 6756  
gross income for federal income tax purposes of interest on those 6757  
obligations pursuant to section 148(f) of the Internal Revenue 6758  
Code, amounts necessary to establish reserves as required by the 6759  
resolutions or the obligations, trust agreements, or indentures, 6760  
costs of audits, the reimbursement of all moneys advanced or 6761  
applied by or borrowed from any governmental entity, whether to or 6762



by the authority or others, from whatever source provided, for the 6763  
payment of any item or items of cost of the capital facilities, 6764  
any share of the cost undertaken by the authority pursuant to 6765  
arrangements made with governmental entities under division (J) of 6766  
section 152.21 of the Revised Code, and all other expenses 6767  
necessary or incident to assessing, planning, or determining the 6768  
feasibility or practicability with respect to capital facilities, 6769  
and such other expenses as may be necessary or incident to the 6770  
assessment, planning, acquisition, construction, reconstruction, 6771  
rehabilitation, remodeling, renovation, enlargement, improvement, 6772  
alteration, maintenance, equipment, furnishing, repair, painting, 6773  
decoration, management, or operation of capital facilities, the 6774  
financing thereof and the placing of the same in use and 6775  
operation, including any one, part of, or combination of such 6776  
classes of costs and expenses. 6777

(6) "Governmental entity" means any state agency, municipal 6778  
corporation, county, township, school district, and any other 6779  
political subdivision or special district in this state 6780  
established pursuant to law, and, except where otherwise 6781  
indicated, also means the United States or any of the states or 6782  
any department, division, or agency thereof, and any agency, 6783  
commission, or authority established pursuant to an interstate 6784  
compact or agreement. 6785

(7) "Governing body" means: 6786

(a) In the case of a county, the board of county 6787  
commissioners or other legislative authority; in the case of a 6788  
municipal corporation, the legislative authority; in the case of a 6789  
township, the board of township trustees; in the case of a school 6790  
district, the board of education; 6791

(b) In the case of any other governmental entity, the 6792  
officer, board, commission, authority, or other body having the 6793  
general management of the entity or having jurisdiction or 6794

authority in the particular circumstances. 6795

(8) "Available receipts" means fees, charges, revenues, 6796  
grants, subsidies, income from the investment of moneys, proceeds 6797  
from the sale of goods or services, and all other revenues or 6798  
receipts received by or on behalf of any state agency for which 6799  
capital facilities are financed with obligations issued under 6800  
Chapter 152. of the Revised Code, any state agency participating 6801  
in capital facilities pursuant to section 152.33 of the Revised 6802  
Code, or any state agency by which the capital facilities are 6803  
constructed or financed; revenues or receipts derived by the 6804  
authority from the operation, leasing, or other disposition of 6805  
capital facilities, and the proceeds of obligations issued under 6806  
Chapter 152. of the Revised Code; and also any moneys appropriated 6807  
by a governmental entity, gifts, grants, donations, and pledges, 6808  
and receipts therefrom, available for the payment of bond service 6809  
charges on such obligations. 6810

(9) "Available community or technical college receipts" means 6811  
all money received by a community or technical college or 6812  
community or technical college district, including income, 6813  
revenues, and receipts from the operation, ownership, or control 6814  
of facilities, grants, gifts, donations, and pledges and receipts 6815  
therefrom, receipts from fees and charges, the allocated state 6816  
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 6817  
Revised Code, and the proceeds of the sale of obligations, 6818  
including proceeds of obligations issued to refund obligations 6819  
previously issued, but excluding any special fee, and receipts 6820  
therefrom, charged pursuant to division (D) of section 154.21 of 6821  
the Revised Code. 6822

(10) "Community or technical college," "college," "community 6823  
or technical college district," and "district" have the same 6824  
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 6825

(11) "Community or technical college capital facilities" 6826

means auxiliary facilities, education facilities, and housing and 6827  
dining facilities, as those terms are defined in section 3345.12 6828  
of the Revised Code, to the extent permitted to be financed by the 6829  
issuance of obligations under division (A)(2) of section 3357.112 6830  
of the Revised Code, that are authorized by sections 3354.121, 6831  
3357.112, and 3358.10 of the Revised Code to be financed by 6832  
obligations issued by a community or technical college district, 6833  
and for which the Ohio building authority is authorized to issue 6834  
obligations pursuant to Chapter 152. of the Revised Code, and 6835  
includes any one, part of, or any combination of the foregoing, 6836  
and further includes site improvements, utilities, machinery, 6837  
furnishings, and any separate or connected buildings, structures, 6838  
improvements, sites, open space and green space areas, utilities, 6839  
or equipment to be used in, or in connection with the operation or 6840  
maintenance of, or supplementing or otherwise related to the 6841  
services or facilities to be provided by, such facilities. 6842

(12) "Cost of community or technical college capital 6843  
facilities" means the costs of acquiring, constructing, 6844  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 6845  
improving, equipping, or furnishing community or technical college 6846  
capital facilities, and the financing thereof, including the cost 6847  
of clearance and preparation of the site and of any land to be 6848  
used in connection with community or technical college capital 6849  
facilities, the cost of any indemnity and surety bonds and 6850  
premiums on insurance, all related direct administrative expenses 6851  
and allocable portions of direct costs of the authority, community 6852  
or technical college or community or technical college district, 6853  
cost of engineering, architectural services, design, plans, 6854  
specifications and surveys, estimates of cost, legal fees, fees 6855  
and expenses of trustees, depositories, bond registrars, and 6856  
paying agents for the obligations, cost of issuance of the 6857  
obligations and financing costs and fees and expenses of financial 6858  
advisers and consultants in connection therewith, interest on the 6859

obligations from the date thereof to the time when interest is to 6860  
be covered by available receipts or other sources other than 6861  
proceeds of the obligations, amounts that represent the portion of 6862  
investment earnings to be rebated or to be paid to the federal 6863  
government in order to maintain the exclusion from gross income 6864  
for federal income tax purposes of interest on those obligations 6865  
pursuant to section 148(f) of the Internal Revenue Code, amounts 6866  
necessary to establish reserves as required by the bond 6867  
proceedings, costs of audits, the reimbursements of all moneys 6868  
advanced or applied by or borrowed from the community or technical 6869  
college, community or technical college district, or others, from 6870  
whatever source provided, including any temporary advances from 6871  
state appropriations, for the payment of any item or items of cost 6872  
of community or technical college facilities, and all other 6873  
expenses necessary or incident to planning or determining 6874  
feasibility or practicability with respect to such facilities, and 6875  
such other expenses as may be necessary or incident to the 6876  
acquisition, construction, reconstruction, rehabilitation, 6877  
remodeling, renovation, enlargement, improvement, equipment, and 6878  
furnishing of community or technical college capital facilities, 6879  
the financing thereof and the placing of them in use and 6880  
operation, including any one, part of, or combination of such 6881  
classes of costs and expenses. 6882

(B) Pursuant to the powers granted to the general assembly 6883  
under Section 2i of Article VIII, Ohio Constitution, to authorize 6884  
the issuance of revenue obligations and other obligations, the 6885  
owners or holders of which are not given the right to have excises 6886  
or taxes levied by the general assembly for the payment of 6887  
principal thereof or interest thereon, the Ohio building authority 6888  
may issue obligations, in accordance with Chapter 152. of the 6889  
Revised Code, and shall cause the net proceeds thereof, after any 6890  
deposits of accrued interest for the payment of bond service 6891  
charges and after any deposit of all or such lesser portion as the 6892

authority may direct of the premium received upon the sale of 6893  
those obligations for the payment of the bond service charges, to 6894  
be applied to the costs of capital facilities designated by or 6895  
pursuant to act of the general assembly for housing state agencies 6896  
as authorized by Chapter 152. of the Revised Code. The authority 6897  
shall provide by resolution for the issuance of such obligations. 6898  
The bond service charges and all other payments required to be 6899  
made by the trust agreement or indenture securing such obligations 6900  
shall be payable solely from available receipts of the authority 6901  
pledged thereto as provided in such resolution. The available 6902  
receipts pledged and thereafter received by the authority are 6903  
immediately subject to the lien of such pledge without any 6904  
physical delivery thereof or further act, and the lien of any such 6905  
pledge is valid and binding against all parties having claims of 6906  
any kind against the authority, irrespective of whether those 6907  
parties have notice thereof, and creates a perfected security 6908  
interest for all purposes of Chapter 1309. of the Revised Code and 6909  
a perfected lien for purposes of any real property interest, all 6910  
without the necessity for separation or delivery of funds or for 6911  
the filing or recording of the resolution, trust agreement, 6912  
indenture, or other agreement by which such pledge is created or 6913  
any certificate, statement, or other document with respect 6914  
thereto; and the pledge of such available receipts is effective 6915  
and the money therefrom and thereof may be applied to the purposes 6916  
for which pledged. Every pledge, and every covenant and agreement 6917  
made with respect to the pledge, made in the resolution may 6918  
therein be extended to the benefit of the owners and holders of 6919  
obligations authorized by Chapter 152. of the Revised Code, the 6920  
net proceeds of which are to be applied to the costs of capital 6921  
facilities, and to any trustee therefor, for the further securing 6922  
of the payment of the bond service charges, and all or any rights 6923  
under any agreement or lease made under this section may be 6924  
assigned for such purpose. Obligations may be issued at one time 6925

or from time to time, and each issue shall be dated, shall mature 6926  
at such time or times as determined by the authority not exceeding 6927  
forty years from the date of issue, and may be redeemable before 6928  
maturity at the option of the authority at such price or prices 6929  
and under such terms and conditions as are fixed by the authority 6930  
prior to the issuance of the obligations. The authority shall 6931  
determine the form of the obligations, fix their denominations, 6932  
establish their interest rate or rates, which may be a variable 6933  
rate or rates, or the maximum interest rate, and establish within 6934  
or without this state a place or places of payment of bond service 6935  
charges. 6936

(C) The obligations shall be signed by the authority 6937  
chairperson, vice-chairperson, and secretary-treasurer, and the 6938  
authority seal shall be affixed. The signatures may be facsimile 6939  
signatures and the seal affixed may be a facsimile seal, as 6940  
provided by resolution of the authority. Any coupons attached may 6941  
bear the facsimile signature of the chairperson. In case any 6942  
officer who has signed any obligations, or caused the officer's 6943  
facsimile signature to be affixed thereto, ceases to be such 6944  
officer before such obligations have been delivered, such 6945  
obligations may, nevertheless, be issued and delivered as though 6946  
the person who had signed the obligations or caused the person's 6947  
facsimile signature to be affixed thereto had not ceased to be 6948  
such officer. 6949

Any obligations may be executed on behalf of the authority by 6950  
an officer who, on the date of execution, is the proper officer 6951  
although on the date of such obligations such person was not the 6952  
proper officer. 6953

(D) All obligations issued by the authority shall have all 6954  
the qualities and incidents of negotiable instruments and may be 6955  
issued in coupon or in registered form, or both, as the authority 6956  
determines. Provision may be made for the registration of any 6957

obligations with coupons attached thereto as to principal alone or 6958  
as to both principal and interest, their exchange for obligations 6959  
so registered, and for the conversion or reconversion into 6960  
obligations with coupons attached thereto of any obligations 6961  
registered as to both principal and interest, and for reasonable 6962  
charges for such registration, exchange, conversion, and 6963  
reconversion. The authority may sell its obligations in any manner 6964  
and for such prices as it determines, except that the authority 6965  
shall sell obligations sold at public or private sale in 6966  
accordance with section 152.091 of the Revised Code. 6967

(E) The obligations of the authority, principal, interest, 6968  
and any proceeds from their sale or transfer, are exempt from all 6969  
taxation within this state. 6970

(F) The authority is authorized to issue revenue obligations 6971  
and other obligations under Section 2i of Article VIII, Ohio 6972  
Constitution, for the purpose of paying the cost of capital 6973  
facilities for housing of branches and agencies of state 6974  
government, including capital facilities for the purpose of 6975  
housing personnel, equipment, or functions, or any combination 6976  
thereof that the state agencies are responsible for housing, as 6977  
are authorized by Chapter 152. of the Revised Code, and that are 6978  
authorized by the general assembly by the appropriation of lease 6979  
payments or other moneys for such capital facilities or by any 6980  
other act of the general assembly, but not including the 6981  
appropriation of moneys for feasibility studies for such capital 6982  
facilities. This division does not authorize the authority to 6983  
issue obligations pursuant to Section 2i of Article VIII, Ohio 6984  
Constitution, to pay the cost of capital facilities for mental 6985  
hygiene and retardation, parks and recreation, or state-supported 6986  
or state-assisted institutions of higher education. 6987

(G) The authority is authorized to issue revenue obligations 6988  
under Section 2i of Article VIII, Ohio Constitution, on behalf of 6989

a community or technical college district and shall cause the net 6990  
proceeds thereof, after any deposits of accrued interest for the 6991  
payment of bond service charges and after any deposit of all or 6992  
such lesser portion as the authority may direct of the premium 6993  
received upon the sale of those obligations for the payment of the 6994  
bond service charges, to be applied to the cost of community or 6995  
technical college capital facilities, provided that the issuance 6996  
of such obligations is subject to the execution of a written 6997  
agreement in accordance with division (C) of section ~~3333.90~~ 6998  
3333.59 of the Revised Code for the withholding and depositing of 6999  
funds otherwise due the district, or the college it operates, in 7000  
respect of its allocated state share of instruction. 7001

The authority shall provide by resolution for the issuance of 7002  
such obligations. The bond service charges and all other payments 7003  
required to be made by the trust agreement or indenture securing 7004  
the obligations shall be payable solely from available community 7005  
or technical college receipts pledged thereto as provided in the 7006  
resolution. The available community or technical college receipts 7007  
pledged and thereafter received by the authority are immediately 7008  
subject to the lien of such pledge without any physical delivery 7009  
thereof or further act, and the lien of any such pledge is valid 7010  
and binding against all parties having claims of any kind against 7011  
the authority, irrespective of whether those parties have notice 7012  
thereof, and creates a perfected security interest for all 7013  
purposes of Chapter 1309. of the Revised Code and a perfected lien 7014  
for purposes of any real property interest, all without the 7015  
necessity for separation or delivery of funds or for the filing or 7016  
recording of the resolution, trust agreement, indenture, or other 7017  
agreement by which such pledge is created or any certificate, 7018  
statement, or other document with respect thereto; and the pledge 7019  
of such available community or technical college receipts is 7020  
effective and the money therefrom and thereof may be applied to 7021  
the purposes for which pledged. Every pledge, and every covenant 7022



and agreement made with respect to the pledge, made in the 7023  
resolution may therein be extended to the benefit of the owners 7024  
and holders of obligations authorized by this division, and to any 7025  
trustee therefor, for the further securing of the payment of the 7026  
bond service charges, and all or any rights under any agreement or 7027  
lease made under this section may be assigned for such purpose. 7028  
Obligations may be issued at one time or from time to time, and 7029  
each issue shall be dated, shall mature at such time or times as 7030  
determined by the authority not exceeding forty years from the 7031  
date of issue, and may be redeemable before maturity at the option 7032  
of the authority at such price or prices and under such terms and 7033  
conditions as are fixed by the authority prior to the issuance of 7034  
the obligations. The authority shall determine the form of the 7035  
obligations, fix their denominations, establish their interest 7036  
rate or rates, which may be a variable rate or rates, or the 7037  
maximum interest rate, and establish within or without this state 7038  
a place or places of payment of bond service charges. 7039

**Sec. 152.18.** Whenever the Ohio building authority constructs, 7040  
reconstructs, rehabilitates, remodels, renovates, enlarges, 7041  
improves, alters, maintains, equips, furnishes, repairs, paints, 7042  
or decorates capital facilities pursuant to section 152.19, 7043  
152.21, or 152.31 of the Revised Code or buildings, facilities, 7044  
and other properties for use and occupancy of persons pursuant to 7045  
section 152.04 of the Revised Code, the authority shall make the 7046  
necessary plans and specifications, and shall advertise for bids 7047  
for all work to be placed under contract once a week for two 7048  
consecutive weeks in a newspaper of general circulation in the 7049  
county within which the work is to be done, and shall award the 7050  
contract to the lowest responsive and responsible bidder in 7051  
accordance with section 9.312 of the Revised Code. When the 7052  
authority determines, subject to approval by the controlling 7053  
board, that a real and present emergency exists or if the cost of 7054

such a contract does not exceed fifty thousand dollars, such a 7055  
contract may be awarded without advertising and receipt of bids. A 7056  
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 7057  
Code shall be required for any contract under this section. 7058

In all other cases of capital facilities financed by the 7059  
authority, the construction, reconstruction, ~~rehabilitation,~~ 7060  
~~remodeling, renovation,~~ enlargement, improvement, alteration, 7061  
~~maintenance, equipping, furnishing,~~ repair, painting, or 7062  
decoration of capital facilities by or for the state or any 7063  
governmental entity shall be the responsibility of the ~~department~~ 7064  
~~of administrative services~~ Ohio facilities construction commission 7065  
or, with the consent of the ~~department of administrative services~~ 7066  
Ohio facilities construction commission, shall be the 7067  
responsibility of the state agency using the capital facility, or 7068  
the governmental entity with which a state agency is participating 7069  
pursuant to section 152.33 of the Revised Code, and shall be 7070  
undertaken by the ~~department~~ commission in compliance with Chapter 7071  
153. of the Revised Code, or by such state agency or governmental 7072  
entity in accordance with otherwise applicable law. The 7073  
rehabilitation, remodeling, renovation, maintenance, equipping, or 7074  
furnishing of capital facilities by or for the state or any 7075  
governmental entity shall be the responsibility of the department 7076  
of administrative services or, with the consent of the department, 7077  
the state agency or other governmental entity that is using the 7078  
capital facility. 7079

**Sec. 152.24.** (A) Except as otherwise provided with respect to 7080  
leasing of capital facilities in sections 152.241, 152.242, 7081  
152.31, and 152.33 of the Revised Code, the department of 7082  
administrative services or, with the consent of the department of 7083  
administrative services, the state agency using an office facility 7084  
and related storage and parking facilities, or participating in 7085  
such facilities pursuant to section 152.33 of the Revised Code, 7086

shall lease any office facility and related storage and parking 7087  
facility acquired, purchased, constructed, reconstructed, 7088  
rehabilitated, remodeled, renovated, enlarged, improved, altered, 7089  
operated, maintained, equipped, furnished, repaired, painted, 7090  
decorated, or financed by the Ohio building authority for housing 7091  
any state agencies. An agreement between the authority and the 7092  
department of administrative services or such using or 7093  
participating agency may provide for the transfer of the property 7094  
to the state after bonds and notes issued by the authority for the 7095  
purpose of the acquisition, purchase, construction, 7096  
reconstruction, rehabilitation, remodeling, renovation, 7097  
enlargement, improvement, alteration, equipping, furnishing, 7098  
repair, painting, decorating, or financing of such building or 7099  
facility have been repaid. A lease between the authority and the 7100  
department of administrative services or a using or participating 7101  
agency shall be for a period not exceeding the then current 7102  
two-year period for which appropriations have been made by the 7103  
general assembly to the department of administrative services and 7104  
the state agencies which will occupy or participate in the office 7105  
facility and related storage and parking facility being leased, 7106  
and such lease may contain such other terms as the department of 7107  
administrative services, or a using or participating agency, and 7108  
the authority agree notwithstanding any other provision of law, 7109  
including provision that rental payments in amounts at least 7110  
sufficient to pay bond service charges payable during the current 7111  
two-year lease term shall be an absolute and unconditional 7112  
obligation of the department of administrative services, or the 7113  
using or participating agency, independent of all other duties 7114  
under the lease without setoff or deduction or any other similar 7115  
rights or defenses. Such an agreement may provide for renewal of a 7116  
lease at the end of each term for another term, not exceeding two 7117  
years, provided that no renewal shall be effective until the 7118  
effective date of an appropriation enacted by the general assembly 7119

from which the department of administrative services, or the using 7120  
or participating agency, may lawfully pay rentals under such 7121  
lease. For purposes of this section, the term "lease" may include, 7122  
without limitation, any agreement between the department of 7123  
administrative services, or the using or participating agency, and 7124  
the authority with respect to any costs of capital facilities to 7125  
be incurred prior to land acquisition. 7126

(B) If the director of administrative services or the 7127  
director of a state agency using or participating in an office 7128  
facility and related storage and parking facility certifies that 7129  
space in such facility acquired, purchased, constructed, 7130  
reconstructed, rehabilitated, remodeled, renovated, enlarged, 7131  
improved, altered, operated, maintained, equipped, furnished, 7132  
repaired, painted, decorated, or financed by the authority has 7133  
become unnecessary for state use, the authority may lease any 7134  
excess space in such facility and related storage and parking 7135  
facility to any governmental entity. 7136

(C) If space in any office facility leased by the authority 7137  
to the department of administrative services is not immediately 7138  
necessary for state use, the department of administrative services 7139  
may exercise its authority under division (A)~~(9)~~(5) of section 7140  
123.01 of the Revised Code with respect to such space. 7141

(D) Capital facilities acquired, purchased, constructed, 7142  
reconstructed, rehabilitated, remodeled, renovated, enlarged, 7143  
improved, altered, operated, maintained, equipped, furnished, 7144  
repaired, painted, decorated, or financed by the Ohio building 7145  
authority, other than any office facility and related storage and 7146  
parking facility required to be leased pursuant to division (A) of 7147  
this section, shall be leased to the department of administrative 7148  
services, the state agency using the capital facilities, or the 7149  
state agency participating in the capital facilities pursuant to 7150  
section 152.33 of the Revised Code. The department of 7151

administrative services or the using or participating state agency 7152  
may sublease such capital facilities to other state agencies or 7153  
other governmental entities. Such parties, including other state 7154  
agencies or state-supported or state-assisted institutions of 7155  
higher education, may make other agreements for the use, 7156  
construction, or operation of such capital facilities in any 7157  
manner permitted by the lease or agreement with the authority and 7158  
for the charging, collection, and deposit of such revenues and 7159  
receipts of the using or participating state agency constituting 7160  
available receipts, all upon such terms and conditions as the 7161  
parties may agree upon and pursuant to this chapter 7162  
notwithstanding other provisions of law affecting the leasing, 7163  
acquisition, operation, or disposition of capital facilities by 7164  
such parties. Any such lease between the authority and the 7165  
department of administrative services or a using or participating 7166  
state agency shall be for a period not to exceed the then current 7167  
two-year period for which appropriations have been made by the 7168  
general assembly to the department of administrative services or 7169  
such using or participating state agency. The lease between the 7170  
authority and the department of administrative services or the 7171  
using or participating state agency may provide for renewal of the 7172  
lease at the end of each term for another term, not exceeding two 7173  
years, but no renewal shall be effective until the effective date 7174  
of an appropriation enacted by the general assembly from which the 7175  
department of administrative services or the using or 7176  
participating state agency may lawfully pay rentals under such 7177  
lease. Any such leases, subleases, or agreements may set forth the 7178  
responsibilities of the authority, state agencies, 7179  
state-supported, or state-assisted institutions of higher 7180  
education, or other governmental entities as to the financing, 7181  
assessment, planning, acquisition, purchase, construction, 7182  
reconstruction, rehabilitation, remodeling, renovation, 7183  
enlargement, improvement, alteration, subleasing, management, 7184

operation, maintenance, equipping, furnishing, repair, painting, 7185  
decorating, and insuring of such capital facilities and other 7186  
terms and conditions applicable thereto, and any other provisions 7187  
mutually agreed upon for the purposes of this chapter. Promptly 7188  
upon execution thereof, a signed or conformed copy of each such 7189  
lease or sublease or agreement, and any supplement thereto, 7190  
between the authority and a governmental entity shall be filed by 7191  
the authority with the department of administrative services and 7192  
the director of budget and management, and, promptly upon 7193  
execution thereof, a signed or conformed copy of each such 7194  
sublease or agreement between two governmental entities, not 7195  
including the authority, shall be filed with the authority and the 7196  
director of budget and management. For purposes of this section, 7197  
the term "lease" may include, without limitation, any agreement 7198  
between the department of administrative services or the state 7199  
agency using or participating in such capital facilities and the 7200  
authority with respect to any costs of capital facilities to be 7201  
incurred prior to land acquisition. 7202

(E) The transfer of tangible personal property by lease under 7203  
authority of this chapter is not a sale as used in Chapter 5739. 7204  
of the Revised Code. Any agreement of a governmental entity to 7205  
make rental, use, or other payments or payment of purchase price, 7206  
in installments or otherwise, or repayments to or on account of 7207  
the authority and the obligations issued by the authority, shall 7208  
not be deemed to constitute indebtedness, bonded or otherwise, or 7209  
bonds, notes, or other evidence of indebtedness of such 7210  
governmental entity for the purpose of Chapter 133. of the Revised 7211  
Code or any other purpose; such leases and agreements requiring 7212  
payments beyond the current fiscal year are continuing contracts 7213  
for the purposes of sections 5705.41 and 5705.44 of the Revised 7214  
Code. 7215

(F) Any agreement between the department of administrative 7216

services or the state agency using or participating in such 7217  
capital facilities and the authority that includes provision for 7218  
the use of space by such using or participating state agency or 7219  
the department of administrative services, even if executed prior 7220  
to land acquisition or completion of construction, improvements, 7221  
or financing, shall be a lease for purposes of this chapter and 7222  
for all other purposes. No such lease need be recorded or 7223  
recordable for purposes of determining its validity or legal 7224  
sufficiency. 7225

**Sec. 153.01.** (A) Whenever any building or structure for the 7226  
use of the state or any institution supported in whole or in part 7227  
by the state or in or upon the public works of the state that is 7228  
administered by the ~~director of administrative services~~ Ohio 7229  
facilities construction commission or by any other state officer 7230  
or state agency authorized by law to administer a project, 7231  
including an educational institution listed in section 3345.50 of 7232  
the Revised Code, is to be erected or constructed, whenever 7233  
additions, alterations, or structural or other improvements are to 7234  
be made, or whenever heating, cooling, or ventilating plants or 7235  
other equipment is to be installed or material supplied therefor, 7236  
the estimated cost of which amounts to two hundred thousand 7237  
dollars or more, or the amount determined pursuant to section 7238  
153.53 of the Revised Code or more, each officer, board, or other 7239  
authority upon which devolves the duty of constructing, erecting, 7240  
altering, or installing the same, referred to in sections 153.01 7241  
to 153.60 of the Revised Code as the public authority, shall cause 7242  
to be made, by an architect or engineer whose contract of 7243  
employment shall be prepared and approved by the attorney general, 7244  
the following: 7245

(1) Full and accurate plans, suitable for the use of 7246  
mechanics and other builders in the construction, improvement, 7247  
addition, alteration, or installation; 7248

(2) Details to scale and full-sized, so drawn and represented as to be easily understood;	7249 7250
(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;	7251 7252 7253 7254
(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;	7255 7256
(5) A life-cycle cost analysis;	7257
(6) Further data as may be required by the <del>department of administrative services</del> <u>Ohio facilities construction commission</u> .	7258 7259
(B) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.	7260 7261 7262 7263 7264 7265
<b>Sec. 153.011.</b> (A) Except as provided in division (D) of this section, whenever any building or structure, including highway improvements, in whole or in part supported by state capital funds, including moneys from the education facilities trust fund, is to be erected or constructed, or whenever additions, alterations, or structural or other improvements are to be made, if any steel products are to be purchased for or provided in the construction, repair, or improvement project, only steel products as defined in division (F) of this section shall be purchased for or provided in the project.	7266 7267 7268 7269 7270 7271 7272 7273 7274 7275
(B)(1) No person shall purchase or provide steel products in violation of division (A) of this section.	7276 7277
(2) Notwithstanding division (B) of section 153.99 of the	7278



Revised Code, no person who purchases steel products in violation 7279  
of division (A) of this section shall be held liable in a civil 7280  
action commenced under division (C) of this section, or pay a 7281  
civil penalty under division (B) of section 153.99 of the Revised 7282  
Code, if that person can demonstrate the person's compliance with 7283  
division (E) of this section. 7284

(C) Whenever the executive director of ~~administrative~~ 7285  
~~services~~ the Ohio facilities construction commission has 7286  
reasonable cause to believe that any person has purchased or 7287  
provided steel products in violation of division (A) of this 7288  
section, the executive director shall conduct an investigation to 7289  
determine whether the person has purchased or provided or is 7290  
purchasing or providing steel products in violation of division 7291  
(A) of this section. Upon conducting the investigation, if the 7292  
executive director finds that the person has purchased or provided 7293  
or is purchasing or providing steel products in violation of 7294  
division (A) of this section, the executive director shall request 7295  
the attorney general to commence a civil action under this section 7296  
against the person for violating division (A) of this section. The 7297  
remedy provided in this section is concurrent with any other 7298  
remedy provided in this chapter, and the existence or exercise of 7299  
one remedy does not prevent the exercise of any other. Upon 7300  
collection of the civil penalty under division (B) of section 7301  
153.99 of the Revised Code, pursuant to an action authorized under 7302  
this section, the attorney general shall pay the money collected 7303  
to the treasurer of the board of education of the city, local, or 7304  
exempted village school district and joint vocational school 7305  
district, if one exists, in which the construction, repair, or 7306  
improvement project for which the steel products used in violation 7307  
of division (A) of this section is located. The treasurer shall 7308  
deposit the civil penalty in equal amounts into the school 7309  
district's general fund and the joint vocational school district's 7310  
general fund. If a joint vocational school district does not exist 7311

where the violation occurred, then the entire sum of the civil 7312  
penalty shall be deposited into the school district's general 7313  
fund. 7314

(D) Pursuant to section 5525.21 of the Revised Code, the 7315  
director of transportation may authorize the purchase or provision 7316  
or both of a minimal amount of foreign steel products for use in 7317  
contracts for public bridge projects. 7318

The executive director of ~~administrative services~~ the Ohio 7319  
facilities construction commission may waive the requirements of 7320  
division (A) of this section if the executive director determines 7321  
that either division (A) or (B) of section 5525.21 of the Revised 7322  
Code is true in connection with a public bridge project. The 7323  
executive director shall issue this determination in writing. 7324

(E) The following notice shall be included in boldface type 7325  
and capital letters in all bid notifications and specifications 7326  
between all parties to any contract authorized under Chapter 153. 7327  
of the Revised Code or subject to this section and section 153.99 7328  
of the Revised Code: "Domestic steel use requirements as specified 7329  
in section 153.011 of the Revised Code apply to this project. 7330  
Copies of section 153.011 of the Revised Code can be obtained from 7331  
~~any of the offices~~ office of the ~~department of administrative~~ 7332  
~~services~~ Ohio facilities construction commission." 7333

(F) As used in this section: 7334

(1) "Steel products" means products rolled, formed, shaped, 7335  
drawn, extruded, forged, cast, fabricated or otherwise similarly 7336  
processed, or processed by a combination of two or more of such 7337  
operations, and used for load-bearing structural purposes, from 7338  
steel made in the United States by the open hearth, basic oxygen, 7339  
electric furnace, bessemer or other steel making process. 7340

(2) "United States" means the United States of America and 7341  
includes all territory, continental or insular, subject to the 7342

jurisdiction of the United States. 7343

**Sec. 153.013.** If a project for the construction, alteration, 7344  
or other improvement of a building or structure is administered by 7345  
the executive director of ~~administrative services~~ the Ohio 7346  
facilities construction commission or by another state agency 7347  
authorized to administer a project under this chapter, if the 7348  
project is located in a municipal corporation with a population of 7349  
at least four hundred thousand that is in a county with a 7350  
population of at least one million two hundred thousand, and if a 7351  
political subdivision contributes at least one hundred thousand 7352  
dollars to the project, then a contractor for the project shall 7353  
comply with regulations or ordinances of the political subdivision 7354  
that are in effect before July 1, 2009, and that specifically 7355  
relate to the employment of residents and local businesses of the 7356  
political subdivision in the performance of the work of the 7357  
project, and such ordinances or regulations shall be included by 7358  
reference unambiguously in the contract between the administering 7359  
state agency and the contractor for the project. 7360

**Sec. 153.02.** (A) The executive director of ~~administrative~~ 7361  
~~services, on the director's own initiative or upon request of the~~ 7362  
Ohio ~~school~~ facilities construction commission, may debar a 7363  
contractor from contract awards for public improvements as 7364  
referred to in section 153.01 of the Revised Code or for projects 7365  
as defined in section 3318.01 of the Revised Code, upon proof that 7366  
the contractor has done any of the following: 7367

(1) Defaulted on a contract requiring the execution of a 7368  
takeover agreement as set forth in division (B) of section 153.17 7369  
of the Revised Code; 7370

(2) Knowingly failed during the course of a contract to 7371  
maintain the coverage required by the bureau of workers' 7372

compensation;	7373
(3) Knowingly failed during the course of a contract to	7374
maintain the contractor's drug-free workplace program as required	7375
by the contract;	7376
(4) Knowingly failed during the course of a contract to	7377
maintain insurance required by the contract or otherwise by law,	7378
resulting in a substantial loss to the owner, as owner is referred	7379
to in section 153.01 of the Revised Code, or to the commission and	7380
school district board, as provided in division (F) of section	7381
3318.08 of the Revised Code;	7382
(5) Misrepresented the firm's qualifications in the selection	7383
process set forth in sections 153.65 to 153.71 or section 3318.10	7384
of the Revised Code;	7385
(6) Been convicted of a criminal offense related to the	7386
application for or performance of any public or private contract,	7387
including, but not limited to, embezzlement, theft, forgery,	7388
bribery, falsification or destruction of records, receiving stolen	7389
property, and any other offense that directly reflects on the	7390
contractor's business integrity;	7391
(7) Been convicted of a criminal offense under state or	7392
federal antitrust laws;	7393
(8) Deliberately or willfully submitted false or misleading	7394
information in connection with the application for or performance	7395
of a public contract;	7396
(9) Been debarred from bidding on or participating in a	7397
contract with any state or federal agency.	7398
(B) When the <u>executive</u> director reasonably believes that	7399
grounds for debarment exist, the <u>executive</u> director shall send the	7400
contractor a notice of proposed debarment indicating the grounds	7401
for the proposed debarment and the procedure for requesting a	7402

hearing on the proposed debarment. The hearing shall be conducted 7403  
in accordance with Chapter 119. of the Revised Code. If the 7404  
contractor does not respond with a request for a hearing in the 7405  
manner specified in Chapter 119. of the Revised Code, the 7406  
executive director shall issue the debarment decision without a 7407  
hearing and shall notify the contractor of the decision by 7408  
certified mail, return receipt requested. 7409

(C) The executive director shall determine the length of the 7410  
debarment period and may rescind the debarment at any time upon 7411  
notification to the contractor. During the period of debarment, 7412  
the contractor is not eligible to bid for or participate in any 7413  
contract for a public improvement as referred to in section 153.01 7414  
of the Revised Code or for a project as defined in section 3318.01 7415  
of the Revised Code. After the debarment period expires, the 7416  
contractor shall be eligible to bid for and participate in such 7417  
contracts. 7418

(D) The executive director, ~~through the office of the state~~ 7419  
~~architect,~~ shall maintain a list of all contractors currently 7420  
debarred under this section. Any governmental entity awarding a 7421  
contract for construction of a public improvement or project may 7422  
use a contractor's presence on the debarment list to determine 7423  
whether a contractor is responsible or best under section 9.312 or 7424  
any other section of the Revised Code in the award of a contract. 7425

**Sec. 153.04.** The plans, details, bills of material, 7426  
specifications of work, estimates of cost in detail and in the 7427  
aggregate, life-cycle cost analysis, form of bid, bid guaranty, 7428  
and other data that may be required shall be prepared on such 7429  
material and in such manner and form as are prescribed by the 7430  
~~department of administrative services~~ Ohio facilities construction 7431  
commission. The life-cycle costs shall be a primary consideration 7432  
in the selection of a design. The same shall be deposited and 7433

safely kept in the office of the owner as defined in section 7434  
153.01 of the Revised Code as the property of the state. 7435

**Sec. 153.06.** After the proceedings required by sections 7436  
153.01 and 153.04 of the Revised Code have been complied with, the 7437  
owner referred to in section 153.01 of the Revised Code shall give 7438  
public notice of the time and place when and where bids will be 7439  
received for performing the labor and furnishing the materials of 7440  
such construction, improvement, alteration, addition, or 7441  
installation, and a contract awarded, except for materials 7442  
manufactured by the state or labor supplied by a county department 7443  
of job and family services that may enter into the same. The form 7444  
of bid approved by the ~~department of administrative services~~ Ohio  
facilities construction commission shall be used, and a bid shall 7445  
be invalid and not considered unless such form is used without 7446  
change, alteration, or addition. Bidders may be permitted to bid 7447  
upon all the branches of work and materials to be furnished and 7448  
supplied, or upon any thereof, or alternately upon all or any 7449  
thereof. 7450  
7451

**Sec. 153.07.** The notice provided for in section 153.06 of the 7452  
Revised Code shall be published once each week for three 7453  
consecutive weeks in a newspaper of general circulation, or as 7454  
provided in section 7.16 of the Revised Code, in the county where 7455  
the activity for which bids are submitted is to occur and in such 7456  
other newspapers as ordered by the ~~department of administrative~~  
~~services~~ Ohio facilities construction commission, the last 7457  
publication to be at least eight days preceding the day for 7458  
opening the bids, and in such form and with such phraseology as 7459  
the ~~department~~ commission orders. Copies of the plans, details, 7460  
estimates of cost, and specifications shall be open to public 7461  
inspection at all business hours between the day of the first 7462  
publication and the day for opening the bids, at the office of the 7463  
7464

~~department~~ commission where the bids are received, and such other 7465  
place as may be designated in such notice. 7466

**Sec. 153.08.** On the day and at the place named in the notice 7467  
provided for in section 153.06 of the Revised Code, the owner 7468  
referred to in section 153.01 of the Revised Code shall open the 7469  
bids and shall publicly, with the assistance of the architect or 7470  
engineer, immediately proceed to tabulate the bids upon duplicate 7471  
sheets. The public bid opening may be broadcast by electronic 7472  
means pursuant to rules established by the ~~director of~~ 7473  
~~administrative services~~ Ohio facilities construction commission. A 7474  
bid shall be invalid and not considered unless a bid guaranty 7475  
meeting the requirements of section 153.54 of the Revised Code and 7476  
in the form approved by the ~~department of administrative services~~ 7477  
commission is filed with such bid. For a bid that is not filed 7478  
electronically, the bid and bid guaranty shall be filed in one 7479  
sealed envelope. If the bid and bid guaranty are filed 7480  
electronically, they must be received electronically before the 7481  
deadline published pursuant to section 153.06 of the Revised Code. 7482  
For all bids filed electronically, the original, unaltered bid 7483  
guaranty shall be made available to the public authority after the 7484  
public bid opening. After investigation, which shall be completed 7485  
within thirty days, the contract shall be awarded by such owner to 7486  
the lowest responsive and responsible bidder in accordance with 7487  
section 9.312 of the Revised Code. 7488

No contract shall be entered into until the industrial 7489  
commission has certified that the person so awarded the contract 7490  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 7491  
until, if the bidder so awarded the contract is a foreign 7492  
corporation, the secretary of state has certified that such 7493  
corporation is authorized to do business in this state, until, if 7494  
the bidder so awarded the contract is a person nonresident of this 7495  
state, such person has filed with the secretary of state a power 7496

of attorney designating the secretary of state as its agent for 7497  
the purpose of accepting service of summons in any action brought 7498  
under section 153.05 of the Revised Code or under sections 4123.01 7499  
to 4123.94 of the Revised Code, and until the contract and bond, 7500  
if any, are submitted to the attorney general and the attorney 7501  
general's approval certified thereon. 7502

No contract shall be entered into unless the bidder possesses 7503  
a valid certificate of compliance with affirmative action programs 7504  
issued pursuant to section 9.47 of the Revised Code and dated no 7505  
earlier than one hundred eighty days prior to the date fixed for 7506  
the opening of bids for a particular project. 7507

**Sec. 153.09.** If in the opinion of the owner referred to in 7508  
section 153.01 of the Revised Code, the award of a contract to the 7509  
lowest responsive and responsible bidder is not in the best 7510  
interests of the state, the owner may accept another bid so opened 7511  
or reject all bids, and advertise for other bids. Such 7512  
advertisement shall be for such time, in such form, and in such 7513  
newspaper as the ~~department~~ Ohio facilities construction 7514  
commission directs. All contracts shall provide that such owner 7515  
may make any change in work or materials on the conditions and in 7516  
the manner provided in sections 153.10 and 153.11 of the Revised 7517  
Code. 7518

**Sec. 153.11.** Whenever the change referred to in section 7519  
153.10 of the Revised Code is approved by the owner as defined in 7520  
section 153.01 of the Revised Code, accepted in writing by the 7521  
contractor, and filed, the same shall be considered as being a 7522  
part of the original contract, and the bond theretofore executed 7523  
shall be ~~held~~ increased or decreased accordingly to include and 7524  
cover the ~~same~~ change in the contract. 7525

**Sec. 153.12.** (A) With respect to award of any contract for 7526



the construction, reconstruction, improvement, enlargement, 7527  
alteration, repair, painting, or decoration of a public 7528  
improvement made by the state, or any county, township, municipal 7529  
corporation, school district, or other political subdivision, or 7530  
any public board, commission, authority, instrumentality, or 7531  
special purpose district of or in the state or a political 7532  
subdivision or that is authorized by state law, the award, and 7533  
execution of the contract, shall be made within sixty days after 7534  
the date on which the bids are opened. The failure to award and 7535  
execute the contract within sixty days invalidates the entire bid 7536  
proceedings and all bids submitted, unless the time for awarding 7537  
and executing the contract is extended by mutual consent of the 7538  
owner or its representatives and the bidder whose bid the owner 7539  
accepts and with respect to whom the owner subsequently awards and 7540  
executes a contract. The public owners referred to in this section 7541  
shall include, in the plans and specifications for the project for 7542  
which bids are solicited, the estimate of cost. The bid for which 7543  
the award is to be made shall be opened at the time and place 7544  
named in the advertisement for bids, unless extended by the owner 7545  
or its representative or unless, within seventy-two hours prior to 7546  
the published time for the opening of bids, excluding Saturdays, 7547  
Sundays, and legal holidays, any modification of the plans or 7548  
specifications and estimates of cost for the project for which 7549  
bids are solicited is issued and mailed or otherwise furnished to 7550  
persons who have obtained plans or specifications for the project, 7551  
for which the time for opening of bids shall be extended one week, 7552  
with no further advertising of bids required. The contractor, upon 7553  
request, is entitled to a notice to proceed with the work by the 7554  
owner or its representative upon execution of the contract. No 7555  
contract to which this section applies shall be entered into if 7556  
the price of the contract, or, if the project involves multiple 7557  
contracts where the total price of all contracts for the project, 7558  
is in excess of ten per cent above the entire estimate thereof, 7559

nor shall the entire cost of the construction, reconstruction, 7560  
repair, painting, decorating, improvement, alteration, addition, 7561  
or installation, including changes and estimates of expenses for 7562  
architects or engineers, exceed in the aggregate the amount 7563  
authorized by law. 7564

The unit or lump sum price stated in the contract shall be 7565  
used in determining the amount to be paid and shall constitute 7566  
full and final compensation for all the work. 7567

Partial payment to the contractor for work performed under 7568  
the lump sum price shall be based on a schedule prepared by the 7569  
contractor and approved by the architect or engineer who shall 7570  
apportion the lump sum price to the major components entering into 7571  
or forming a part of the work under the lump sum price. 7572

Partial payments to the contractor for labor performed under 7573  
either a unit or lump sum price contract shall be made at the rate 7574  
of ninety-two per cent of the estimates prepared by the contractor 7575  
and approved by the architect or engineer. All labor performed 7576  
after the job is fifty per cent completed shall be paid for at the 7577  
rate of one hundred per cent of the estimates submitted by the 7578  
contractor and approved by the architect or engineer. 7579

The amounts and time of payments of any public improvements 7580  
contract made by the state or any county, township, municipal 7581  
corporation, school district, or other political subdivision, or 7582  
any public board, commission, authority, instrumentality, or 7583  
special purpose district of or in the state or a political 7584  
subdivision or that is authorized by state law, except as provided 7585  
in section 5525.19 of the Revised Code, shall be governed by this 7586  
section and sections 153.13 and 153.14 of the Revised Code. If the 7587  
time for awarding the contract is extended by mutual consent, or 7588  
if the owner or its representative fails to issue a timely notice 7589  
to proceed as required by this section, the owner or its 7590  
representative shall issue a change order authorizing delay costs 7591

to the contractor, which does not invalidate the contract. The 7592  
amount of such a change order to the owner shall be determined in 7593  
accordance with the provisions of the contract for change orders 7594  
or force accounts or, if no such provision is set forth in the 7595  
contract, the cost to the owner shall be the contractor's actual 7596  
costs including wages, labor costs other than wages, wage taxes, 7597  
materials, equipment costs and rentals, insurance, and 7598  
subcontracts attributable to the delay, plus a reasonable sum for 7599  
overhead. In the event of a dispute between the owner and the 7600  
contractor concerning such change order, procedures shall be 7601  
commenced under the applicable terms of the contract, or, if the 7602  
contract contains no provision for resolving the dispute, it shall 7603  
be resolved pursuant to the procedures for arbitration in Chapter 7604  
2711. of the Revised Code, except as provided in division (B) of 7605  
this section. Nothing in this division shall be construed as a 7606  
limitation upon the authority of the director of transportation 7607  
granted in Chapter 5525. of the Revised Code. 7608

(B) If a dispute arises between the state and a contractor 7609  
concerning the terms of a public improvement contract let by the 7610  
state or concerning a breach of the contract, and after 7611  
administrative remedies provided for in such contract and any 7612  
alternative dispute resolution procedures provided in accordance 7613  
with guidelines established by the executive director of 7614  
~~administrative services~~ the Ohio facilities construction  
commission are exhausted, the contractor may bring an action to 7615  
the court of claims in accordance with Chapter 2743. of the 7616  
Revised Code. The state or the contractor may request the chief 7617  
justice of the supreme court to appoint a referee or panel of 7618  
referees in accordance with division (C)(3) of section 2743.03 of 7619  
the Revised Code. As used in this division, "dispute" means a 7620  
disagreement between the state and the contractor concerning a 7621  
public improvement contract let by the state. 7622  
7623

Sec. 153.14. For the construction of those projects, 7624  
improvements, and public buildings over which the ~~director of~~ 7625  
~~administrative services~~ Ohio facilities construction commission 7626  
has general supervision pursuant to section ~~123.01~~ 123.21 of the 7627  
Revised Code, the estimates referred to in section 153.13 of the 7628  
Revised Code shall be filed with the executive director by the 7629  
owner referred to in section 153.01 or 153.12 of the Revised Code. 7630  
Upon completion of a project referred to in section 153.13 of the 7631  
Revised Code or any divisible part thereof, the maintenance and 7632  
repair of such project or divisible part shall be assumed by the 7633  
owner referred to in section 153.01 or 153.12 of the Revised Code. 7634

In addition to all other payments on account of work 7635  
performed, there shall be allowed by the owner referred to in 7636  
section 153.01 or 153.12 of the Revised Code and paid to the 7637  
contractor a sum at the rate of ninety-two per cent of the invoice 7638  
costs, not to exceed the bid price in a unit price contract, of 7639  
material delivered on the site of the work, or a railroad station, 7640  
siding, or other point in the vicinity of the work, or other 7641  
approved storage site, provided such materials have been inspected 7642  
and found to meet the specifications. The balance of such invoiced 7643  
value shall be paid when such material is incorporated into and 7644  
becomes a part of such building, construction, addition, 7645  
improvement, alteration, or installation. When an estimate is 7646  
allowed on account of material delivered on the site of the work 7647  
or in the vicinity thereof or under the possession and control of 7648  
the contractor but not yet incorporated therein, such material 7649  
shall become the property of the owner under the contract, but if 7650  
such material is stolen, destroyed, or damaged by casualty before 7651  
being used, the contractor shall be required to replace it at ~~his~~ 7652  
the contractor's own expense. 7653

When the rate of work and amounts involved are so large that 7654  
it is considered advisable by the owner or contractor, estimates 7655

and payments shall be made twice each month. 7656

Payment on approved estimates filed with the owner or its 7657  
representative shall be made within thirty days. Upon the failure 7658  
of the owner or its representative to make such payments within 7659  
thirty days, or upon an unauthorized withholding of retainage, 7660  
there shall be allowed to the contractor, in addition to any other 7661  
remedies allowed by law, interest on such moneys not paid within 7662  
thirty days. Interest on the unauthorized withholding of retainage 7663  
shall be in addition to any interest earned in the escrow account 7664  
set forth in section 153.13 of the Revised Code. The rate of such 7665  
interest shall be the average of the prime rate established at the 7666  
commercial banks in the city of over one hundred thousand 7667  
population that is nearest the construction project. Nothing in 7668  
this section shall be construed as a limitation upon the authority 7669  
of the director of transportation granted in Chapter 5525. of the 7670  
Revised Code. 7671

**Sec. 153.16.** (A) The executive director of ~~administrative~~ 7672  
~~services~~ the Ohio facilities construction commission shall 7673  
establish policy and procedure guidelines for contract documents 7674  
in conjunction with the administration of public works contracts 7675  
that the state or any institution supported in whole or in part by 7676  
the state enters into for any project subject to sections 153.01 7677  
to 153.11 of the Revised Code. 7678

(B) Notwithstanding any contract provision to the contrary, 7679  
any claim submitted under a public works contract that the state 7680  
or any institution supported in whole or in part by the state 7681  
enters into for any project subject to sections 153.01 to 153.11 7682  
of the Revised Code shall be resolved within one hundred twenty 7683  
days. After the end of this one hundred twenty-day period, the 7684  
contractor shall be deemed to have exhausted all administrative 7685  
remedies for purposes of division (B) of section 153.12 of the 7686

Revised Code. 7687

**Sec. 153.17.** (A) When in the opinion of the owner referred to 7688  
in section 153.01 of the Revised Code, the work under any contract 7689  
made under any law of the state is neglected by the contractor or 7690  
such work is not prosecuted with the diligence and force specified 7691  
or intended in the contract, such owner may make requisition upon 7692  
the contractor for such additional specific force or materials to 7693  
be brought into the work under such contract or to remove improper 7694  
materials from the grounds as in their judgment the contract and 7695  
its faithful fulfillment requires. 7696

Not less than five days' notice in writing of such action 7697  
shall be served upon the contractor or the contractor's agent in 7698  
charge of the work. If the contractor fails to comply with such 7699  
requisition within fifteen days, such owner with the written 7700  
consent of the ~~department of administrative services~~ Ohio 7701  
facilities construction commission, may employ upon the work the 7702  
additional force, or supply the special materials or such part of 7703  
either as is considered proper, and may remove improper materials 7704  
from the grounds. 7705

(B) When the original contractor has defaulted on a contract 7706  
and the surety has declined to take over the project, the owner 7707  
may contract with one or more takeover contractors to complete 7708  
work that was not finished because of the default of the original 7709  
contractor. The owner may enter into a contract with a takeover 7710  
contractor without competitive bidding or controlling board 7711  
approval. Upon execution of a takeover contract, the owner shall 7712  
notify the director of budget and management. 7713

When the owner has taken over a project after a default has 7714  
occurred, any moneys that the owner receives from the surety as a 7715  
settlement for completion of the project shall be deposited in the 7716  
original fund from which the capital appropriation for the project 7717

was made. The executive director, without controlling board 7718  
approval, may authorize specified additional uses for the moneys 7719  
related to completion of the project and may increase the 7720  
appropriation authority in the appropriation line item used to 7721  
fund the project by an amount equal to the moneys received from 7722  
the surety. 7723

**Sec. 153.502.** (A) Each construction manager at risk and 7724  
design-build firm shall establish criteria by which it will 7725  
prequalify prospective bidders on subcontracts awarded for work to 7726  
be performed under the construction management or design-build 7727  
contract. The criteria established by a construction manager at 7728  
risk or design-build firm shall be subject to the approval of the 7729  
public authority involved in the project and shall be consistent 7730  
with the rules adopted by the ~~department of administrative~~ 7731  
~~services~~ Ohio facilities construction commission pursuant to 7732  
section 153.503 of the Revised Code. 7733

(B) For each subcontract to be awarded, the construction 7734  
manager at risk or design-build firm shall identify at least three 7735  
prospective bidders that are prequalified to bid on that 7736  
subcontract, except that the construction manager at risk or 7737  
design-build firm shall identify fewer than three if the 7738  
construction manager at risk or design-build firm establishes to 7739  
the satisfaction of the public authority that fewer than three 7740  
prequalified bidders are available. The public authority shall 7741  
verify that each prospective bidder meets the prequalification 7742  
criteria and may eliminate any bidder it determines is not 7743  
qualified. 7744

(C) Once the prospective bidders are prequalified and found 7745  
acceptable by the public authority, the construction manager at 7746  
risk or design-build firm shall solicit proposals from each of 7747  
those bidders. The solicitation and selection of a subcontractor 7748

shall be conducted under an open book pricing method. As used in 7749  
this division, "open book pricing method" has the same meaning as 7750  
in section 9.33 of the Revised Code, in the case of a construction 7751  
manager at risk, and the same meaning as in section 153.65 of the 7752  
Revised Code, in the case of a design-build firm. 7753

(D) A construction manager at risk or design-build firm shall 7754  
not be required to award a subcontract to a low bidder. 7755

**Sec. 153.503.** ~~The department of administrative services Ohio~~ 7756  
~~facilities construction commission~~, pursuant to Chapter 119. of 7757  
the Revised Code ~~and not later than June 30, 2012~~, shall adopt 7758  
rules to do all of the following: 7759

(A) Prescribe the procedures and criteria for determining the 7760  
best value selection of a construction manager at risk or 7761  
design-build firm; 7762

(B) ~~In consultation with the state architect's office, set~~ 7763  
Set forth standards to be followed by construction managers at 7764  
risk and design-build firms when establishing prequalification 7765  
criteria pursuant to section 153.502 of the Revised Code; 7766

(C) Prescribe the form for the contract documents to be used 7767  
by a construction manager at risk, design-build firm, or general 7768  
contractor when entering into a subcontract; 7769

(D) Prescribe the form for the contract documents to be used 7770  
by a public authority when entering into a contract with a 7771  
construction manager at risk or design-build firm. 7772

**Sec. 153.53.** (A) As used in this section, "rate of inflation" 7773  
has the same meaning as in section 107.032 of the Revised Code. 7774  
7775

(B) Five years after ~~the effective date of this section~~ 7776  
September 29, 2011, and every five years thereafter, the executive 7777



director of ~~administrative services~~ the Ohio facilities 7778  
construction commission shall evaluate the monetary threshold 7779  
specified in section 153.01 of the Revised Code and adopt rules 7780  
adjusting that amount based on the average rate of inflation 7781  
during each of the previous five years immediately preceding such 7782  
adjustment. 7783

**Sec. 154.25.** (A) As used in this section: 7784

(1) "Available community or technical college receipts" means 7785  
all money received by a community or technical college or 7786  
community or technical college district, including income, 7787  
revenues, and receipts from the operation, ownership, or control 7788  
of facilities, grants, gifts, donations, and pledges and receipts 7789  
therefrom, receipts from fees and charges, the allocated state 7790  
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 7791  
Revised Code, and the proceeds of the sale of obligations, 7792  
including proceeds of obligations issued to refund obligations 7793  
previously issued, but excluding any special fee, and receipts 7794  
therefrom, charged pursuant to division (D) of section 154.21 of 7795  
the Revised Code. 7796

(2) "Community or technical college," "college," "community 7797  
or technical college district," and "district" have the same 7798  
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 7799

(3) "Community or technical college capital facilities" means 7800  
auxiliary facilities, education facilities, and housing and dining 7801  
facilities, as those terms are defined in section 3345.12 of the 7802  
Revised Code, to the extent permitted to be financed by the 7803  
issuance of obligations under division (A)(2) of section 3357.112 7804  
of the Revised Code, that are authorized by sections 3354.121, 7805  
3357.112, and 3358.10 of the Revised Code to be financed by 7806  
obligations issued by a community or technical college district, 7807  
and for which the issuing authority is authorized to issue 7808

obligations pursuant to this section, and includes any one, part 7809  
of, or any combination of the foregoing, and further includes site 7810  
improvements, utilities, machinery, furnishings, and any separate 7811  
or connected buildings, structures, improvements, sites, open 7812  
space and green space areas, utilities, or equipment to be used 7813  
in, or in connection with the operation or maintenance of, or 7814  
supplementing or otherwise related to the services or facilities 7815  
to be provided by, such facilities. 7816

(4) "Cost of community or technical college capital 7817  
facilities" means the costs of acquiring, constructing, 7818  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 7819  
improving, equipping, or furnishing community or technical college 7820  
capital facilities, and the financing thereof, including the cost 7821  
of clearance and preparation of the site and of any land to be 7822  
used in connection with community or technical college capital 7823  
facilities, the cost of any indemnity and surety bonds and 7824  
premiums on insurance, all related direct administrative expenses 7825  
and allocable portions of direct costs of the commission and the 7826  
issuing authority, community or technical college or community or 7827  
technical college district, cost of engineering, architectural 7828  
services, design, plans, specifications and surveys, estimates of 7829  
cost, legal fees, fees and expenses of trustees, depositories, 7830  
bond registrars, and paying agents for obligations, cost of 7831  
issuance of obligations and financing costs and fees and expenses 7832  
of financial advisers and consultants in connection therewith, 7833  
interest on obligations from the date thereof to the time when 7834  
interest is to be covered by available receipts or other sources 7835  
other than proceeds of those obligations, amounts necessary to 7836  
establish reserves as required by the bond proceedings, costs of 7837  
audits, the reimbursements of all moneys advanced or applied by or 7838  
borrowed from the community or technical college, community or 7839  
technical college district, or others, from whatever source 7840  
provided, including any temporary advances from state 7841

appropriations, for the payment of any item or items of cost of 7842  
community or technical college facilities, and all other expenses 7843  
necessary or incident to planning or determining feasibility or 7844  
practicability with respect to such facilities, and such other 7845  
expenses as may be necessary or incident to the acquisition, 7846  
construction, reconstruction, rehabilitation, remodeling, 7847  
renovation, enlargement, improvement, equipment, and furnishing of 7848  
community or technical college capital facilities, the financing 7849  
thereof and the placing of them in use and operation, including 7850  
any one, part of, or combination of such classes of costs and 7851  
expenses. 7852

(5) "Capital facilities" includes community or technical 7853  
college capital facilities. 7854

(6) "Obligations" has the same meaning as in section 154.01 7855  
or 3345.12 of the Revised Code, as the context requires. 7856

(B) The issuing authority is authorized to issue revenue 7857  
obligations under Section 2i of Article VIII, Ohio Constitution, 7858  
on behalf of a community or technical college district and shall 7859  
cause the net proceeds thereof, after any deposits of accrued 7860  
interest for the payment of bond service charges and after any 7861  
deposit of all or such lesser portion as the issuing authority may 7862  
direct of the premium received upon the sale of those obligations 7863  
for the payment of the bond service charges, to be applied to the 7864  
cost of community or technical college capital facilities, 7865  
provided that the issuance of such obligations is subject to the 7866  
execution of a written agreement in accordance with division (C) 7867  
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 7868  
and depositing of funds otherwise due the district, or the college 7869  
it operates, in respect of its allocated state share of 7870  
instruction. 7871

(C) The bond service charges and all other payments required 7872  
to be made by the trust agreement or indenture securing the 7873

obligations shall be payable solely from available community or 7874  
technical college receipts pledged thereto as provided in the 7875  
resolution. The available community or technical college receipts 7876  
pledged and thereafter received by the commission are immediately 7877  
subject to the lien of such pledge without any physical delivery 7878  
thereof or further act, and the lien of any such pledge is valid 7879  
and binding against all parties having claims of any kind against 7880  
the authority, irrespective of whether those parties have notice 7881  
thereof, and creates a perfected security interest for all 7882  
purposes of Chapter 1309. of the Revised Code and a perfected lien 7883  
for purposes of any real property interest, all without the 7884  
necessity for separation or delivery of funds or for the filing or 7885  
recording of the resolution, trust agreement, indenture, or other 7886  
agreement by which such pledge is created or any certificate, 7887  
statement, or other document with respect thereto; and the pledge 7888  
of such available community or technical college receipts is 7889  
effective and the money therefrom and thereof may be applied to 7890  
the purposes for which pledged. Every pledge, and every covenant 7891  
and agreement made with respect to the pledge, made in the 7892  
resolution may therein be extended to the benefit of the owners 7893  
and holders of obligations authorized by this section, and to any 7894  
trustee therefor, for the further securing of the payment of the 7895  
bond service charges, and all or any rights under any agreement or 7896  
lease made under this section may be assigned for such purpose. 7897

(D) This section is to be applied with other applicable 7898  
provisions of this chapter. 7899

**Sec. 167.04.** (A) The regional council of governments shall 7900  
adopt by-laws, by a majority vote of its members, designating the 7901  
officers of the council and the method of their selection, 7902  
creating a governing board that may act for the council as 7903  
provided in the by-laws, and providing for the conduct of its 7904  
business. 7905

(B) The by-laws of the regional council of governments shall 7906  
provide for the appointment of a fiscal officer, who may hold any 7907  
other office or employment with the council, and who shall 7908  
receive, deposit, invest, and disburse the funds of the council in 7909  
the manner authorized by the by-laws or action by the council. 7910

(C) The by-laws of a regional council of governments the 7911  
members of which include, under sections 167.01 and 167.02 of the 7912  
Revised Code, at least eight counties may include a provision 7913  
authorizing member attendance and voting at council meetings 7914  
either in person or by proxy. 7915

(D)(1) Within ten business days after forming a regional 7916  
council of governments, the officers of the council shall notify 7917  
the auditor of state of the regional council's formation and shall 7918  
provide on a form prescribed by the auditor of state the 7919  
information regarding the regional council that the auditor of 7920  
state considers necessary. 7921

(2) As used in this division, "business day" means a day of 7922  
the week, excluding Saturday, Sunday, or a legal holiday as 7923  
defined in section 1.14 of the Revised Code. 7924

**Sec. 173.14.** As used in sections 173.14 to 173.27 of the 7925  
Revised Code: 7926

(A)(1) Except as otherwise provided in division (A)(2) of 7927  
this section, "long-term care facility" includes any residential 7928  
facility that provides personal care services for more than 7929  
twenty-four hours for two or more unrelated adults, including all 7930  
of the following: 7931

(a) A "nursing home," "residential care facility," or "home 7932  
for the aging" as defined in section 3721.01 of the Revised Code; 7933

(b) A facility authorized to provide extended care services 7934  
under Title XVIII of the "Social Security Act," 49 Stat. 620 7935

(1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(d) ~~An "adult care A residential facility" as defined in licensed under section 5119.70 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;~~

(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;

(f) An adult foster home certified under section 5119.692 of the Revised Code.

(2) "Long-term care facility" does not include a ~~"residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in licensed under section 5123.19 of the Revised Code.~~

(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.

(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:

- (1) Case management;
- (2) Home health care;

(3) Homemaker services;	7966
(4) Chore services;	7967
(5) Respite care;	7968
(6) Adult day care;	7969
(7) Home-delivered meals;	7970
(8) Personal care;	7971
(9) Physical, occupational, and speech therapy;	7972
(10) Transportation;	7973
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	7974 7975 7976
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	7977 7978 7979 7980
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	7981 7982 7983
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	7984 7985
(G) "Regional long-term care ombudsperson program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsperson program by the state long-term care ombudsperson.	7986 7987 7988 7989
(H) "Representative of the office of the state long-term care ombudsperson program" means the state long-term care ombudsperson or a member of the ombudsperson's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.	7990 7991 7992 7993 7994

(I) "Area agency on aging" means an area agency on aging 7995  
established under the "Older Americans Act of 1965," 79 Stat. 219, 7996  
42 U.S.C.A. 3001, as amended. 7997

**Sec. 173.21.** (A) The office of the state long-term care 7998  
ombudsperson program, through the state long-term care 7999  
ombudsperson and the regional long-term care ombudsperson 8000  
programs, shall require each representative of the office to 8001  
complete a training and certification program in accordance with 8002  
this section and to meet the continuing education requirements 8003  
established under this section. 8004

(B) The department of aging shall adopt rules under Chapter 8005  
119. of the Revised Code specifying the content of training 8006  
programs for representatives of the office of the state long-term 8007  
care ombudsperson program. Training for representatives other than 8008  
those who are volunteers providing services through regional 8009  
long-term care ombudsperson programs shall include instruction 8010  
regarding federal, state, and local laws, rules, and policies on 8011  
long-term care facilities and community-based long-term care 8012  
services; investigative techniques; and other topics considered 8013  
relevant by the department and shall consist of the following: 8014

(1) A minimum of forty clock hours of basic instruction, 8015  
which shall be completed before the trainee is permitted to handle 8016  
complaints without the supervision of a representative of the 8017  
office certified under this section; 8018

(2) An additional sixty clock hours of instruction, which 8019  
shall be completed within the first fifteen months of employment; 8020

(3) An internship of twenty clock hours, which shall be 8021  
completed within the first twenty-four months of employment, 8022  
including instruction in, and observation of, basic nursing care 8023  
and long-term care provider operations and procedures. The 8024  
internship shall be performed at a site that has been approved as 8025



an internship site by the state long-term care ombudsperson. 8026

(4) One of the following, which shall be completed within the 8027  
first twenty-four months of employment: 8028

(a) Observation of a survey conducted by the director of 8029  
health to certify a facility to receive funds under sections 8030  
5111.20 to 5111.32 of the Revised Code; 8031

(b) Observation of an inspection conducted by the director of 8032  
mental health to license ~~an adult care~~ a residential facility 8033  
under section ~~5119.73~~ 5119.22 of the Revised Code that provides 8034  
accommodations, supervision, and personal care services for three 8035  
to sixteen unrelated adults. 8036

(5) Any other training considered appropriate by the 8037  
department. 8038

(C) Persons who for a period of at least six months prior to 8039  
June 11, 1990, served as ombudsmen through the long-term care 8040  
ombudsperson program established by the department of aging under 8041  
division (M) of section 173.01 of the Revised Code shall not be 8042  
required to complete a training program. These persons and persons 8043  
who complete a training program shall take an examination 8044  
administered by the department of aging. On attainment of a 8045  
passing score, the person shall be certified by the department as 8046  
a representative of the office. The department shall issue the 8047  
person an identification card, which the representative shall show 8048  
at the request of any person with whom the representative deals 8049  
while performing the representative's duties and which shall be 8050  
surrendered at the time the representative separates from the 8051  
office. 8052

(D) The state ombudsperson and each regional program shall 8053  
conduct training programs for volunteers on their respective 8054  
staffs in accordance with the rules of the department of aging 8055  
adopted under division (B) of this section. Training programs may 8056

be conducted that train volunteers to complete some, but not all, 8057  
of the duties of a representative of the office. Each regional 8058  
office shall bear the cost of training its representatives who are 8059  
volunteers. On completion of a training program, the 8060  
representative shall take an examination administered by the 8061  
department of aging. On attainment of a passing score, a volunteer 8062  
shall be certified by the department as a representative 8063  
authorized to perform services specified in the certification. The 8064  
department shall issue an identification card, which the 8065  
representative shall show at the request of any person with whom 8066  
the representative deals while performing the representative's 8067  
duties and which shall be surrendered at the time the 8068  
representative separates from the office. Except as a supervised 8069  
part of a training program, no volunteer shall perform any duty 8070  
unless he is certified as a representative having received 8071  
appropriate training for that duty. 8072

(E) The state ombudsperson shall provide technical assistance 8073  
to regional programs conducting training programs for volunteers 8074  
and shall monitor the training programs. 8075

(F) Prior to scheduling an observation of a certification 8076  
survey or licensing inspection for purposes of division (B)(4) of 8077  
this section, the state ombudsperson shall obtain permission to 8078  
have the survey or inspection observed from both the director of 8079  
health and the long-term care facility at which the survey or 8080  
inspection is to take place. 8081

(G) The department of aging shall establish continuing 8082  
education requirements for representatives of the office. 8083

**Sec. 173.23.** (A) Representatives of the office of the state 8084  
long-term care ombudsperson program are immune from civil or 8085  
criminal liability for any action taken in the good faith 8086  
performance of their official duties under sections 173.14 to 8087

~~173.26 of the Revised Code. The department of aging shall ensure 8088  
that adequate legal counsel is available to the office of the 8089  
state long term care ombudsperson program for advice and 8090  
consultation and that legal representation is provided to any 8091  
representative of the office against whom any legal action is 8092  
brought in connection with the representative's official duties 8093  
under sections 173.14 to 173.26 of the Revised Code. 8094~~

(B) A person acting in good faith is immune from civil or 8095  
criminal liability incident to any of the following: providing 8096  
information to the office, participating in registration of a 8097  
complaint with the office, participating in investigation of a 8098  
complaint by the office, or participating in an administrative or 8099  
judicial proceeding resulting from a complaint. 8100

(C) No person shall knowingly register a false complaint with 8101  
the office, or knowingly swear or affirm the truth of a false 8102  
complaint previously registered, when the statement is made with 8103  
purpose to incriminate another. 8104

(D) The attorney general shall provide legal counsel to the 8105  
office of the state long-term care ombudsperson program and to the 8106  
regional long-term care ombudsperson programs. The attorney 8107  
general shall represent any representative of the office and any 8108  
representative of a regional program against whom any legal action 8109  
is brought in connection with the representative's official duties 8110  
under sections 173.14 to 173.26 of the Revised Code. 8111

**Sec. 173.26.** (A) Each of the following facilities shall 8112  
annually pay to the department of aging six dollars for each bed 8113  
maintained by the facility for use by a resident during any part 8114  
of the previous year: 8115

(1) Nursing homes, residential care facilities, and homes for 8116  
the aging as defined in section 3721.01 of the Revised Code; 8117

(2) Facilities authorized to provide extended care services 8118  
under Title XVIII of the "Social Security Act," 49 Stat. 620 8119  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 8120  
care hospital that provides medical and rehabilitative care to 8121  
patients who require an average length of stay greater than 8122  
twenty-five days and is classified by the centers for medicare and 8123  
medicaid services as a long-term care hospital pursuant to 42 8124  
C.F.R. 412.23(e); 8125

(3) County homes and district homes operated pursuant to 8126  
Chapter 5155. of the Revised Code; 8127

(4) ~~Adult care Residential facilities as defined in licensed~~ 8128  
under section 5119.70 5119.22 of the Revised Code that provide 8129  
accommodations, supervision, and personal care services for three 8130  
to sixteen unrelated adults; 8131

(5) Facilities approved by the Veterans Administration under 8132  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 8133  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 8134  
the placement and care of veterans. 8135

The department shall, by rule adopted in accordance with 8136  
Chapter 119. of the Revised Code, establish deadlines for payments 8137  
required by this section. A facility that fails, within ninety 8138  
days after the established deadline, to pay a payment required by 8139  
this section shall be assessed at two times the original invoiced 8140  
payment. 8141

(B) All money collected under this section shall be deposited 8142  
in the state treasury to the credit of the office of the state 8143  
long-term care ombudsperson program fund, which is hereby created. 8144  
Money credited to the fund shall be used solely to pay the costs 8145  
of operating the regional long-term care ombudsperson programs. 8146

(C) The state long-term care ombudsperson and the regional 8147  
programs may solicit and receive contributions to support the 8148

operation of the office or a regional program, except that no 8149  
contribution shall be solicited or accepted that would interfere 8150  
with the independence or objectivity of the office or program. 8151

**Sec. 173.27.** (A) As used in this section: 8152

(1) "Applicant" means a person who is under final 8153  
consideration for employment with the office of the state 8154  
long-term care ombudsperson program in a full-time, part-time, or 8155  
temporary position that involves providing ombudsperson services 8156  
to residents and recipients. "Applicant" includes, ~~but is not~~ 8157  
~~limited to,~~ a person who is under final consideration for 8158  
employment as the state long-term care ombudsperson or the head of 8159  
a regional long-term care ombudsperson program. "Applicant" does 8160  
not include a person ~~who provides~~ seeking to provide ombudsperson 8161  
services to residents and recipients as a volunteer without 8162  
receiving or expecting to receive any form of remuneration other 8163  
than reimbursement for actual expenses. 8164

(2) "Criminal records check" has the same meaning as in 8165  
section 109.572 of the Revised Code. 8166

(3) "Disqualifying offense" means any of the following: 8167

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 8168  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 8169  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 8170  
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 8171  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 8172  
2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 8173  
2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 8174  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 8175  
2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 8176  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 8177  
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 8178  
2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 8179

<u>2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24,</u>	8180
<u>2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122,</u>	8181
<u>2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42,</u>	8182
<u>2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09,</u>	8183
<u>2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	8184
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	8185
<u>(b) Felonious sexual penetration in violation of former</u>	8186
<u>section 2907.12 of the Revised Code;</u>	8187
<u>(c) A violation of section 2905.04 of the Revised Code as it</u>	8188
<u>existed prior to July 1, 1996;</u>	8189
<u>(d) A violation of section 2923.01, 2923.02, or 2923.03 of</u>	8190
<u>the Revised Code when the underlying offense that is the object of</u>	8191
<u>the conspiracy, attempt, or complicity is one of the offenses</u>	8192
<u>listed in divisions (A)(3)(a) to (c) of this section;</u>	8193
<u>(e) A violation of an existing or former municipal ordinance</u>	8194
<u>or law of this state, any other state, or the United States that</u>	8195
<u>is substantially equivalent to any of the offenses listed in</u>	8196
<u>divisions (A)(3)(a) to (d) of this section.</u>	8197
<u>(4) "Employee" means a person employed by the office of the</u>	8198
<u>state long-term care ombudsperson program in a full-time,</u>	8199
<u>part-time, or temporary position that involves providing</u>	8200
<u>ombudsperson services to residents and recipients. "Employee"</u>	8201
<u>includes the person employed as the state long-term care</u>	8202
<u>ombudsperson and a person employed as the head of a regional</u>	8203
<u>long-term care ombudsperson program. "Employee" does not include a</u>	8204
<u>person who provides ombudsperson services to residents and</u>	8205
<u>recipients as a volunteer without receiving or expecting to</u>	8206
<u>receive any form of remuneration other than reimbursement for</u>	8207
<u>actual expenses.</u>	8208
<u>(5) "Responsible entity" means the following:</u>	8209
<u>(a) In the case of an applicant who is under final</u>	8210

consideration for employment as the state long-term care 8211  
ombudsperson or the person employed as the state long-term care 8212  
ombudsperson, the director of aging; 8213

(b) In the case of any other applicant or employee, the state 8214  
long-term care ombudsperson or the ombudsperson's designee. 8215

(B) The office of the state long-term care ombudsperson 8216  
program may not employ an applicant or continue to employ an 8217  
employee in a position that involves providing ombudsperson 8218  
services to residents and recipients if any of the following 8219  
apply: 8220

(1) A review of the databases listed in division (D) of this 8221  
section reveals any of the following: 8222

(a) That the applicant or employee is included in one or more 8223  
of the databases listed in divisions (D)(1) to (5) of this 8224  
section; 8225

(b) That there is in the state nurse aide registry 8226  
established under section 3721.32 of the Revised Code a statement 8227  
detailing findings by the director of health that the applicant or 8228  
employee neglected or abused a long-term care facility or 8229  
residential care facility resident or misappropriated property of 8230  
such a resident; 8231

(c) That the applicant or employee is included in one or more 8232  
of the databases, if any, specified in rules adopted under this 8233  
section and the rules prohibit the office from employing an 8234  
applicant or continuing to employ an employee included in such a 8235  
database in a position that involves providing ombudsperson 8236  
services to residents and recipients. 8237

(2) After the applicant or employee is provided, pursuant to 8238  
division (E)(2)(a) of this section, a copy of the form prescribed 8239  
pursuant to division (C)(1) of section 109.572 of the Revised Code 8240  
and the standard impression sheet prescribed pursuant to division 8241

(C)(2) of that section, the applicant or employee fails to 8242  
complete the form or provide the applicant's or employee's 8243  
fingerprint impressions on the standard impression sheet. 8244

(3) Except as provided in rules adopted under this section, 8245  
the applicant or employee is found by a criminal records check 8246  
required by this section to have been convicted of, pleaded guilty 8247  
to, or been found eligible for intervention in lieu of conviction 8248  
for a disqualifying offense. 8249

(C) The responsible entity shall inform each applicant of 8250  
both of the following at the time of the applicant's initial 8251  
application for employment in a position that involves providing 8252  
ombudsperson services to residents and recipients: 8253

(1) That a review of the databases listed in division (D) of 8254  
this section will be conducted to determine whether the office of 8255  
the state long-term care ombudsperson program is prohibited by 8256  
division (B)(1) of this section from employing the applicant in 8257  
the position; 8258

(2) That, unless the database review reveals that the 8259  
applicant may not be employed in the position, a criminal records 8260  
check of the applicant will be conducted and the applicant is 8261  
required to provide a set of the applicant's fingerprint 8262  
impressions as part of the criminal records check. 8263

(D) As a condition of any applicant's being employed by the 8264  
office of the state long-term care ombudsperson program in a 8265  
position that involves providing ombudsperson services to 8266  
residents and recipients, the responsible entity shall conduct a 8267  
database review of the applicant in accordance with rules adopted 8268  
under this section. If rules adopted under this section so 8269  
require, the responsible entity shall conduct a database review of 8270  
an employee in accordance with the rules as a condition of the 8271  
office's continuing to employ the employee in a position that 8272



involves providing ombudsperson services to residents and 8273  
recipients. A database review shall determine whether the 8274  
applicant or employee is included in any of the following: 8275

(1) The excluded parties list system maintained by the United 8276  
States general services administration pursuant to subpart 9.4 of 8277  
the federal acquisition regulation; 8278

(2) The list of excluded individuals and entities maintained 8279  
by the office of inspector general in the United States department 8280  
of health and human services pursuant to section 1128 of the 8281  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 8282  
amended, and section 1156 of the "Social Security Act," 96 Stat. 8283  
388 (1982), 42 U.S.C. 1320c-5, as amended; 8284

(3) The registry of MR/DD employees established under section 8285  
5123.52 of the Revised Code; 8286

(4) The internet-based sex offender and child-victim offender 8287  
database established under division (A)(11) of section 2950.13 of 8288  
the Revised Code; 8289

(5) The internet-based database of inmates established under 8290  
section 5120.66 of the Revised Code; 8291

(6) The state nurse aide registry established under section 8292  
3721.32 of the Revised Code; 8293

(7) Any other database, if any, specified in rules adopted 8294  
under this section. 8295

~~(E)(1) The state long-term care ombudsperson or the~~ 8296  
~~ombudsperson's designee~~ As a condition of any applicant's being 8297  
employed by the office of the state long-term care ombudsperson 8298  
program in a position that involves providing ombudsperson 8299  
services to residents and recipients, the responsible entity shall 8300  
request that the superintendent of the bureau of criminal 8301  
identification and investigation conduct a criminal records check 8302

~~with respect to each of the applicant. If rules adopted under this~~ 8303  
~~section so require, the responsible entity shall request that the~~ 8304  
~~superintendent conduct a criminal records check of an employee at~~ 8305  
~~times specified in the rules as a condition of the office's~~ 8306  
~~continuing to employ the employee in a position that involves~~ 8307  
~~providing ombudsperson services to residents and recipients.~~ 8308  
~~However, if the applicant is under final consideration for~~ 8309  
~~employment as the state long term care ombudsperson, the director~~ 8310  
~~of aging shall request that the superintendent conduct the~~ 8311  
~~eriminal records check the responsible entity is not required to~~ 8312  
~~request the criminal records check of the applicant or employee if~~ 8313  
~~the office is prohibited by division (B)(1) of this section from~~ 8314  
~~employing the applicant or continuing to employ the employee in a~~ 8315  
~~position that involves providing ombudsperson services to~~ 8316  
~~residents and recipients. If an applicant or employee for whom a~~ 8317  
~~criminal records check request is required under by this division~~ 8318  
~~section does not present proof of having been a resident of this~~ 8319  
~~state for the five-year period immediately prior to the date the~~ 8320  
~~criminal records check is requested or provide evidence that~~ 8321  
~~within that five-year period the superintendent has requested~~ 8322  
~~information about the applicant or employee from the federal~~ 8323  
~~bureau of investigation in a criminal records check, the~~ 8324  
~~ombudsperson, designee, or director responsible entity shall~~ 8325  
~~request that the superintendent obtain information from the~~ 8326  
~~federal bureau of investigation as part of the criminal records~~ 8327  
~~check ~~of the applicant~~. Even if an applicant or employee for whom~~ 8328  
~~a criminal records check request is required under by this~~ 8329  
~~division section presents proof of having been a resident of this~~ 8330  
~~state for the five-year period, the ~~ombudsperson, designee, or~~~~ 8331  
~~~~director~~ responsible entity may request that the superintendent~~ 8332  
~~include information from the federal bureau of investigation in~~ 8333  
~~the criminal records check.~~ 8334

(2) ~~A person required by division (B)(1) of this section to~~ 8335

~~request a criminal records check~~ The responsible entity shall do 8336  
~~both~~ all of the following: 8337

(a) Provide to each applicant and employee for whom a 8338  
criminal records check request is required ~~under that division by~~ 8339  
this section a copy of the form prescribed pursuant to division 8340  
(C)(1) of section 109.572 of the Revised Code and a standard 8341  
~~fingerprint~~ impression sheet prescribed pursuant to division 8342  
(C)(2) of that section, ~~and obtain;~~ 8343

(b) Obtain the completed form and standard impression sheet 8344  
from the applicant or employee; 8345

~~(b)(c)~~ (c) Forward the completed form and standard impression 8346  
sheet to the superintendent ~~of the bureau of criminal~~ 8347  
~~identification and investigation.~~ 8348

(3) ~~An applicant provided the form and fingerprint impression~~ 8349  
~~sheet under division (B)(2)(a) of this section who fails to~~ 8350  
~~complete the form or provide fingerprint impressions shall not be~~ 8351  
~~employed in any position for which a criminal records check is~~ 8352  
~~required by this section.~~ 8353

~~(C)(1) Except as provided in rules adopted by the director of~~ 8354  
~~aging in accordance with division (F) of this section and subject~~ 8355  
~~to division (C)(2) of this section, the office of the state~~ 8356  
~~long term care ombudsperson may not employ a person in a position~~ 8357  
~~that involves providing ombudsperson services to residents and~~ 8358  
~~recipients if the person has been convicted of or pleaded guilty~~ 8359  
~~to any of the following:~~ 8360

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 8361  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 8362  
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 8363  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 8364  
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 8365  
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 8366

~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 8367  
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~~(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.~~ 8370  
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(2)(a) The office of the state long-term care ombudsperson program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible entity requests under this section. The office may charge an applicant a fee not exceeding the amount the office pays to the bureau under this section if the responsible entity notifies the applicant at the time of initial application for employment of the amount of the fee. 8374  
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(F)(1) The office of the state long-term care ombudsperson program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of by this section prior to obtaining the results of a the criminal records check regarding the individual, provided that the state long term care ombudsperson, ombudsperson's designee, or director of aging shall request a if the office is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsperson services to residents and recipients and the responsible entity requests the criminal records check regarding the individual in accordance with division (B)(1)(E) of this section not later than five business days after the individual applicant begins conditional employment. 8383  
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~~(b)(2) The office of the state long-term care ombudsperson program shall terminate the employment of an individual applicant employed conditionally under division (C)(2)(a)(F)(1) of this~~ 8396  
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section if the results of the criminal records check ~~request under~~ 8399  
~~division (B) of this section~~, other than the results of any 8400  
request for information from the federal bureau of investigation, 8401  
are not obtained within the period ending sixty days after the 8402  
date the request for the criminal records check is made. 8403  
Regardless of when the results of the criminal records check are 8404  
obtained, if the results indicate that the ~~individual~~ applicant 8405  
has been convicted of ~~or~~ pleaded guilty to ~~any of the offenses~~ 8406  
~~listed or described in division (C)(1) of this section~~, or been 8407  
found eligible for intervention in lieu of conviction for a 8408  
disqualifying offense, the office shall terminate the ~~individual's~~ 8409  
applicant's employment unless circumstances specified in rules 8410  
adopted under this section that permit the office to employ the 8411  
applicant exist and the office chooses to employ the ~~individual~~ 8412  
~~pursuant to division (F) of this section~~ applicant. Termination of 8413  
employment under this division shall be considered just cause for 8414  
discharge for purposes of division (D)(2) of section 4141.29 of 8415  
the Revised Code if the ~~individual~~ applicant makes any attempt to 8416  
deceive the office about the ~~individual's~~ applicant's criminal 8417  
record. 8418

~~(D)(1) The office of the state long term care ombudsperson~~ 8419  
~~program shall pay to the bureau of criminal identification and~~ 8420  
~~investigation the fee prescribed pursuant to division (C)(3) of~~ 8421  
~~section 109.572 of the Revised Code for each criminal records~~ 8422  
~~check conducted pursuant to a request made under division (B) of~~ 8423  
~~this section.~~ 8424

~~(2) The office of the state long term care ombudsperson~~ 8425  
~~program may charge an applicant a fee not exceeding the amount the~~ 8426  
~~office pays under division (D)(1) of this section. The office may~~ 8427  
~~collect a fee only if the office notifies the applicant at the~~ 8428  
~~time of initial application for employment of the amount of the~~ 8429  
~~fee.~~ 8430

~~(E)~~(G) The report of any criminal records check conducted 8431  
pursuant to a request made under this section is not a public 8432  
record for the purposes of section 149.43 of the Revised Code and 8433  
shall not be made available to any person other than the 8434  
following: 8435

(1) The ~~individual~~ applicant or employee who is the subject 8436  
of the criminal records check or the ~~individual's~~ applicant's or 8437  
employee's representative; 8438

(2) The ~~state long-term care ombudsperson, ombudsperson's~~ 8439  
~~designee, director of aging,~~ responsible entity or the 8440  
~~ombudsperson, designee, or director's~~ responsible entity's 8441  
representative; 8442

(3) If the state long-term care ombudsperson designates the 8443  
head or other employee of a regional long-term care ombudsperson 8444  
program to request a criminal records check under this section, a 8445  
representative of the office of the state long-term care 8446  
ombudsperson program who is responsible for monitoring the 8447  
regional program's compliance with this section; 8448

(4) A court, hearing officer, or other necessary individual 8449  
involved in a case dealing with ~~a~~ any of the following: 8450

(a) A denial of employment of the applicant or ~~dealing with~~ 8451  
~~employment~~ employee; 8452

(b) Employment or unemployment benefits of the applicant or 8453  
employee; 8454

(c) A civil or criminal action regarding the medicaid program 8455  
or a program the department of aging administers. 8456

~~(F) The director of aging shall adopt rules in accordance 8457  
with Chapter 119. of the Revised Code to implement this section. 8458  
The rules shall specify circumstances under which the office of 8459  
the state long-term care ombudsperson program may employ a person 8460~~

~~who has been convicted of or pleaded guilty to an offense listed 8461  
or described in division (C)(1) of this section but meets personal 8462  
character standards set by the director. 8463~~

~~(G) The office of the state long term care ombudsperson 8464  
program shall inform each person, at the time of initial 8465  
application for a position that involves providing ombudsperson 8466  
services to residents and recipients, that the person is required 8467  
to provide a set of fingerprint impressions and that a criminal 8468  
records check is required to be conducted if the person comes 8469  
under final consideration for employment. 8470~~

(H) In a tort or other civil action for damages that is 8471  
brought as the result of an injury, death, or loss to person or 8472  
property caused by an individual applicant or employee who the 8473  
office of the state long-term care ombudsperson program employs in 8474  
a position that involves providing ombudsperson services to 8475  
residents and recipients, all of the following shall apply: 8476

(1) If the office employed the individual applicant or 8477  
employee in good faith and reasonable reliance on the report of a 8478  
criminal records check requested under this section, the office 8479  
shall not be found negligent solely because of its reliance on the 8480  
report, even if the information in the report is determined later 8481  
to have been incomplete or inaccurate. 8482

(2) If the office employed the individual applicant in good 8483  
faith on a conditional basis pursuant to division ~~(C)(2)~~(F) of 8484  
this section, the office shall not be found negligent solely 8485  
because it employed the individual applicant prior to receiving 8486  
the report of a criminal records check requested under this 8487  
section. 8488

(3) If the office in good faith employed the individual 8489  
applicant or employee according to the personal character 8490  
standards established in rules adopted under ~~division (F)~~ of this 8491

section, the office shall not be found negligent solely because 8492  
the ~~individual prior to being employed had~~ applicant or employee 8493  
has been convicted of ~~or~~ pleaded guilty to an offense listed or 8494  
described in division (C)(1) of this section, or been found 8495  
eligible for intervention in lieu of conviction for a 8496  
disqualifying offense. 8497

(I) The director of aging shall adopt rules in accordance 8498  
with Chapter 119. of the Revised Code to implement this section. 8499

(1) The rules may do the following: 8500

(a) Require employees to undergo database reviews and 8501  
criminal records checks under this section; 8502

(b) If the rules require employees to undergo database 8503  
reviews and criminal records checks under this section, exempt one 8504  
or more classes of employees from the requirements; 8505

(c) For the purpose of division (D)(7) of this section, 8506  
specify other databases that are to be checked as part of a 8507  
database review conducted under this section. 8508

(2) The rules shall specify all of the following: 8509

(a) The procedures for conducting database reviews under this 8510  
section; 8511

(b) If the rules require employees to undergo database 8512  
reviews and criminal records checks under this section, the times 8513  
at which the database reviews and criminal records checks are to 8514  
be conducted; 8515

(c) If the rules specify other databases to be checked as 8516  
part of the database reviews, the circumstances under which the 8517  
office of the state long-term care ombudsperson program is 8518  
prohibited from employing an applicant or continuing to employ an 8519  
employee who is found by a database review to be included in one 8520  
or more of those databases; 8521



(d) Circumstances under which the office of the state 8522  
long-term care ombudsperson program may employ an applicant or 8523  
employee who is found by a criminal records check required by this 8524  
section to have been convicted of, pleaded guilty to, or been 8525  
found eligible for intervention in lieu of conviction for a 8526  
disqualifying offense but meets personal character standards. 8527

**Sec. 173.391.** (A) The department of aging or its designee 8528  
shall do all of the following in accordance with Chapter 119. of 8529  
the Revised Code: 8530

(1) Certify a person or government entity to provide 8531  
community-based long-term care services under a program the 8532  
department administers if the person or government entity 8533  
satisfies the requirements for certification established by rules 8534  
adopted under division (B) of this section and pays the fee, if 8535  
any, established by rules adopted under division (G) of this 8536  
section; 8537

(2) When required to do so by rules adopted under division 8538  
(B) of this section, take one or more of the following 8539  
disciplinary actions against a person or government entity 8540  
certified under division (A)(1) of this section: 8541

(a) Issue a written warning; 8542

(b) Require the submission of a plan of correction or 8543  
evidence of compliance with requirements identified by the 8544  
department; 8545

(c) Suspend referrals; 8546

(d) Remove clients; 8547

(e) Impose a fiscal sanction such as a civil monetary penalty 8548  
or an order that unearned funds be repaid; 8549

(f) Suspend the certification; 8550

|                                                                                  |      |
|----------------------------------------------------------------------------------|------|
| (g) Revoke the certification;                                                    | 8551 |
| (h) Impose another sanction.                                                     | 8552 |
| (3) Except as provided in division (E) of this section, hold                     | 8553 |
| hearings when there is a dispute between the department or its                   | 8554 |
| designee and a person or government entity concerning actions the                | 8555 |
| department or its designee takes regarding a decision not to                     | 8556 |
| certify the person or government entity under division (A)(1) of                 | 8557 |
| this section or a disciplinary action under <del>division</del> <u>divisions</u> | 8558 |
| (A)(2)(e) to (h) of this section.                                                | 8559 |
| (B) The director of aging shall adopt rules in accordance                        | 8560 |
| with Chapter 119. of the Revised Code establishing certification                 | 8561 |
| requirements and standards for determining which type of                         | 8562 |
| disciplinary action to take under division (A)(2) of this section                | 8563 |
| in individual situations. The rules shall establish procedures for               | 8564 |
| all of the following:                                                            | 8565 |
| (1) Ensuring that community-based long-term care agencies                        | 8566 |
| comply with section 173.394 of the Revised Code;                                 | 8567 |
| (2) Evaluating the services provided by the agencies to                          | 8568 |
| ensure that the services are provided in a quality manner                        | 8569 |
| advantageous to the individual receiving the services;                           | 8570 |
| (3) Determining when to take disciplinary action under                           | 8571 |
| division (A)(2) of this section and which disciplinary action to                 | 8572 |
| take;                                                                            | 8573 |
| (4) Determining what constitutes another sanction for                            | 8574 |
| purposes of division (A)(2)(h) of this section.                                  | 8575 |
| (C) The procedures established in rules adopted under                            | 8576 |
| division (B)(2) of this section shall require that all of the                    | 8577 |
| following be considered as part of an evaluation described in                    | 8578 |
| division (B)(2) of this section:                                                 | 8579 |
| (1) The community-based long-term care agency's experience                       | 8580 |

and financial responsibility; 8581

(2) The agency's ability to comply with standards for the 8582  
community-based long-term care services that the agency provides 8583  
under a program the department administers; 8584

(3) The agency's ability to meet the needs of the individuals 8585  
served; 8586

(4) Any other factor the director considers relevant. 8587

(D) The rules adopted under division (B)(3) of this section 8588  
shall specify that the reasons disciplinary action may be taken 8589  
under division (A)(2) of this section include good cause, 8590  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 8591  
or neglect, financial irresponsibility, or other conduct the 8592  
director determines is injurious, or poses a threat, to the health 8593  
or safety of individuals being served. 8594

(E) Subject to division (F) of this section, the department 8595  
is not required to hold hearings under division (A)(3) of this 8596  
section if any of the following conditions apply: 8597

(1) Rules adopted by the director of aging pursuant to this 8598  
chapter require the community-based long-term care agency to be a 8599  
party to a provider agreement; hold a license, certificate, or 8600  
permit; or maintain a certification, any of which is required or 8601  
issued by a state or federal government entity other than the 8602  
department of aging, and either of the following is the case: 8603

(a) The provider agreement has not been entered into or the 8604  
license, certificate, permit, or certification has not been 8605  
obtained or maintained. 8606

(b) The provider agreement, license, certificate, permit, or 8607  
certification has been denied, revoked, not renewed, or suspended 8608  
or has been otherwise restricted. 8609

(2) The agency's certification under this section has been 8610

denied, suspended, or revoked for any of the following reasons: 8611

(a) A government entity of this state, other than the 8612  
department of aging, has terminated or refused to renew any of the 8613  
following held by, or has denied any of the following sought by, a 8614  
community-based long-term care agency: a provider agreement, 8615  
license, certificate, permit, or certification. Division (E)(2)(a) 8616  
of this section applies regardless of whether the agency has 8617  
entered into a provider agreement in, or holds a license, 8618  
certificate, permit, or certification issued by, another state. 8619

(b) The agency or a principal owner or manager of the agency 8620  
who provides direct care has entered a guilty plea for, or has 8621  
been convicted of, an offense materially related to the medicaid 8622  
program. 8623

(c) The agency or a principal owner or manager of the agency 8624  
who provides direct care has entered a guilty plea for, ~~or~~ been 8625  
convicted of, or been found eligible for intervention in lieu of 8626  
conviction for an offense listed in ~~division (C)(1)(a)~~ divisions 8627  
(A)(3)(a) to (d) of section 173.394 of the Revised Code, but only 8628  
if none of the personal character standards established by the 8629  
~~department~~ director in rules adopted under ~~division (F) of that~~ 8630  
~~section 173.394 of the Revised Code~~ apply. 8631

(d) The United States department of health and human services 8632  
has taken adverse action against the agency and that action 8633  
impacts the agency's participation in the medicaid program. 8634

(e) The agency has failed to enter into or renew a provider 8635  
agreement with the PASSPORT administrative agency, as that term is 8636  
defined in section 173.42 of the Revised Code, that administers 8637  
programs on behalf of the department of aging in the region of the 8638  
state in which the agency is certified to provide services. 8639

(f) The agency has not billed or otherwise submitted a claim 8640  
to the department for payment under the medicaid program in at 8641

least two years. 8642

(g) The agency denied or failed to provide the department or 8643  
its designee access to the agency's facilities during the agency's 8644  
normal business hours for purposes of conducting an audit or 8645  
structural compliance review. 8646

(h) The agency has ceased doing business. 8647

(i) The agency has voluntarily relinquished its certification 8648  
for any reason. 8649

(3) The agency's provider agreement with the department of 8650  
job and family services has been suspended under division (C) of 8651  
section 5111.031 of the Revised Code. 8652

(4) The agency's provider agreement with the department of 8653  
job and family services is denied or revoked because the agency or 8654  
its owner, officer, authorized agent, associate, manager, or 8655  
employee has been convicted of an offense that caused the provider 8656  
agreement to be suspended under section 5111.031 of the Revised 8657  
Code. 8658

(F) If the department does not hold hearings when any 8659  
condition described in division (E) of this section applies, the 8660  
department may send a notice to the agency describing a decision 8661  
not to certify the agency under division (A)(1) of this section or 8662  
the disciplinary action the department proposes to take under 8663  
division (A)(2)(e) to (h) of this section. The notice shall be 8664  
sent to the agency's address that is on record with the department 8665  
and may be sent by regular mail. 8666

(G) The director of aging may adopt rules in accordance with 8667  
Chapter 119. of the Revised Code establishing a fee to be charged 8668  
by the department of aging or its designee for certification 8669  
issued under this section. 8670

All fees collected by the department or its designee under 8671

this section shall be deposited in the state treasury to the 8672  
credit of the provider certification fund, which is hereby 8673  
created. Money credited to the fund shall be used to pay for 8674  
community-based long-term care services, administrative costs 8675  
associated with community-based long-term care agency 8676  
certification under this section, and administrative costs related 8677  
to the publication of the Ohio long-term care consumer guide. 8678

**Sec. 173.394.** (A) As used in this section: 8679

(1) "Applicant" means a person who is under final 8680  
consideration for employment with a community-based long-term care 8681  
agency in a full-time, part-time, or temporary position that 8682  
involves providing direct care to an individual or is referred to 8683  
a community-based long-term care agency by an employment service 8684  
for such a position. "Applicant" does not include a person who 8685  
provides direct care to an individual as a volunteer without 8686  
receiving or expecting to receive any form of remuneration other 8687  
than reimbursement for actual expenses. 8688

(2) "Criminal records check" has the same meaning as in 8689  
section 109.572 of the Revised Code. 8690

(3) "Disqualifying offense" means any of the following: 8691

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 8692  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 8693  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 8694  
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 8695  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 8696  
2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 8697  
2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 8698  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 8699  
2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 8700  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 8701  
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 8702

2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 8703  
2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 8704  
2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 8705  
2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 8706  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 8707  
2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 8708  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 8709

(b) Felonious sexual penetration in violation of former 8710  
section 2907.12 of the Revised Code; 8711

(c) A violation of section 2905.04 of the Revised Code as it 8712  
existed prior to July 1, 1996; 8713

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 8714  
the Revised Code when the underlying offense that is the object of 8715  
the conspiracy, attempt, or complicity is one of the offenses 8716  
listed in divisions (A)(3)(a) to (c) of this section; 8717

(e) A violation of an existing or former municipal ordinance 8718  
or law of this state, any other state, or the United States that 8719  
is substantially equivalent to any of the offenses listed in 8720  
divisions (A)(3)(a) to (d) of this section. 8721

(4) "Employee" means a person employed by a community-based 8722  
long-term care agency in a full-time, part-time, or temporary 8723  
position that involves providing direct care to an individual and 8724  
a person who works in such a position due to being referred to a 8725  
community-based long-term care agency by an employment service. 8726  
"Employee" does not include a person who provides direct care to 8727  
an individual as a volunteer without receiving or expecting to 8728  
receive any form of remuneration other than reimbursement for 8729  
actual expenses. 8730

(B) No community-based long-term care agency shall employ an 8731  
applicant or continue to employ an employee in a position that 8732  
involves providing direct care to an individual if any of the 8733

following apply: 8734

(1) A review of the databases listed in division (D) of this section reveals any of the following: 8735

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 8737

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident; 8740

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual. 8746

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet. 8752

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 8759

(C) Except as provided by division (F) of this section, the 8764



chief administrator of a community-based long-term care agency 8765  
shall inform each applicant of both of the following at the time 8766  
of the applicant's initial application for employment or referral 8767  
to the agency by an employment service for a position that 8768  
involves providing direct care to an individual: 8769

(1) That a review of the databases listed in division (D) of 8770  
this section will be conducted to determine whether the agency is 8771  
prohibited by division (B)(1) of this section from employing the 8772  
applicant in the position; 8773

(2) That, unless the database review reveals that the 8774  
applicant may not be employed in the position, a criminal records 8775  
check of the applicant will be conducted and the applicant is 8776  
required to provide a set of the applicant's fingerprint 8777  
impressions as part of the criminal records check. 8778

(D) As a condition of employing any applicant in a position 8779  
that involves providing direct care to an individual, the chief 8780  
administrator of a community-based long-term care agency shall 8781  
conduct a database review of the applicant in accordance with 8782  
rules adopted under this section. If rules adopted under this 8783  
section so require, the chief administrator of a community-based 8784  
long-term care agency shall conduct a database review of an 8785  
employee in accordance with the rules as a condition of continuing 8786  
to employ the employee in a position that involves providing 8787  
direct care to an individual. However, a chief administrator is 8788  
not required to conduct a database review of an applicant or 8789  
employee if division (F) of this section applies. A database 8790  
review shall determine whether the applicant or employee is 8791  
included in any of the following: 8792

(1) The excluded parties list system maintained by the United 8793  
States general services administration pursuant to subpart 9.4 of 8794  
the federal acquisition regulation; 8795

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended; 8796  
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(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code; 8802  
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(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 8804  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 8807  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 8809  
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(7) Any other database, if any, specified in rules adopted under this section. 8811  
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(E)(1) ~~Except as provided in division (I) of this section~~ As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a community-based long-term care agency shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check ~~with respect to each~~ of the applicant. If rules adopted under this section so require, the chief administrator of a community-based long-term care agency shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division 8813  
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(F) of this section applies or the agency is prohibited by 8827  
division (B)(1) of this section from employing the applicant or 8828  
continuing to employ the employee in a position that involves 8829  
providing direct care to an individual. If an applicant or 8830  
employee for whom a criminal records check request is required 8831  
under by this ~~division~~ section does not present proof of having 8832  
been a resident of this state for the five-year period immediately 8833  
prior to the date the criminal records check is requested or 8834  
provide evidence that within that five-year period the 8835  
superintendent has requested information about the applicant or 8836  
employee from the federal bureau of investigation in a criminal 8837  
records check, the chief administrator shall request that the 8838  
superintendent obtain information from the federal bureau of 8839  
investigation as part of the criminal records check ~~of the~~ 8840  
~~applicant~~. Even if an applicant or employee for whom a criminal 8841  
records check request is required under by this ~~division~~ section 8842  
presents proof of having been a resident of this state for the 8843  
five-year period, the chief administrator may request that the 8844  
superintendent include information from the federal bureau of 8845  
investigation in the criminal records check. 8846

~~(2) A person required by division (B)(1) of this section to~~ 8847  
~~request a criminal records check~~ The chief administrator shall do 8848  
~~both~~ all of the following: 8849

(a) Provide to each applicant and employee for whom a 8850  
criminal records check request is required ~~under that division~~ by 8851  
this section a copy of the form prescribed pursuant to division 8852  
(C)(1) of section 109.572 of the Revised Code and a standard 8853  
~~fingerprint~~ impression sheet prescribed pursuant to division 8854  
(C)(2) of that section, ~~and obtain;~~ 8855

(b) Obtain the completed form and standard impression sheet 8856  
from the applicant or employee; 8857

~~(b)(c)~~ Forward the completed form and standard impression 8858

sheet to the superintendent of the bureau of criminal 8859  
identification and investigation. 8860

~~(3) An applicant provided the form and fingerprint impression 8861  
sheet under division (B)(2)(a) of this section who fails to 8862  
complete the form or provide fingerprint impressions shall not be 8863  
employed in any position for which a criminal records check is 8864  
required by this section. 8865~~

~~(C)(1) Except as provided in rules adopted by the department 8866  
of aging in accordance with division (F) of this section and 8867  
subject to division (C)(2) of this section, no community based 8868  
long term care agency shall employ a person in a position that 8869  
involves providing direct care to an individual if the person has 8870  
been convicted of or pleaded guilty to any of the following: 8871~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 8872  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 8873  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 8874  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 8875  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 8876  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 8877  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 8878  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 8879  
2925.22, 2925.23, or 3716.11 of the Revised Code. 8880~~

~~(b) A violation of an existing or former law of this state, 8881  
any other state, or the United States that is substantially 8882  
equivalent to any of the offenses listed in division (C)(1)(a) of 8883  
this section. 8884~~

(2)(a) A community-based long-term care agency shall pay to 8885  
the bureau of criminal identification and investigation the fee 8886  
prescribed pursuant to division (C)(3) of section 109.572 of the 8887  
Revised Code for each criminal records check the agency requests 8888  
under this section. An agency may charge an applicant a fee not 8889

exceeding the amount the agency pays to the bureau under this 8890  
section if both of the following apply: 8891

(a) The agency notifies the applicant at the time of initial 8892  
application for employment of the amount of the fee and that, 8893  
unless the fee is paid, the applicant will not be considered for 8894  
employment. 8895

(b) The medicaid program established under Chapter 5111. of 8896  
the Revised Code does not reimburse the agency for the fee it pays 8897  
to the bureau under this section. 8898

(F) Divisions (C) to (E) of this section do not apply with 8899  
regard to an applicant or employee if the applicant or employee is 8900  
referred to a community-based long-term agency by an employment 8901  
service that supplies full-time, part-time, or temporary staff for 8902  
positions that involve providing direct care to an individual and 8903  
both of the following apply: 8904

(1) The chief administrator of the agency receives from the 8905  
employment service confirmation that a review of the databases 8906  
listed in division (D) of this section was conducted of the 8907  
applicant or employee. 8908

(2) The chief administrator of the agency receives from the 8909  
employment service, applicant, or employee a report of the results 8910  
of a criminal records check of the applicant or employee that has 8911  
been conducted by the superintendent within the one-year period 8912  
immediately preceding the following: 8913

(a) In the case of an applicant, the date of the applicant's 8914  
referral by the employment service to the agency; 8915

(b) In the case of an employee, the date by which the agency 8916  
would otherwise have to request a criminal records check of the 8917  
employee under division (E) of this section. 8918

(G)(1) A community-based long-term care agency may employ 8919

conditionally an applicant for whom a criminal records check 8920  
request is required ~~under division (B) of~~ by this section prior to 8921  
obtaining the results of a the criminal records check ~~regarding~~ 8922  
~~the individual, provided that~~ if the agency is not prohibited by 8923  
division (B)(1) of this section from employing the applicant in a 8924  
position that involves providing direct care to an individual and 8925  
either of the following applies: 8926

(a) The chief administrator of the agency shall request a 8927  
requests the criminal records check ~~regarding the individual~~ in 8928  
accordance with division ~~(B)(1)~~(E) of this section not later than 8929  
five business days after the ~~individual~~ applicant begins 8930  
conditional employment. 8931

(b) The applicant is referred to the agency by an employment 8932  
service, the employment service or the applicant provides the 8933  
chief administrator of the agency a letter that is on the 8934  
letterhead of the employment service, the letter is dated and 8935  
signed by a supervisor or another designated official of the 8936  
employment service, and the letter states all of the following: 8937

(i) That the employment service has requested the 8938  
superintendent to conduct a criminal records check regarding the 8939  
applicant; 8940

(ii) That the requested criminal records check is to include 8941  
a determination of whether the applicant has been convicted of, 8942  
pleaded guilty to, or been found eligible for intervention in lieu 8943  
of conviction for a disqualifying offense; 8944

(iii) That the employment service has not received the 8945  
results of the criminal records check as of the date set forth on 8946  
the letter; 8947

(iv) That the employment service promptly will send a copy of 8948  
the results of the criminal records check to the chief 8949  
administrator of the agency when the employment service receives 8950

~~the results. In the circumstances described in division (I)(2) of  
this section, a community based long term care agency may employ  
conditionally an applicant who has been referred to the agency by  
an employment service that supplies full time, part time, or  
temporary staff for positions involving the direct care of  
individuals and for whom, pursuant to that division, a criminal  
records check is not required under division (B) of this section.~~

~~(b)(2) If a community-based long-term care agency employs an  
applicant conditionally pursuant to division (G)(1)(b) of this  
section, the employment service, on its receipt of the results of  
the criminal records check, promptly shall send a copy of the  
results to the chief administrator of the agency.~~

~~(3) A community-based long-term care agency that employs an  
individual applicant conditionally under authority of pursuant to  
division (C)(2)(a)(G)(1)(a) or (b) of this section shall terminate  
the individual's applicant's employment if the results of the  
criminal records check request under division (B) of this section  
or described in division (I)(2) of this section, other than the  
results of any request for information from the federal bureau of  
investigation, are not obtained within the period ending sixty  
days after the date the request for the criminal records check is  
made. Regardless of when the results of the criminal records check  
are obtained, if the results indicate that the individual  
applicant has been convicted of ~~or~~ pleaded guilty to any of the  
offenses listed or described in division (C)(1) of this section,  
or been found eligible for intervention in lieu of conviction for  
a disqualifying offense, the agency shall terminate the  
individual's applicant's employment unless circumstances specified  
in rules adopted under this section that permit the agency to  
employ the applicant exist and the agency chooses to employ the  
individual pursuant to division (F) of this section applicant.  
Termination of employment under this division shall be considered~~

just cause for discharge for purposes of division (D)(2) of 8983  
section 4141.29 of the Revised Code if the ~~individual~~ applicant 8984  
makes any attempt to deceive the agency about the ~~individual's~~ 8985  
applicant's criminal record. 8986

~~(D)(1) Each community based long term care agency shall pay 8987  
to the bureau of criminal identification and investigation the fee 8988  
prescribed pursuant to division (C)(3) of section 109.572 of the 8989  
Revised Code for each criminal records check conducted pursuant to 8990  
a request made under division (B) of this section. 8991~~

~~(2) A community based long term care agency may charge an 8992  
applicant a fee not exceeding the amount the agency pays under 8993  
division (D)(1) of this section. An agency may collect a fee only 8994  
if both of the following apply: 8995~~

~~(a) The agency notifies the person at the time of initial 8996  
application for employment of the amount of the fee and that, 8997  
unless the fee is paid, the person will not be considered for 8998  
employment; 8999~~

~~(b) The medicaid program established under Chapter 5111. of 9000  
the Revised Code does not reimburse the agency the fee it pays 9001  
under division (D)(1) of this section. 9002~~

~~(E)(H) The report of any criminal records check conducted 9003  
pursuant to a request made under this section is not a public 9004  
record for the purposes of section 149.43 of the Revised Code and 9005  
shall not be made available to any person other than the 9006  
following: 9007~~

~~(1) The ~~individual~~ applicant or employee who is the subject 9008  
of the criminal records check or the ~~individual's~~ applicant's or 9009  
employee's representative; 9010~~

~~(2) The chief administrator of the community-based long-term 9011  
care agency requesting the criminal records check or the 9012  
administrator's representative; 9013~~



(3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the community-based long-term care agency that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a community-based long-term care agency's compliance with this section;

~~(5)~~(6) A court, hearing officer, or other necessary individual involved in a case dealing with a any of the following:

(a) A denial of employment of the applicant or dealing with employment employee;

(b) Employment or unemployment benefits of the applicant or employee;

~~(6) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.~~

~~(F) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a community based long term care agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department.~~

~~(G) The chief administrator of a community based long term care agency shall inform each person, at the time of initial application for a position that involves providing direct care to~~

~~an individual, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.~~

~~(H)(I)~~ In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual applicant or employee who a community-based long-term care agency employs in a position that involves providing direct care to individuals, all of the following shall apply:

(1) If the agency employed the individual applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the agency employed the individual applicant in good faith on a conditional basis pursuant to division ~~(C)(2)~~(G) of this section, the agency shall not be found negligent solely because it employed the individual applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the agency in good faith employed the individual applicant or employee according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the agency shall not be found negligent solely because the ~~individual prior to being employed had~~ applicant or employee has been convicted of ~~or~~ pleaded guilty to ~~an offense listed or described in division (C)(1) of this section,~~ or been found eligible for intervention in lieu of conviction for a disqualifying offense.

~~(I)(1) The chief administrator of a community based long term care agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the agency by an employment service that supplies full time, part time, or temporary staff for positions involving the direct care of individuals and both of the following apply:~~ 9075  
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~~(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one year period immediately preceding the applicant's referral;~~ 9082  
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~~(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the community based long term care agency chooses to employ the individual pursuant to division (F) of this section.~~ 9087  
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~~(2) The chief administrator of a community based long term care agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the agency by an employment service that supplies full time, part time, or temporary staff for positions involving the direct care of individuals and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested~~ 9094  
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~~the superintendent to conduct a criminal records check regarding 9107  
the applicant, that the requested criminal records check will 9108  
include a determination of whether the applicant has been 9109  
convicted of or pleaded guilty to any offense listed or described 9110  
in division (C)(1) of this section, that, as of the date set forth 9111  
on the letter, the employment service had not received the results 9112  
of the criminal records check, and that, when the employment 9113  
service receives the results of the criminal records check, it 9114  
promptly will send a copy of the results to the community based 9115  
long term care agency. If a community based long term care agency 9116  
employs an applicant conditionally in accordance with this 9117  
division, the employment service, upon its receipt of the results 9118  
of the criminal records check, promptly shall send a copy of the 9119  
results to the community based long term care agency, and division 9120  
(C)(2)(b) of this section applies regarding the conditional 9121  
employment. 9122~~

(J) The director of aging shall adopt rules in accordance 9123  
with Chapter 119. of the Revised Code to implement this section. 9124

(1) The rules may do the following: 9125

(a) Require employees to undergo database reviews and 9126  
criminal records checks under this section; 9127

(b) If the rules require employees to undergo database 9128  
reviews and criminal records checks under this section, exempt one 9129  
or more classes of employees from the requirements; 9130

(c) For the purpose of division (D)(7) of this section, 9131  
specify other databases that are to be checked as part of a 9132  
database review conducted under this section. 9133

(2) The rules shall specify all of the following: 9134

(a) The procedures for conducting database reviews under this 9135  
section; 9136

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 9137  
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a community-based long-term care agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 9141  
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(d) Circumstances under which a community-based long-term care agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards. 9146  
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**Sec. 173.40.** (A) As used in sections 173.40 to 173.402 of the Revised Code: 9152  
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"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 9154  
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"PASSPORT program" means the program created under this section. 9156  
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 9158  
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code. 9161  
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(B) There is hereby created the preadmission screening system providing options and resources today program, or PASSPORT. The PASSPORT program shall provide home and community-based services 9164  
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as an alternative to nursing facility placement for individuals 9167  
who are aged and disabled and meet the program's applicable 9168  
eligibility requirements. Subject to division (C) of this section, 9169  
the program shall have a medicaid-funded component and a 9170  
state-funded component. 9171

(C)(1) Unless the medicaid-funded component of the PASSPORT 9172  
program is terminated under division (C)(2) of this section, all 9173  
of the following apply: 9174

(a) The department of aging shall administer the 9175  
medicaid-funded component through a contract entered into with the 9176  
department of job and family services under section 5111.91 of the 9177  
Revised Code. 9178

(b) The medicaid-funded component shall be operated as a 9179  
separate medicaid waiver component. 9180

(c) For an individual to be eligible for the medicaid-funded 9181  
component, the individual must be a medicaid recipient and meet 9182  
the additional eligibility requirements applicable to the 9183  
individual established in rules adopted under division (C)(1)(d) 9184  
of this section. 9185

(d) The director of job and family services shall adopt rules 9186  
under section 5111.85 of the Revised Code and the director of 9187  
aging shall adopt rules in accordance with Chapter 119. of the 9188  
Revised Code to implement the medicaid-funded component. 9189

(2) If the unified long-term services and support medicaid 9190  
waiver component is created, the departments of aging and job and 9191  
family services shall work together to determine whether the 9192  
medicaid-funded component of the PASSPORT program should continue 9193  
to operate as a separate medicaid waiver component or be 9194  
terminated. If the departments determine that the medicaid-funded 9195  
component of the PASSPORT program should be terminated, the 9196  
medicaid-funded component shall cease to exist on a date the 9197

departments shall specify. 9198

(D)(1) The department of aging shall administer the 9199  
state-funded component of the PASSPORT program. The state-funded 9200  
component shall not be administered as part of the medicaid 9201  
program. 9202

(2) For an individual to be eligible for the state-funded 9203  
component, the individual must meet one of the following 9204  
requirements and meet the additional eligibility requirements 9205  
applicable to the individual established in rules adopted under 9206  
division (D)(4) of this section: 9207

(a) The individual must have been enrolled in the 9208  
state-funded component on September 1, 1991, (as the state-funded 9209  
component was authorized by uncodified law in effect at that time) 9210  
and have had one or more applications for enrollment in the 9211  
medicaid-funded component (or, if the medicaid-funded component is 9212  
terminated under division (C)(2) of this section, the unified 9213  
long-term services and support medicaid waiver component) denied. 9214

(b) The individual must have had the individual's enrollment 9215  
in the medicaid-funded component (or, if the medicaid-funded 9216  
component is terminated under division (C)(2) of this section, the 9217  
unified long-term services and support medicaid waiver component) 9218  
terminated and the individual must still need the home and 9219  
community-based services provided under the PASSPORT program to 9220  
protect the individual's health and safety. 9221

(c) The individual must have an application for the 9222  
medicaid-funded component (or, if the medicaid-funded component is 9223  
terminated under division (C)(2) of this section, the unified 9224  
long-term services and support medicaid waiver component) pending 9225  
and the department or the department's designee must have 9226  
determined that the individual meets the nonfinancial eligibility 9227  
requirements of the medicaid-funded component (or, if the 9228

medicaid-funded component is terminated under division (C)(2) of 9229  
this section, the unified long-term services and support medicaid 9230  
waiver component) and not have reason to doubt that the individual 9231  
meets the financial eligibility requirements of the 9232  
medicaid-funded component (or, if the medicaid-funded component is 9233  
terminated under division (C)(2) of this section, the unified 9234  
long-term services and support medicaid waiver component). 9235

(3) An individual who is eligible for the state-funded 9236  
component because the individual meets the requirement of division 9237  
(D)(2)(c) of this section may participate in the component on that 9238  
basis for not more than ~~three months~~ ninety days. 9239

(4) The director of aging shall adopt rules in accordance 9240  
with section 111.15 of the Revised Code to implement the 9241  
state-funded component. The additional eligibility requirements 9242  
established in the rules may vary for the different groups of 9243  
individuals specified in divisions (D)(2)(a), (b), and (c) of this 9244  
section. 9245

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 9246  
Revised Code: 9247

(1) "Area agency on aging" means a public or private 9248  
nonprofit entity designated under section 173.011 of the Revised 9249  
Code to administer programs on behalf of the department of aging. 9250

(2) "Department of aging-administered medicaid waiver 9251  
component" means each of the following: 9252

(a) The medicaid-funded component of the PASSPORT program 9253  
created under section 173.40 of the Revised Code; 9254

(b) The choices program created under section 173.403 of the 9255  
Revised Code; 9256

(c) The medicaid-funded component of the assisted living 9257  
program created under section 5111.89 of the Revised Code; 9258



(d) Any other medicaid waiver component, as defined in 9259  
section 5111.85 of the Revised Code, that the department of aging 9260  
administers pursuant to an interagency agreement with the 9261  
department of job and family services under section 5111.91 of the 9262  
Revised Code. 9263

(3) "Home and community-based services covered by medicaid 9264  
components the department of aging administers" means all of the 9265  
following: 9266

(a) Medicaid waiver services available to a participant in a 9267  
department of aging-administered medicaid waiver component; 9268

(b) The following medicaid state plan services available to a 9269  
participant in a department of aging-administered medicaid waiver 9270  
component as specified in rules adopted under section 5111.02 of 9271  
the Revised Code: 9272

(i) Home health services; 9273

(ii) Private duty nursing services; 9274

(iii) Durable medical equipment; 9275

(iv) Services of a clinical nurse specialist; 9276

(v) Services of a certified nurse practitioner. 9277

(c) Services available to a participant of the PACE program. 9278

(4) "Long-term care consultation" or "consultation" means the 9279  
consultation service made available by the department of aging or 9280  
a program administrator through the long-term care consultation 9281  
program established pursuant to this section. 9282

(5) "Medicaid" means the medical assistance program 9283  
established under Chapter 5111. of the Revised Code. 9284

(6) "Nursing facility" has the same meaning as in section 9285  
5111.20 of the Revised Code. 9286

(7) "PACE program" means the component of the medicaid 9287

program the department of aging administers pursuant to section 9288  
173.50 of the Revised Code. 9289

(8) "PASSPORT administrative agency" means an entity under 9290  
contract with the department of aging to provide administrative 9291  
services regarding the PASSPORT program. 9292

(9) "Program administrator" means an area agency on aging or 9293  
other entity under contract with the department of aging to 9294  
administer the long-term care consultation program in a geographic 9295  
region specified in the contract. 9296

(10) "Representative" means a person acting on behalf of an 9297  
individual specified in division (G) of this section. A 9298  
representative may be a family member, attorney, hospital social 9299  
worker, or any other person chosen to act on behalf of the 9300  
individual. 9301

(B) The department of aging shall develop a long-term care 9302  
consultation program whereby individuals or their representatives 9303  
are provided with long-term care consultations and receive through 9304  
these professional consultations information about options 9305  
available to meet long-term care needs and information about 9306  
factors to consider in making long-term care decisions. The 9307  
long-term care consultations provided under the program may be 9308  
provided at any appropriate time, as permitted or required under 9309  
this section and the rules adopted under it, including either 9310  
prior to or after the individual who is the subject of a 9311  
consultation has been admitted to a nursing facility or granted 9312  
assistance in receiving home and community-based services covered 9313  
by medicaid components the department of aging administers. 9314

(C) The long-term care consultation program shall be 9315  
administered by the department of aging, except that the 9316  
department may have the program administered on a regional basis 9317  
by one or more program administrators. The department and each 9318

program administrator shall administer the program in such a 9319  
manner that all of the following are included: 9320

(1) Coordination and collaboration with respect to all 9321  
available funding sources for long-term care services; 9322

(2) Assessments of individuals regarding their long-term care 9323  
service needs; 9324

(3) Assessments of individuals regarding their on-going 9325  
eligibility for long-term care services; 9326

(4) Procedures for assisting individuals in obtaining access 9327  
to, and coordination of, health and supportive services, including 9328  
department of aging-administered medicaid waiver components; 9329

(5) Priorities for using available resources efficiently and 9330  
effectively. 9331

(D) The program's long-term care consultations shall be 9332  
provided by individuals certified by the department under section 9333  
173.422 of the Revised Code. 9334

(E) The information provided through a long-term care 9335  
consultation shall be appropriate to the individual's needs and 9336  
situation and shall address all of the following: 9337

(1) The availability of any long-term care options open to 9338  
the individual; 9339

(2) Sources and methods of both public and private payment 9340  
for long-term care services; 9341

(3) Factors to consider when choosing among the available 9342  
programs, services, and benefits; 9343

(4) Opportunities and methods for maximizing independence and 9344  
self-reliance, including support services provided by the 9345  
individual's family, friends, and community. 9346

(F) An individual's long-term care consultation may include 9347

an assessment of the individual's functional capabilities. The 9348  
consultation may incorporate portions of the determinations 9349  
required under sections 5111.202, 5119.061, and 5123.021 of the 9350  
Revised Code and may be provided concurrently with the assessment 9351  
required under section 5111.204 of the Revised Code. 9352

(G)(1) Unless an exemption specified in division (I) of this 9353  
section is applicable, each of the following shall be provided 9354  
with a long-term care consultation: 9355

(a) An individual who applies or indicates an intention to 9356  
apply for admission to a nursing facility, regardless of the 9357  
source of payment to be used for the individual's care in a 9358  
nursing facility; 9359

(b) An individual who requests a long-term care consultation; 9360

(c) An individual identified by the department or a program 9361  
administrator as being likely to benefit from a long-term care 9362  
consultation. 9363

(2) In addition to the individuals specified in division 9364  
(G)(1) of this section, a long-term care consultation may be 9365  
provided to a nursing facility resident regardless of the source 9366  
of payment being used for the resident's care in the nursing 9367  
facility. 9368

(H)(1) Except as provided in division (H)(2) or (3) of this 9369  
section, a long-term care consultation provided pursuant to 9370  
division (G) of this section shall be provided as follows: 9371

(a) If the individual for whom the consultation is being 9372  
provided has applied for medicaid and the consultation is being 9373  
provided concurrently with the assessment required under section 9374  
5111.204 of the Revised Code, the consultation shall be completed 9375  
in accordance with the applicable time frames specified in that 9376  
section for providing a level of care determination based on the 9377  
assessment. 9378

(b) In all other cases, the consultation shall be provided 9379  
not later than five calendar days after the department or program 9380  
administrator receives notice of the reason for which the 9381  
consultation is to be provided pursuant to division (G) of this 9382  
section. 9383

(2) An individual or the individual's representative may 9384  
request that a long-term care consultation be provided on a date 9385  
that is later than the date required under division (H)(1)(a) or 9386  
(b) of this section. 9387

(3) If a long-term care consultation cannot be completed 9388  
within the number of days required by division (H)(1) or (2) of 9389  
this section, the department or program administrator may do any 9390  
of the following: 9391

(a) In the case of an individual specified in division (G)(1) 9392  
of this section, exempt the individual from the consultation 9393  
pursuant to rules that may be adopted under division (L) of this 9394  
section; 9395

(b) In the case of an applicant for admission to a nursing 9396  
facility, provide the consultation after the individual is 9397  
admitted to the nursing facility; 9398

(c) In the case of a resident of a nursing facility, provide 9399  
the consultation as soon as practicable. 9400

(I) An individual is not required to be provided a long-term 9401  
care consultation under division (G)(1) of this section if any of 9402  
the following apply: 9403

(1) The department or program administrator has attempted to 9404  
provide the consultation, but the individual or the individual's 9405  
representative refuses to cooperate; 9406

(2) The individual is to receive care in a nursing facility 9407  
under a contract for continuing care as defined in section 173.13 9408

of the Revised Code; 9409

(3) The individual has a contractual right to admission to a 9410  
nursing facility operated as part of a system of continuing care 9411  
in conjunction with one or more facilities that provide a less 9412  
intensive level of services, including a residential care facility 9413  
licensed under Chapter 3721. of the Revised Code, ~~an adult care a~~ 9414  
residential facility licensed under ~~sections 5119.70 to 5119.88~~ 9415  
section 5119.22 of the Revised Code that provides accommodations, 9416  
supervision, and personal care services for three to sixteen 9417  
unrelated adults, or an independent living arrangement; 9418

(4) The individual is to receive continual care in a home for 9419  
the aged exempt from taxation under section 5701.13 of the Revised 9420  
Code; 9421

(5) The individual is seeking admission to a facility that is 9422  
not a nursing facility with a provider agreement under section 9423  
5111.22, 5111.671, or 5111.672 of the Revised Code; 9424

(6) The individual is exempted from the long-term care 9425  
consultation requirement by the department or the program 9426  
administrator pursuant to rules that may be adopted under division 9427  
(L) of this section. 9428

(J) As part of the long-term care consultation program, the 9429  
department or program administrator shall assist an individual or 9430  
individual's representative in accessing all sources of care and 9431  
services that are appropriate for the individual and for which the 9432  
individual is eligible, including all available home and 9433  
community-based services covered by medicaid components the 9434  
department of aging administers. The assistance shall include 9435  
providing for the conduct of assessments or other evaluations and 9436  
the development of individualized plans of care or services under 9437  
section 173.424 of the Revised Code. 9438

(K) No nursing facility for which an operator has a provider 9439

agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code shall admit any individual as a resident, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following:

(1) Procedures for providing long-term care consultations pursuant to this section;

(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

(4) Criteria for exempting individuals from the long-term care consultation requirement;

(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;

(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;

(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;

(8) Standards to prevent conflicts of interest relative to

the referrals made by a person who performs a long-term care 9470  
consultation, including standards that prohibit the person from 9471  
being employed by a provider of long-term care services; 9472

(9) Procedures for providing notice and an opportunity for a 9473  
hearing under division (N) of this section. 9474

(M) To assist the department and each program administrator 9475  
with identifying individuals who are likely to benefit from a 9476  
long-term care consultation, the department and program 9477  
administrator may ask to be given access to nursing facility 9478  
resident assessment data collected through the use of the resident 9479  
assessment instrument specified in rules adopted under section 9480  
5111.02 of the Revised Code for purposes of the medicaid program. 9481  
Except when prohibited by state or federal law, the department of 9482  
health, department of job and family services, or nursing facility 9483  
holding the data shall grant access to the data on receipt of the 9484  
request from the department of aging or program administrator. 9485

(N)(1) The director of aging, after providing notice and an 9486  
opportunity for a hearing, may fine a nursing facility an amount 9487  
determined by rules the director shall adopt in accordance with 9488  
Chapter 119. of the Revised Code for any of the following reasons: 9489

(a) The nursing facility admits an individual, without 9490  
evidence that a long-term care consultation has been provided, as 9491  
required by this section; 9492

(b) The nursing facility denies a person attempting to 9493  
provide a long-term care consultation access to the facility or a 9494  
resident of the facility; 9495

(c) The nursing facility denies the department of aging or 9496  
program administrator access to the facility or a resident of the 9497  
facility, as the department or administrator considers necessary 9498  
to administer the program. 9499

(2) In accordance with section 5111.62 of the Revised Code, 9500



all fines collected under division (N)(1) of this section shall be 9501  
deposited into the state treasury to the credit of the residents 9502  
protection fund. 9503

**Sec. 173.45.** As used in this section and in sections 173.46 9504  
to 173.49 of the Revised Code: 9505

(A) "~~Adult care~~ Residential facility" ~~has the same meaning as~~ 9506  
~~in~~ means a residential facility licensed under section 5119.70 9507  
5119.22 of the Revised Code that provides accommodations, 9508  
supervision, and personal care services for three to sixteen 9509  
unrelated adults. 9510

(B) "Community-based long-term care services" has the same 9511  
meaning as in section 173.14 of the Revised Code. 9512

(C) "Long-term care facility" means a nursing home or 9513  
residential care facility. 9514

(D) "Nursing home" and "residential care facility" have the 9515  
same meanings as in section 3721.01 of the Revised Code. 9516

(E) "Nursing facility" has the same meaning as in section 9517  
5111.20 of the Revised Code. 9518

**Sec. 173.46.** (A) The department of aging shall develop and 9519  
publish a guide to long-term care facilities for use by 9520  
individuals considering long-term care facility admission and 9521  
their families, friends, and advisors. The guide, which shall be 9522  
titled the Ohio long-term care consumer guide, may be published in 9523  
printed form or in electronic form for distribution over the 9524  
internet. The guide may be developed as a continuation or 9525  
modification of the guide published by the department prior to 9526  
September 29, 2005, under rules adopted under section 173.02 of 9527  
the Revised Code. 9528

(B) The Ohio long-term care consumer guide shall include 9529

information on each long-term care facility in this state. For 9530  
each facility, the guide shall include the following information, 9531  
as applicable to the facility: 9532

(1) Information regarding the facility's compliance with 9533  
state statutes and rules and federal statutes and regulations; 9534

(2) Information generated by the centers for medicare and 9535  
medicaid services of the United States department of health and 9536  
human services from the quality measures developed as part of its 9537  
nursing home quality initiative; 9538

(3) Results of the customer satisfaction surveys conducted 9539  
under section 173.47 of the Revised Code; 9540

(4) Any other information the department specifies in rules 9541  
adopted under section 173.49 of the Revised Code. 9542

(C) The Ohio long-term care consumer guide may include 9543  
information on ~~adult care~~ residential facilities and providers of 9544  
community-based long-term care services. The department may adopt 9545  
rules under section 173.49 of the Revised Code to specify the 9546  
information to be included in the guide pursuant to this division. 9547

**Sec. 191.01.** As used in this chapter: 9548

(A) "Business associate," "covered entity," "health plan," 9549  
"individually identifiable health information," and "protected 9550  
health information" have the same meanings as in 45 C.F.R. 9551  
160.103. 9552

(B) "Executive director of the office of health 9553  
transformation" or "executive director" means the executive 9554  
director of the office of health transformation or the chief 9555  
administrative officer of a successor governmental entity 9556  
responsible for health system oversight in this state. 9557

(C) "Government program providing public benefits" means any 9558  
program administered by a state agency that has been identified, 9559

pursuant to section 191.02 of the Revised Code, by the executive 9560  
director of the office of health transformation in consultation 9561  
with the individuals specified in that section. 9562

(D) "Office of health transformation" means the office of 9563  
health transformation created by executive order 2011-02K. 9564

(E) "Operating protocol" means a protocol adopted by the 9565  
executive director of the office of health transformation or the 9566  
executive director's designee under division (D) of section 191.06 9567  
of the Revised Code. 9568

(F) "Participating agency" means a state agency that 9569  
participates in a health transformation initiative as specified in 9570  
the one or more operating protocols adopted for the initiative 9571  
under division (D) of section 191.06 of the Revised Code. 9572

(G) "Personally identifiable information" means information 9573  
that meets both of the following criteria: 9574

(1) It identifies an individual or there is a reasonable 9575  
basis to believe that it may be used to identify an individual; 9576

(2) It relates to an individual's eligibility for, 9577  
application for, or receipt of public benefits from a government 9578  
program providing public benefits. 9579

(H) "State agency" means each of the following: 9580

(1) The department of aging; 9581

(2) The department of alcohol and drug addiction services; 9582

(3) The department of development; 9583

(4) The department of developmental disabilities; 9584

(5) The department of education; 9585

(6) The department of health; 9586

(7) The department of insurance; 9587

|                                                                                                                                                                                                                                                                                                                                             |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <u>(8) The department of job and family services;</u>                                                                                                                                                                                                                                                                                       | 9588 |
| <u>(9) The department of mental health;</u>                                                                                                                                                                                                                                                                                                 | 9589 |
| <u>(10) The department of rehabilitation and correction;</u>                                                                                                                                                                                                                                                                                | 9590 |
| <u>(11) The department of taxation;</u>                                                                                                                                                                                                                                                                                                     | 9591 |
| <u>(12) The department of veterans services;</u>                                                                                                                                                                                                                                                                                            | 9592 |
| <u>(13) The department of youth services.</u>                                                                                                                                                                                                                                                                                               | 9593 |
| <u>(I) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.</u>                                                                                                                                                                                                                                                                          | 9594 |
| <br>                                                                                                                                                                                                                                                                                                                                        |      |
| <u>Sec. 191.02. The executive director of the office of health transformation, in consultation with all of the following individuals, shall identify each government program administered by a state agency that is to be considered a government program providing public benefits for purposes of section 191.04 of the Revised Code:</u> | 9595 |
|                                                                                                                                                                                                                                                                                                                                             | 9596 |
|                                                                                                                                                                                                                                                                                                                                             | 9597 |
|                                                                                                                                                                                                                                                                                                                                             | 9598 |
|                                                                                                                                                                                                                                                                                                                                             | 9599 |
|                                                                                                                                                                                                                                                                                                                                             | 9600 |
| <u>(A) The director of aging;</u>                                                                                                                                                                                                                                                                                                           | 9601 |
| <u>(B) The director of alcohol and drug addiction services;</u>                                                                                                                                                                                                                                                                             | 9602 |
| <u>(C) The director of development;</u>                                                                                                                                                                                                                                                                                                     | 9603 |
| <u>(D) The director of developmental disabilities;</u>                                                                                                                                                                                                                                                                                      | 9604 |
| <u>(E) The director of health;</u>                                                                                                                                                                                                                                                                                                          | 9605 |
| <u>(F) The director job and family services;</u>                                                                                                                                                                                                                                                                                            | 9606 |
| <u>(G) The director of mental health;</u>                                                                                                                                                                                                                                                                                                   | 9607 |
| <u>(H) The director of rehabilitation and correction;</u>                                                                                                                                                                                                                                                                                   | 9608 |
| <u>(I) The director of veterans services;</u>                                                                                                                                                                                                                                                                                               | 9609 |
| <u>(J) The director of youth services;</u>                                                                                                                                                                                                                                                                                                  | 9610 |
| <u>(K) The administrator of the rehabilitation services commission;</u>                                                                                                                                                                                                                                                                     | 9611 |
|                                                                                                                                                                                                                                                                                                                                             | 9612 |
| <u>(L) The administrator of workers' compensation;</u>                                                                                                                                                                                                                                                                                      | 9613 |

(M) The superintendent of insurance; 9614

(N) The superintendent of public instruction; 9615

(O) The tax commissioner. 9616

Sec. 191.04. (A) In accordance with federal laws governing 9617  
the confidentiality of individually identifiable health 9618  
information, including the "Health Insurance Portability and 9619  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 9620  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 9621  
by the United States department of health and human services to 9622  
implement the act, a state agency may exchange protected health 9623  
information with another state agency relating to eligibility for 9624  
or enrollment in a health plan or relating to participation in a 9625  
government program providing public benefits if the exchange of 9626  
information is necessary for either or both of the following: 9627

(1) Operating a health plan; 9628

(2) Coordinating, or improving the administration or 9629  
management of, the health care-related functions of at least one 9630  
government program providing public benefits. 9631

(B) For fiscal year 2013 only, a state agency also may 9632  
exchange personally identifiable information with another state 9633  
agency for purposes related to and in support of a health 9634  
transformation initiative identified by the executive director of 9635  
the office of health transformation pursuant to division (C) of 9636  
section 191.06 of the Revised Code. 9637

(C) With respect to a state agency that uses or discloses 9638  
personally identifiable information, all of the following 9639  
conditions apply: 9640

(1) The state agency shall use or disclose the information 9641  
only as permitted or required by state and federal law. In 9642  
addition, if the information is obtained during fiscal year 2013 9643

from an exchange of personally identifiable information permitted 9644  
under division (B) of this section, the agency shall also use or 9645  
disclose the information in accordance with all operating 9646  
protocols that apply to the use or disclosure. 9647

(2) If the state agency is a state agency other than the 9648  
department of job and family services and it uses or discloses 9649  
protected health information relating to a medicaid recipient, the 9650  
agency shall comply with all state and federal laws that apply to 9651  
the department of job and family services when that department, as 9652  
the state's single state agency to supervise the medicaid program 9653  
as specified in section 5111.01 of the Revised Code, uses or 9654  
discloses protected health information. 9655

(3) A state agency shall implement administrative, physical, 9656  
and technical safeguards for the purpose of protecting the 9657  
confidentiality, integrity, and availability of personally 9658  
identifiable information the creation, receipt, maintenance, or 9659  
transmittal of which is affected or governed by an operating 9660  
protocol. 9661

(4) If a state agency discovers an unauthorized use or 9662  
disclosure of unsecured protected health information or unsecured 9663  
individually identifiable health information, the state agency 9664  
shall, not later than seventy-two hours after the discovery, do 9665  
all of the following: 9666

(a) Identify the individuals who are the subject of the 9667  
protected health information or individually identifiable health 9668  
information; 9669

(b) Report the discovery and the names of all individuals 9670  
identified pursuant to division (C)(4)(a) of this section to all 9671  
other state agencies and the executive director of the office of 9672  
health transformation or the executive director's designee; 9673

(c) Mitigate, to the extent reasonably possible, any 9674

potential adverse effects of the unauthorized use or disclosure. 9675

(5) A state agency shall make available to the executive 9676  
director of the office of health transformation or the executive 9677  
director's designee, and to any other state or federal 9678  
governmental entity required by law to have access on that 9679  
entity's request, all internal practices, records, and 9680  
documentation relating to personally identifiable information it 9681  
receives, uses, or discloses that is affected or governed by an 9682  
operating protocol. 9683

(6) On termination or expiration of an operating protocol and 9684  
if feasible, a state agency shall return or destroy all personally 9685  
identifiable information received directly from or received on 9686  
behalf of another state agency. If the personally identifiable 9687  
information is not returned or destroyed, the state agency 9688  
maintaining the information shall extend the protections set forth 9689  
in this section for as long as it is maintained. 9690

(7) If a state agency enters into a subcontract or, when 9691  
required by 45 C.F.R. 164.502(e)(2), a business associate 9692  
agreement, the subcontract or business associate agreement shall 9693  
require the subcontractor or business associate to comply with the 9694  
terms of this section as if the subcontractor or business 9695  
associate were a state agency. 9696

**Sec. 191.06.** (A) The provisions of this section shall apply 9697  
only for fiscal year 2013. 9698

(B) The executive director of the office of health 9699  
transformation or the executive director's designee may facilitate 9700  
the coordination of operations and exchange of information between 9701  
state agencies. The purpose of the executive director's authority 9702  
under this section is to support agency collaboration for health 9703  
transformation purposes, including modernization of the medicaid 9704  
program, streamlining of health and human services programs in 9705

this state, and improving the quality, continuity, and efficiency 9706  
of health care and health care support systems in this state. 9707

(C) In furtherance of the authority of the executive director 9708  
of the office of health transformation under division (B) of this 9709  
section, the executive director or the executive director's 9710  
designee shall identify each health transformation initiative in 9711  
this state that involves the participation of two or more state 9712  
agencies and that permits or requires an interagency agreement to 9713  
be entered into for purposes of specifying each participating 9714  
agency's role in coordinating, operating, or funding the 9715  
initiative, or facilitating the exchange of data or other 9716  
information for the initiative. The executive director shall 9717  
publish a list of the identified health transformation initiatives 9718  
on the internet web site maintained by the office of health 9719  
transformation. 9720

(D) For each health transformation initiative that is 9721  
identified under division (C) of this section, the executive 9722  
director or the executive director's designee shall, in 9723  
consultation with each participating agency, adopt one or more 9724  
operating protocols. Notwithstanding any law enacted by the 9725  
general assembly or rule adopted by a state agency, the provisions 9726  
in a protocol shall supersede any provisions in an interagency 9727  
agreement, including an interagency agreement entered into under 9728  
section 5101.10 or 5111.91 of the Revised Code, that differ from 9729  
the provisions of the protocol. 9730

(E)(1) An operating protocol adopted under division (D) of 9731  
this section shall include both of the following: 9732

(a) All terms necessary to meet the requirements of "other 9733  
arrangements" between a covered entity and a business associate 9734  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 9735

(b) If known, the date on which the protocol will terminate 9736



or expire. 9737

(2) In addition, a protocol may specify the extent to which 9738  
each participating agency is responsible and accountable for 9739  
completing the tasks necessary for successful completion of the 9740  
initiative, including tasks relating to the following components 9741  
of the initiative: 9742

(a) Workflow; 9743

(b) Funding; 9744

(c) Exchange of data or other information that is 9745  
confidential pursuant to state or federal law. 9746

(F) An operating protocol adopted under division (D) of this 9747  
section shall have the same force and effect as an interagency 9748  
agreement or data sharing agreement, and each participating agency 9749  
shall comply with it. 9750

(G) The director of job and family services shall determine 9751  
whether a waiver of federal medicaid requirements or a medicaid 9752  
state plan amendment is necessary to fulfill the requirements of 9753  
this section. If the director determines a waiver or medicaid 9754  
state plan amendment is necessary, the director shall apply to the 9755  
United States secretary of health and human services for the 9756  
waiver or amendment. 9757

**Sec. 306.04.** (A) Except as otherwise provided in division (B) 9758  
of this section, employees of a county transit board or a board of 9759  
county commissioners operating a transit system are employees of 9760  
the county. If the system is operated by the board of county 9761  
commissioners, the board shall appoint an executive director, who 9762  
shall be in the unclassified service. 9763

(B) Any county transit board that established its own civil 9764  
service organization and procedure prior to ~~the effective date of~~ 9765  
~~this amendment~~ October 25, 1995, shall continue to operate under 9766

that organization. Appointments and promotions in that system 9767  
shall be made, as far as practicable, by competitive examination. 9768

A board that established its own civil service organization 9769  
prior to ~~the effective date of this amendment~~ October 25, 1995, 9770  
shall establish by rule the seniority provisions relating to 9771  
street railway and motor bus employees in effect at the time of 9772  
the acquisition of the transit system by the county. The vacation, 9773  
holiday, and sick leave privileges shall not be regulated by other 9774  
provisions of law relating to public employees of the state or 9775  
county, except that the transit board, its officers and employees, 9776  
shall be subject to the public employees retirement system of the 9777  
state and the transit board shall assume any pension obligations 9778  
which have been assumed by any publicly owned transit system which 9779  
the county may acquire. 9780

(C) A county transit board or board of county commissioners 9781  
operating a transit system may: 9782

(1) Acquire in its name by gift, grant, purchase, or 9783  
condemnation and hold and operate real estate and interests 9784  
therein and personal property suitable for its purposes; 9785

(2) In its name purchase, acquire, construct, enlarge, 9786  
improve, equip, repair, maintain, sell, exchange, lease as lessee 9787  
or lessor, receive a right of use of, and manage, control, and 9788  
operate, in or out of the county, a county transit system 9789  
consisting of all real estate and interests therein, personal 9790  
property, and a combination thereof, for or related to the 9791  
movement of persons including but not limited to street railway, 9792  
tramline, subways, rapid transits, monorails, and passenger bus 9793  
systems but excluding therefrom trucks, the movement of property 9794  
by truck, and facilities designed for use in the movement of 9795  
property by truck for hire; 9796

(3) Issue, with the approval of the county commissioners when 9797

the issuance is made by the transit board, revenue bonds of the 9798  
county as provided in division (B) of section 306.09 of the 9799  
Revised Code, to secure funds to accomplish its purposes. The 9800  
principal of and interest on such bonds, together with all other 9801  
payments required to be made by the trust agreement or indenture 9802  
securing such bonds, shall be paid solely from revenues or other 9803  
income accruing to the board from facilities of the county transit 9804  
system designated in said agreement or indenture. 9805

(4) Enter into contracts in the exercise of the rights, 9806  
powers, and duties conferred upon it, and execute all instruments 9807  
necessary in the conduct of its business; 9808

(5) Fix, alter, and charge rates and other charges for the 9809  
use of its real estate and interests therein, personal property, 9810  
and combinations thereof; 9811

(6) Employ such financial consultants, accountants, 9812  
appraisers, consulting engineers, architects, construction 9813  
experts, attorneys-at-law, managers and other supervisory 9814  
personnel, and other officers, employees, and agents as it 9815  
determines necessary to conduct its business, and fix their 9816  
compensation and duties; 9817

(7) Pledge, hypothecate, or otherwise encumber its revenues 9818  
and other income as security for its obligations and enter into 9819  
trust agreements or indentures for the benefit of revenue 9820  
bondholders; 9821

(8) Borrow money or accept or contract to accept advances, 9822  
loans, gifts, grants, devises, or bequests from and enter into 9823  
contracts or agreements with any federal, state, or other 9824  
governmental or private source and hold and apply advances, loans, 9825  
gifts, grants, devises, or bequests according to the terms thereof 9826  
including provisions which are required by such federal, state, or 9827  
other governmental or private source to protect the interest of 9828

employees affected by such advances, loans, gifts, grants, 9829  
devises, or bequests. Such advances, loans, gifts, grants, or 9830  
devises may be subject to any reasonable reservation and any gift, 9831  
grant, or devise or real estate may be in fee simple or any lesser 9832  
estate. Any advances or loans received from any federal, state, or 9833  
other governmental or private source may be repaid in accordance 9834  
with the terms of such advance or loan. 9835

(9) Conduct investigations and surveys into the needs of the 9836  
public within or without the county for transportation services to 9837  
provide for the movement of persons within, into, or from the area 9838  
serviced or to be serviced by the county transit system; 9839

(10) Enter into lawful arrangements with the appropriate 9840  
federal or state department or agency, county, township, municipal 9841  
corporation, or other political subdivision or public agency for 9842  
the planning and installation of any public facilities which are 9843  
determined necessary in the conduct of its business; 9844

(11) Purchase fire, extended coverage, and liability 9845  
insurance for the real estate and interests therein, personal 9846  
property and any combination thereof, used by or in connection 9847  
with the county transit system and insurance covering the board 9848  
and the county transit system and its officers and employees for 9849  
liability for damage or injury to persons or property; 9850

(12) Procure and pay all or any part of the cost of group 9851  
hospitalization, surgical, major medical, or sickness and accident 9852  
insurance, or a combination thereof, for the officers and 9853  
employees of the county transit system and their immediate 9854  
dependents, issued by an insurance company, duly authorized to do 9855  
business in this state; 9856

(13) Sell, lease, release, or otherwise dispose of real 9857  
estate or interests therein or personal property owned by it and 9858  
grant such easements across its real estate and interests therein 9859

as will not interfere with its use by the county transit system; 9860

(14) Establish rules for the use and operation of the county 9861  
transit system including the real estate or interests therein, 9862  
personal property or a combination of the foregoing used by or in 9863  
connection with such system; 9864

(15) Exercise the power of eminent domain to appropriate any 9865  
real estate or interests therein, personal property, franchises, 9866  
or any combination thereof, within or without the county, 9867  
necessary or proper in the exercise of its powers provided in 9868  
sections 306.01 to 306.13 of the Revised Code, as provided in 9869  
sections 163.01 to 163.22 of the Revised Code, and subject to 9870  
divisions (15)(a), (b), and (c) of this section, provided that a 9871  
county transit board or a board of county commissioners operating 9872  
a transit system shall not proceed to so appropriate real property 9873  
outside its territorial boundaries, until it has served at the 9874  
office of the county commissioners of the county in which it is 9875  
proposed to appropriate real property, a notice describing the 9876  
real property to be taken and the purpose for which it is proposed 9877  
to be taken, and such county commissioners have entered on their 9878  
journal within thirty days after such service a resolution 9879  
approving such appropriation; 9880

(a) Nothing contained in this division authorizes a county 9881  
transit board or a board of county commissioners to appropriate 9882  
any land, rights, rights-of-way, franchises, or easements 9883  
belonging to the state or to a municipal corporation without the 9884  
consent of the state or of the municipal corporation, and no 9885  
county transit board or board of county commissioners shall 9886  
exercise the right of eminent domain to acquire any certificate of 9887  
public convenience and necessity, or any part thereof, issued to a 9888  
for-hire motor transportation company carrier by the public 9889  
utilities commission of Ohio or by the ~~interstate commerce~~ 9890  
~~commission~~ federal motor carrier safety administration of the 9891

United States, or to take or disturb other real estate or 9892  
interests therein, personal property, or any combination thereof 9893  
belonging to any municipal corporation without the consent of the 9894  
legislative authority of such municipal corporation, or take or 9895  
disturb real estate or interests therein, personal property, or 9896  
any combination thereof belonging to any other political 9897  
subdivision, public corporation, public utility, or common 9898  
carrier, which is necessary and convenient in the operation of 9899  
such political subdivision, public corporation, public utility, or 9900  
common carrier unless provision is made for the restoration, 9901  
relocation, or duplication of that taken or upon the election of 9902  
such political subdivision, public corporation, public utility, or 9903  
common carrier for the payment of compensation, if any, at the 9904  
sole cost of the county transit system. 9905

(b) If any restoration or duplication proposed to be made 9906  
under this division involves a relocation, the new location shall 9907  
have at least comparable utilitarian value and effectiveness, and 9908  
such relocation shall not impair the ability of the public utility 9909  
or common carrier to compete in its original area of operation. 9910

(c) If such restoration or duplication proposed to be made 9911  
under this division involves a relocation, the county transit 9912  
board or board of county commissioners shall acquire no interest 9913  
or right in or to the appropriated property or facility until the 9914  
relocated property or facility is available for use and until 9915  
marketable title thereto has been transferred to the political 9916  
subdivision, public corporation, public utility, or common 9917  
carrier. Nothing in this division shall require any board of 9918  
county commissioners or county transit board operating a county 9919  
transit system to so restore, relocate, or duplicate, if all of 9920  
the real estate and interests therein, personal property, and any 9921  
combination of the foregoing which is owned by a public utility or 9922  
common carrier and used by it or in connection with the movement 9923

of persons, is acquired by exercise of the power of eminent domain. 9924  
9925

(16) When real property is acquired that is located outside the county and is removed from the tax duplicate, the county transit board or board of county commissioners operating a transit system shall pay annually to the county treasurer of the county in which that property is located, commencing with the first tax year in which that property is removed from the tax duplicate, an amount of money in lieu of taxes equal to the smaller of the following: 9926  
9927  
9928  
9929  
9930  
9931  
9932  
9933

(a) The last annual installment of taxes due from the acquired property before removal from the tax duplicate; 9934  
9935

(b) An amount equal to the difference between the combined revenue from real estate taxes of all the taxing districts in which the property is located in the tax year immediately prior to the removal of the acquired property from the tax duplicate, and either: 9936  
9937  
9938  
9939  
9940

(i) The total revenue which would be produced by the tax rate of each such taxing district in the tax year immediately prior to the removal of the acquired property from the tax duplicate, applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or 9941  
9942  
9943  
9944  
9945

(ii) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater. 9946  
9947  
9948

The county transit board or board of county commissioners may be exempted from such payment by agreement of the affected taxing district or districts in the county in which the property is located. 9949  
9950  
9951  
9952

The county auditor of the county in which that property is located shall apportion each such annual payment to each taxing 9953  
9954

district as if the annual payment had been levied and collected as 9955  
a tax. 9956

Those annual payments shall never again be made after they 9957  
have ceased. 9958

(17) Sue or be sued, plead or be impleaded, and be held 9959  
liable in any court of proper jurisdiction for damages received by 9960  
reason of negligence, in the same manner and to the same extent as 9961  
if the county transit system were privately operated, provided, 9962  
that no funds of a county other than those of the county transit 9963  
board or, if the transit system is operated by the board of county 9964  
commissioners, other than those in the account for the county 9965  
transit system created under division (C) of section 306.01 of the 9966  
Revised Code, shall be available for the satisfaction of judgments 9967  
rendered against that system; 9968

(18) Annually prepare and make available for public 9969  
inspection a report in condensed form showing the financial 9970  
results of the operation of the county transit system. For systems 9971  
operated by a county transit board, copies of this report shall be 9972  
furnished to the county commissioners as well as a monthly summary 9973  
statement of revenues and expenses for the preceding month 9974  
sufficient to show the exact financial condition of the county 9975  
transit system as of the last day of the preceding month. 9976

(19) With the approval of the county commissioners when the 9977  
action is taken by the transit board, and without competitive 9978  
bidding, sell, lease, or grant the right of use of all or a 9979  
portion of the county transit system to any other political 9980  
subdivision, taxing district, or other public body or agency 9981  
having the power to operate a transit system; 9982

(20) Enter into and supervise franchise agreements for the 9983  
operation of a county transit system; 9984

(21) Accept the assignment of and then supervise an existing 9985



franchise agreement for the operation of a county transit system. 9986

**Sec. 306.36.** (A) The board of trustees of a regional transit 9987  
authority may exercise the power of eminent domain to appropriate 9988  
any land, rights, rights-of-way, franchise, power lines, 9989  
easements, or other property, within or without the territorial 9990  
boundaries of the regional transit authority, necessary or proper 9991  
for the construction or efficient operation of any transit 9992  
facility or access thereto under its jurisdiction pursuant to the 9993  
procedure provided in sections 163.01 to 163.22, inclusive, of the 9994  
Revised Code, and subject to division (B) of this section, 9995  
provided that a regional transit authority shall not proceed to so 9996  
appropriate real property outside its territorial boundaries, 9997  
until it has served at the office of the county commissioners of 9998  
the county in which it is proposed to appropriate real property, a 9999  
notice describing the real property to be taken and the purpose 10000  
for which it is proposed to be taken, and such county 10001  
commissioners have entered on their journal within thirty days 10002  
after such service a resolution approving such appropriation. 10003

(B) Nothing contained in sections 306.30 to 306.53, 10004  
inclusive, of the Revised Code authorizes a regional transit 10005  
authority to appropriate any land, rights, rights-of-way, 10006  
franchises, or easements belonging to the state or a municipal 10007  
corporation without the consent of the state or municipal 10008  
corporation, and no regional transit authority shall exercise the 10009  
right of eminent domain to acquire any certificate of public 10010  
convenience and necessity, or any part thereof, issued to a 10011  
for-hire motor transportation company carrier by the public 10012  
utilities commission of Ohio or by the ~~interstate commerce~~ 10013  
~~commission of the United States~~ federal motor carrier safety 10014  
administration, or to take or disturb other property or facilities 10015  
belonging to any political subdivision, public corporation, public 10016  
utility, or common carrier, which property or facility is 10017

necessary and convenient in the operation of such political 10018  
subdivision, public corporation, public utility, or common 10019  
carrier, unless provision is made for the restoration, relocation, 10020  
or duplication of such property or facility, or upon the election 10021  
of such political subdivision, public corporation, public utility, 10022  
or common carrier, for the payment of compensation, if any, at the 10023  
sole cost of the regional transit authority, provided: 10024

(1) If any restoration or duplication of any property or 10025  
facility proposed to be made under this division involves a 10026  
relocation of such property or facility the new facility and 10027  
location thereof shall be of at least comparable utilitarian value 10028  
and effectiveness and such relocation shall not impair the ability 10029  
of the public utility or common carrier to compete in its original 10030  
area of operation. 10031

(2) If any restoration or duplication of any property or 10032  
facility proposed to be made under this division involves a 10033  
relocation of such property or facility, the regional transit 10034  
authority shall acquire no interest or right in or to the 10035  
appropriated property or facility until the relocated property or 10036  
facility is available for use and until marketable title thereto 10037  
has been transferred to the public utility or common carrier. 10038

(C) When real property is acquired which is located outside 10039  
the territorial boundaries of the regional transit authority and 10040  
which is removed from the tax duplicate, the regional transit 10041  
authority shall pay annually to the county treasurer of the county 10042  
in which such property is located, commencing with the first tax 10043  
year in which such property is removed from the tax duplicate, an 10044  
amount of money in lieu of taxes equal to the smaller of the 10045  
following: 10046

(1) The last annual installment of taxes due from the 10047  
acquired property before removal from the tax duplicate; 10048

(2) An amount equal to the difference between the combined revenue from real estate taxes of all the taxing districts in which such property is located in the tax year immediately prior to the removal of such acquired property from the tax duplicate, and either:

(a) The total revenue which would be produced by the tax rate of each such taxing district in the tax year immediately prior to the removal of such acquired property from the tax duplicate, applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or

(b) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county auditor of each county in which such property is located shall apportion each such annual payment to each taxing district as if such annual payment has been levied and collected as a tax.

Such annual payments shall never again be made after they have ceased.

The regional transit authority may be exempted from such payment by agreement of the affected taxing district or districts in the county in which such property is located.

**Sec. 306.55.** Beginning July 1, 2011 and until November 5, 2013, the legislative authority of any municipal corporation or the board of township trustees of any township that has created or joined a regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, may withdraw the municipal corporation or the unincorporated territory of the

township from the regional transit authority in the manner 10079  
provided in this section. The legislative authority ~~of the~~ 10080  
~~municipal corporation~~ or board of township trustees ~~of the~~ 10081  
~~township~~ proposing to withdraw shall adopt a resolution to submit 10082  
the question of withdrawing from the regional transit authority to 10083  
the electors of the ~~territory~~ municipal corporation or the 10084  
unincorporated area of the township to be withdrawn and shall 10085  
certify the proposal to the board of elections for the purpose of 10086  
having the proposal placed on the ballot at the next general 10087  
election or at a special election conducted on the day of the next 10088  
primary election that occurs not less than ninety days after the 10089  
resolution is certified to the board of elections. 10090

Upon certification of a proposal to the board of elections 10091  
pursuant to this section, the board of elections shall make the 10092  
necessary arrangements for the submission of the question to the 10093  
electors of the territory to be withdrawn from the regional 10094  
transit authority qualified to vote on the question, ~~and the.~~ For 10095  
a municipal corporation, the election shall be held, canvassed, 10096  
and certified in the same manner as regular elections for the 10097  
election of officers of the ~~subdivision~~ municipal corporation 10098  
proposing to withdraw from the regional transit authority, except 10099  
that the question appearing on the ballot of a municipal 10100  
corporation shall read: 10101

"Shall the territory within the ..... 10102  
(~~Name~~ name of ~~political subdivision~~ municipal corporation to be 10103  
withdrawn) be withdrawn from ..... 10104  
(~~Name~~ name of) regional transit authority)?" 10105

For the unincorporated area of a township, the election shall 10106  
be held, canvassed, and certified in the same manner as regular 10107  
elections for the election of officers of the township, except 10108  
that question shall only be presented to electors of the 10109  
unincorporated area of the township and the question appearing on 10110

the ballot of the unincorporated area of the township shall read: 10111

"Shall the territory of the unincorporated area of ..... 10112  
(name of township to be withdrawn) be withdrawn from ..... 10113  
of regional transit authority)?" 10114

The legislative authority of a municipal corporation or board 10115  
of trustees of a township, by vote of two-thirds of all members of 10116  
the legislative authority or board, may adopt a resolution and 10117  
certify that resolution to the board of elections for the combined 10118  
purpose of withdrawing from a regional transit authority as 10119  
provided in this section and levying a property tax pursuant to 10120  
division (XX) of section 5705.19 of the Revised Code for a 10121  
municipal corporation and section 5705.72 of the Revised Code for 10122  
a township. If the questions are combined, the question appearing 10123  
on the ballot shall be as provided in section 5705.252 of the 10124  
Revised Code. 10125

~~If the question is approved by at least a majority of the~~ 10126  
~~electors voting on the question, the withdrawal is effective six~~ 10127  
~~months from the date of the certification of its passage.~~ 10128

The board of elections to which the resolution was certified 10129  
shall certify the results of the election to the board or 10130  
legislative authority of the subdivision that submitted the 10131  
resolution to withdraw and to the board of trustees of the 10132  
regional transit authority from which the subdivision proposed to 10133  
withdraw. If the question is approved by at least a majority of 10134  
the electors voting on the question, the municipal corporation's 10135  
or unincorporated area of the township's membership in the 10136  
regional transit authority terminates on the thirty-first day of 10137  
December of the calendar year in which the election is held. 10138

If the question of withdrawing from the regional transit 10139  
authority is approved, the power of the regional transit authority 10140  
to levy a tax on taxable property in the affected area of the 10141

withdrawing subdivision terminates beginning with the tax year in 10142  
which the election is held, and no taxes from the levy may be 10143  
charged for collection against such property for that tax year. 10144

**Sec. 307.05.** As used in this section, "emergency medical 10145  
service organization" has the same meaning as in section 4765.01 10146  
of the Revised Code. 10147

A board of county commissioners may operate an ambulance 10148  
service organization or emergency medical service organization, 10149  
or, in counties with a population of forty thousand or less, may 10150  
operate a nonemergency patient transport service organization, or 10151  
may enter into a contract with one or more counties, townships, 10152  
municipal corporations, nonprofit corporations, joint emergency 10153  
medical services districts, fire and ambulance districts, or 10154  
private ambulance owners, regardless of whether such counties, 10155  
townships, municipal corporations, nonprofit corporations, joint 10156  
emergency medical services districts, fire and ambulance 10157  
districts, or private ambulance owners are located within or 10158  
without the state, in order to furnish or obtain the services of 10159  
ambulance service organizations, to furnish or obtain additional 10160  
services from ambulance service organizations in times of 10161  
emergency, to furnish or obtain the services of emergency medical 10162  
service organizations, or, in counties with a population of forty 10163  
thousand or less, to furnish or obtain services of nonemergency 10164  
patient transport service organizations, or may enter into a 10165  
contract with any such entity to furnish or obtain the interchange 10166  
of services from ambulance or emergency medical service 10167  
organizations, or, within counties with a population of forty 10168  
thousand or less, to furnish or obtain the interchange of services 10169  
from nonemergency patient transport service organizations, within 10170  
the territories of the contracting subdivisions. Except in the 10171  
case of a contract with a joint emergency medical services 10172  
district to obtain the services of emergency medical service 10173

organizations, such contracts shall not be entered into with a 10174  
public agency or nonprofit corporation that receives more than 10175  
half of its operating funds from governmental entities with the 10176  
intention of directly competing with the operation of other 10177  
ambulance service organizations, nonemergency patient transport 10178  
service organizations, or emergency medical service organizations 10179  
in the county unless the public agency or nonprofit corporation is 10180  
awarded the contract after submitting the lowest and best bid to 10181  
the board of county commissioners. Any county wishing to commence 10182  
operation of a nonemergency patient transport service organization 10183  
or wishing to enter into a contract for the first time to furnish 10184  
or obtain services from a nonemergency patient transport service 10185  
organization on or after March 1, 1993, including a county in 10186  
which a private provider has been providing the service, shall 10187  
demonstrate the need for public funding for the service to, and 10188  
obtain approval from, the state board of emergency medical, fire, 10189  
and transportation services or its immediate successor board prior 10190  
to operating or funding the organization. 10191

When such an organization is operated by the board, the 10192  
organization may be administered by the board, by the county 10193  
sheriff, or by another county officer or employee designated by 10194  
the board. All rules, including the determining of reasonable 10195  
rates, necessary for the establishment, operation, and maintenance 10196  
of such an organization shall be adopted by the board. 10197

A contract for services of an ambulance service, nonemergency 10198  
patient transport service, or emergency medical service 10199  
organization shall include the terms, conditions, and stipulations 10200  
as agreed to by the parties to the contract. It may provide for a 10201  
fixed annual charge to be paid at the times agreed upon and 10202  
stipulated in the contract, or for compensation based upon a 10203  
stipulated price for each run, call, or emergency or the number of 10204  
persons or pieces of apparatus employed, or the elapsed time of 10205

service required in such run, call, or emergency, or any 10206  
combination thereof. 10207

**Sec. 307.051.** As used in this section, "emergency medical 10208  
service organization" has the same meaning as in section 4766.01 10209  
of the Revised Code. 10210

A board of county commissioners, by adoption of an 10211  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 10212  
emergency medical, fire, and transportation ~~board~~ services license 10213  
any emergency medical service organization it operates. If a board 10214  
adopts such a resolution, Chapter 4766. of the Revised Code, 10215  
except for sections 4766.06 and 4766.99 of the Revised Code, 10216  
applies to the county emergency medical service organization. All 10217  
rules adopted under the applicable sections of that chapter also 10218  
apply to the organization. A board, by adoption of an appropriate 10219  
resolution, may remove its emergency medical service organization 10220  
from the jurisdiction of the ~~Ohio~~ state board of emergency 10221  
medical, fire, and transportation ~~board~~ services. 10222

**Sec. 307.055.** (A) Subject to the terms and conditions of the 10223  
joint resolution creating it, each joint emergency medical 10224  
services district may furnish ambulance services and emergency 10225  
medical services by one of the following methods: 10226

(1) By operating an emergency medical service organization as 10227  
defined in section 4765.01 of the Revised Code; 10228

(2) By contracting for the operation of one or more 10229  
facilities pursuant to division (C) or (D) of this section; 10230

(3) By providing necessary services and equipment to the 10231  
district either directly or under a contract entered into pursuant 10232  
to division (B) of this section; 10233

(4) By providing service through any combination of methods 10234  
described in divisions (A)(1) to (3) of this section. 10235



(B) In order to obtain ambulance service, to obtain 10236  
additional ambulance service in times of emergency, or to obtain 10237  
emergency medical services, a joint emergency medical services 10238  
district may enter into a contract, for a period not to exceed 10239  
three years, with one or more counties, townships, municipal 10240  
corporations, joint fire districts, other governmental units that 10241  
provide ambulance service or emergency medical services, nonprofit 10242  
corporations, or private ambulance owners, regardless of whether 10243  
the entities contracted with are located within or outside this 10244  
state, upon such terms as are agreed to, to furnish or receive 10245  
ambulance services or the interchange of ambulance services or 10246  
emergency medical services within the several territories of the 10247  
contracting subdivisions, if the contract is first authorized by 10248  
all boards of trustees and legislative authorities in the 10249  
territories to be served. 10250

Such a contract may provide for a fixed annual charge to be 10251  
paid at the times agreed upon and stipulated in the contract; or 10252  
for compensation based on a stipulated price for each run, call, 10253  
or emergency or based on the elapsed time of service required for 10254  
each run, call, or emergency, or based on any combination of 10255  
these. 10256

Expenditures of a district for ambulance service or emergency 10257  
medical service, whether pursuant to contract or otherwise, are 10258  
lawful expenditures, regardless of whether the district or the 10259  
party with which it contracts charges an additional fee to users 10260  
of the service. 10261

(C) The board of trustees may enter into a contract with any 10262  
person, municipal corporation, township, or other political 10263  
subdivision, and any political subdivision may contract with the 10264  
board, for the operation and maintenance of emergency medical 10265  
services facilities regardless of whether the facilities used are 10266  
owned or leased by the district, by another political subdivision, 10267

or by the contractor. 10268

(D) The district may purchase, lease, and maintain all 10269  
materials, buildings, land, and equipment, including vehicles, the 10270  
board considers necessary for the district. 10271

When the board finds, by resolution, that the district has 10272  
personal property that is not needed for public use, or is 10273  
obsolete or unfit for the use for which it was acquired, the board 10274  
may dispose of the property in the same manner as provided in 10275  
section 307.12 of the Revised Code. 10276

(E) Except in the case of a contract with a board of county 10277  
commissioners for the provision of services of an emergency 10278  
medical service organization, any contract entered into by a joint 10279  
emergency medical services district shall conform to the same 10280  
bidding requirements that apply to county contracts under sections 10281  
307.86 to 307.92 of the Revised Code. 10282

(F) A county participating in a joint district may contribute 10283  
any of its rights or interests in real or personal property, 10284  
including money, and may contribute services to the district. Any 10285  
such contributions shall be made by a written agreement between 10286  
the contributing county and the district, specifying the 10287  
contribution as well as the rights of the participating counties 10288  
in the contributed property. Written agreements shall also be 10289  
prepared specifying the rights of participating counties in 10290  
property acquired by the district other than by contribution of a 10291  
participating county. Written agreements required by this division 10292  
may be amended only by written agreement of all parties to the 10293  
original agreement. 10294

(G) A district's board of trustees, by adoption of an 10295  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 10296  
emergency medical, fire, and transportation board services license 10297  
any emergency medical service organization the district operates. 10298

If a board adopts such a resolution, Chapter 4766. of the Revised 10299  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 10300  
applies to the district emergency medical service organization. 10301  
All rules adopted under the applicable sections of that chapter 10302  
also apply to the organization. A board, by adoption of an 10303  
appropriate resolution, may remove the district emergency medical 10304  
service organization from the jurisdiction of the ~~Ohio state board~~ 10305  
of emergency medical, fire, and transportation board services. 10306

**Sec. 309.09.** (A) The prosecuting attorney shall be the legal 10307  
adviser of the board of county commissioners, board of elections, 10308  
all other county officers and boards, and all tax-supported public 10309  
libraries, and any of them may require written opinions or 10310  
instructions from the prosecuting attorney in matters connected 10311  
with their official duties. The prosecuting attorney shall 10312  
prosecute and defend all suits and actions that any such officer, 10313  
board, or tax-supported public library directs or to which it is a 10314  
party, and no county officer may employ any other counsel or 10315  
attorney at the expense of the county, except as provided in 10316  
section 305.14 of the Revised Code. The prosecuting attorney shall 10317  
also defend all civil actions in the court of common pleas brought 10318  
pursuant to division (B)(1) of section 2743.48 of the Revised 10319  
Code. 10320

(B)(1) The prosecuting attorney shall be the legal adviser 10321  
for all township officers, boards, and commissions, unless, 10322  
subject to division (B)(2) of this section, the township has 10323  
adopted a limited home rule government pursuant to Chapter 504. of 10324  
the Revised Code and has not entered into a contract to have the 10325  
prosecuting attorney serve as the township law director, in which 10326  
case, subject to division (B)(2) of this section, the township law 10327  
director, whether serving full-time or part-time, shall be the 10328  
legal adviser for all township officers, boards, and commissions. 10329  
When the board of township trustees finds it advisable or 10330

necessary to have additional legal counsel, it may employ an 10331  
attorney other than the township law director or the prosecuting 10332  
attorney of the county, either for a particular matter or on an 10333  
annual basis, to represent the township and its officers, boards, 10334  
and commissions in their official capacities and to advise them on 10335  
legal matters. No such legal counsel may be employed, except on 10336  
the order of the board of township trustees, duly entered upon its 10337  
journal, in which the compensation to be paid for the legal 10338  
services shall be fixed. The compensation shall be paid from the 10339  
township fund. 10340

Nothing in this division confers any of the powers or duties 10341  
of a prosecuting attorney under section 309.08 of the Revised Code 10342  
upon a township law director. 10343

(2)(a) If any township in the county served by the 10344  
prosecuting attorney has adopted any resolution regarding the 10345  
operation of adult entertainment establishments pursuant to the 10346  
authority that is granted under section 503.52 of the Revised Code 10347  
or if a resolution of that nature has been adopted under section 10348  
503.53 of the Revised Code in a township in the county served by 10349  
the prosecuting attorney, all of the following apply: 10350

(i) Upon the request of a township in the county that has 10351  
adopted, or in which has been adopted, a resolution of that nature 10352  
that is made pursuant to division (E)(1)(c) of section 503.52 of 10353  
the Revised Code, the prosecuting attorney shall prosecute and 10354  
defend on behalf of the township in the trial and argument in any 10355  
court or tribunal of any challenge to the validity of the 10356  
resolution. If the challenge to the validity of the resolution is 10357  
before a federal court, the prosecuting attorney may request the 10358  
attorney general to assist the prosecuting attorney in prosecuting 10359  
and defending the challenge and, upon the prosecuting attorney's 10360  
making of such a request, the attorney general shall assist the 10361  
prosecuting attorney in performing that service if the resolution 10362

was drafted in accordance with legal guidance provided by the 10363  
attorney general as described in division (B)(2) of section 503.52 10364  
of the Revised Code. The attorney general shall provide this 10365  
assistance without charge to the township for which the service is 10366  
performed. If a township adopts a resolution without the legal 10367  
guidance of the attorney general, the attorney general is not 10368  
required to provide assistance as described in this division to a 10369  
prosecuting attorney. 10370

(ii) Upon the request of a township in the county that has 10371  
adopted, or in which has been adopted, a resolution of that nature 10372  
that is made pursuant to division (E)(1)(a) of section 503.52 of 10373  
the Revised Code, the prosecuting attorney shall prosecute and 10374  
defend on behalf of the township a civil action to enjoin the 10375  
violation of the resolution in question. 10376

(iii) Upon the request of a township in the county that has 10377  
adopted, or in which has been adopted, a resolution of that nature 10378  
that is made pursuant to division (E)(1)(b) of section 503.52 of 10379  
the Revised Code, the prosecuting attorney shall prosecute and 10380  
defend on behalf of the township a civil action under Chapter 10381  
3767. of the Revised Code to abate as a nuisance the place in the 10382  
unincorporated area of the township at which the resolution is 10383  
being or has been violated. Proceeds from the sale of personal 10384  
property or contents seized pursuant to the action shall be 10385  
applied and deposited in accordance with division (E)(1)(b) of 10386  
section 503.52 of the Revised Code. 10387

(b) The provisions of division (B)(2)(a) of this section 10388  
apply regarding all townships, including townships that have 10389  
adopted a limited home rule government pursuant to Chapter 504. of 10390  
the Revised Code, and regardless of whether a township that has so 10391  
adopted a limited home rule government has entered into a contract 10392  
with the prosecuting attorney as described in division (B) of 10393  
section 504.15 of the Revised Code or has appointed a law director 10394

as described in division (A) of that section. 10395

The prosecuting attorney shall prosecute and defend in the 10396  
actions and proceedings described in division (B)(2)(a) of this 10397  
section without charge to the township for which the services are 10398  
performed. 10399

(C) Whenever the board of county commissioners employs an 10400  
attorney other than the prosecuting attorney of the county, 10401  
without the authorization of the court of common pleas as provided 10402  
in section 305.14 of the Revised Code, either for a particular 10403  
matter or on an annual basis, to represent the board in its 10404  
official capacity and to advise it on legal matters, the board 10405  
shall enter upon its journal an order of the board in which the 10406  
compensation to be paid for the legal services shall be fixed. The 10407  
compensation shall be paid from the county general fund. The total 10408  
compensation paid, in any year, by the board for legal services 10409  
under this division shall not exceed the total annual compensation 10410  
of the prosecuting attorney for that county. 10411

(D) The prosecuting attorney and the board of county 10412  
commissioners jointly may contract with a board of park 10413  
commissioners under section 1545.07 of the Revised Code for the 10414  
prosecuting attorney to provide legal services to the park 10415  
district the board of park commissioners operates. 10416

(E) The prosecuting attorney may be, in the prosecuting 10417  
attorney's discretion and with the approval of the board of county 10418  
commissioners, the legal adviser of a joint fire district created 10419  
under section 505.371 of the Revised Code at no cost to the 10420  
district or may be the legal adviser to the district under a 10421  
contract that the prosecuting attorney and the district enter 10422  
into, and that the board of county ~~commissioner~~ commissioners 10423  
approves, to authorize the prosecuting attorney to provide legal 10424  
services to the district. 10425

(F) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint ambulance district created under section 505.71 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

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(G) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

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(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

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(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be

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appropriated only to the prosecuting attorney for the purpose of 10458  
providing legal services to a park district, joint fire district, 10459  
joint ambulance district, joint emergency medical services 10460  
district, or a fire and ambulance district, as applicable, under a 10461  
contract entered into under the applicable division. 10462

**Sec. 313.121.** (A) As used in this section, "parent" means 10463  
either parent, except that if one parent has been designated the 10464  
residential parent and legal custodian of the child, "parent" 10465  
means the designated residential parent and legal custodian, and 10466  
if a person other than a parent is the child's legal guardian, 10467  
"parent" means the legal guardian. 10468

(B) If a child under two years of age dies suddenly when in 10469  
apparent good health, the death shall be reported immediately to 10470  
the coroner of the county in which the death occurred, as required 10471  
by section 313.12 of the Revised Code. Except as provided in 10472  
division (C) of this section, the coroner or deputy coroner shall 10473  
perform an autopsy on the child. The autopsy shall be performed in 10474  
accordance with ~~public health council~~ rules adopted by the 10475  
director of health under section 313.122 of the Revised Code. The 10476  
coroner or deputy coroner may perform research procedures and 10477  
tests when performing the autopsy. 10478

(C) A coroner or deputy coroner is not required to perform an 10479  
autopsy if the coroner of the county in which the death occurred 10480  
or a court with jurisdiction over the deceased body determines 10481  
under section 313.131 of the Revised Code that an autopsy is 10482  
contrary to the religious beliefs of the child. If the coroner or 10483  
the court makes such a determination, the coroner shall notify the 10484  
health district or department of health with jurisdiction in the 10485  
area in which the child's parent resides. For purposes of this 10486  
division, the religious beliefs of the parents of a child shall be 10487  
considered to be the religious beliefs of the child. 10488



(D) If the child's parent makes a written or verbal request 10489  
for the preliminary results of the autopsy after the results are 10490  
available, the coroner, or a person designated by ~~him~~ the coroner, 10491  
shall give the parent an oral statement of the preliminary 10492  
results. 10493

The coroner, within a reasonable time after the final results 10494  
of the autopsy are reported, shall send written notice of the 10495  
results to the state department of health, the health district or 10496  
department with jurisdiction in the area in which the child's 10497  
parent resides, and, upon the request of a parent of the child, to 10498  
the child's attending physician. Upon the written request of a 10499  
parent of the child and the payment of the transcript fee required 10500  
by section 313.10 of the Revised Code, the coroner shall send 10501  
written notice of the final results to that parent. The notice 10502  
sent to the state department of health shall include all of the 10503  
information specified ~~by rule of the public health council in~~ in 10504  
rules adopted under section 313.122 of the Revised Code. 10505

(E) On the occurrence of any of the following, the health 10506  
district or department with jurisdiction in the area in which the 10507  
child's parent resides shall offer the parent any counseling or 10508  
other supportive services it has available: 10509

(1) When it learns through any source that an autopsy is 10510  
being performed on a child under two years of age who died 10511  
suddenly when in apparent good health; 10512

(2) When it receives notice that the final result of an 10513  
autopsy performed pursuant to this section concluded that the 10514  
child died of sudden infant death syndrome; 10515

(3) When it is notified by the coroner that, pursuant to 10516  
division (C) of this section, an autopsy was not performed. 10517

(F) When a health district or department receives notice that 10518  
the final result of an autopsy performed pursuant to this section 10519

concluded that the child died of sudden infant death syndrome or 10520  
that, pursuant to division (C) of this section, an autopsy was not 10521  
performed but sudden infant death syndrome may have been the cause 10522  
of death, it shall offer the child's parent information about 10523  
sudden infant death syndrome. The state department of health shall 10524  
ensure that current information on sudden infant death syndrome is 10525  
available for distribution by health districts and departments. 10526

**Sec. 313.122.** The ~~public~~ director of health council, after 10527  
reviewing and considering any recommendations made by the Ohio 10528  
state coroners association, shall adopt rules in accordance with 10529  
Chapter 119. of the Revised Code establishing a protocol governing 10530  
the performance of autopsies under section 313.121 of the Revised 10531  
Code. The rules shall specify the information derived from an 10532  
autopsy that a coroner is required to report to the state 10533  
department of health. The ~~public health council~~ director shall not 10534  
amend the rules adopted under this section unless it notifies the 10535  
Ohio state coroners association of the proposed changes and 10536  
consults with the association. 10537

**Sec. 313.16.** In counties where no coroner's laboratory has 10538  
been established or where the coroner's laboratory does not have 10539  
the equipment or personnel to follow the protocol established ~~by~~ 10540  
~~rule of~~ in rules adopted by the public director of health council 10541  
~~adopted~~ under section 313.122 of the Revised Code, the coroner may 10542  
request a coroner of a county in which such a laboratory is 10543  
established or that has a laboratory able to follow the ~~public~~ 10544  
~~health council's~~ director's protocol to perform necessary 10545  
laboratory examinations, the cost of which shall be no greater 10546  
than the actual value of the services of technicians and the 10547  
materials used in performing such examination. Money derived from 10548  
the fees paid for these examinations shall be kept in a special 10549  
fund, for the use of the coroner's laboratory, from which fund 10550

replacements can be made. Such funds shall be used to purchase 10551  
necessary supplies and equipment for the laboratory and to pay any 10552  
associated costs incurred in the administration of this section at 10553  
the coroner's discretion. 10554

**Sec. 339.091.** Before the board of county commissioners, board 10555  
of county hospital trustees, or county hospital commission may 10556  
enter into an initial agreement for the acquisition, operation, or 10557  
lease under section 140.03, 140.05, 339.09, or 339.14 of the 10558  
Revised Code of a county hospital operated by a board of county 10559  
hospital trustees under section 339.06 of the Revised Code, the 10560  
board of county commissioners shall review the agreement. If it 10561  
finds that the agreement will meet the needs of the residents of 10562  
the county for hospital service, the board of county commissioners 10563  
may adopt a resolution authorizing the board of county 10564  
commissioners, board of county hospital trustees, or county 10565  
hospital commission to enter into the agreement. On adoption of 10566  
the resolution, the board of county commissioners, board of county 10567  
hospital trustees, or county hospital commission may enter into 10568  
the agreement. 10569

The requirements of this section do not apply to an agreement 10570  
if one or more hospitals classified as general hospitals by the 10571  
~~public director of health council~~ under section 3701.07 of the 10572  
Revised Code are operating in the same county as the county 10573  
hospital. 10574

**Sec. 340.03.** (A) Subject to rules issued by the director of 10575  
mental health after consultation with relevant constituencies as 10576  
required by division (L) of section 5119.06 of the Revised Code, 10577  
with regard to mental health services, the board of alcohol, drug 10578  
addiction, and mental health services shall: 10579

(1) Serve as the community mental health planning agency for 10580

the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, annually develop and submit to the department of mental health a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all the facilities and community mental health services that are or will be in operation or provided during the period for which the plan will be in operation in the service district to meet such needs.

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to make available. The board must include crisis intervention services for individuals in an emergency situation in the plan and explain how the board intends to make such services available. The plan must also include a statement of the inpatient and community-based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, such other information as the department requests, and a budget for moneys the board expects to receive. The department shall approve or disapprove the plan, in

whole or in part, according to the criteria developed pursuant to 10613  
section 5119.61 of the Revised Code. The department's statement of 10614  
approval or disapproval shall specify the inpatient and the 10615  
community-based services that the department will operate for the 10616  
board. Eligibility for state and federal funding shall be 10617  
contingent upon an approved plan or relevant part of a plan. 10618

If a board determines that it is necessary to amend a plan or 10619  
an allocation request that has been approved under division 10620  
(A)(1)(c) of this section, the board shall submit a proposed 10621  
amendment to the director. The director may approve or disapprove 10622  
all or part of the amendment. The director shall inform the board 10623  
of the reasons for disapproval of all or part of an amendment and 10624  
of the criteria that must be met before the amendment may be 10625  
approved. The director shall provide the board an opportunity to 10626  
present its case on behalf of the amendment. The director shall 10627  
give the board a reasonable time in which to meet the criteria, 10628  
and shall offer the board technical assistance to help it meet the 10629  
criteria. 10630

The board shall implement the plan approved by the 10631  
department. 10632

(d) Promote, arrange, and implement working agreements with 10633  
social agencies, both public and private, and with judicial 10634  
agencies. 10635

(2) Investigate, or request another agency to investigate, 10636  
any complaint alleging abuse or neglect of any person receiving 10637  
services from a community mental health agency as defined in 10638  
section 5122.01 of the Revised Code, or ~~from~~ alleging abuse or 10639  
neglect of a person with mental illness or severe mental 10640  
disability residing in a residential facility licensed under 10641  
section 5119.22 of the Revised Code. If the investigation 10642  
substantiates the charge of abuse or neglect, the board shall take 10643  
whatever action it determines is necessary to correct the 10644

situation, including notification of the appropriate authorities. 10645  
Upon request, the board shall provide information about such 10646  
investigations to the department. 10647

(3) For the purpose of section 5119.611 of the Revised Code, 10648  
cooperate with the director of mental health in visiting and 10649  
evaluating whether the services of a community mental health 10650  
agency satisfy the certification standards established by rules 10651  
adopted under that section; 10652

(4) In accordance with criteria established under division 10653  
(E) of section 5119.61 of the Revised Code, review and evaluate 10654  
the quality, effectiveness, and efficiency of services provided 10655  
through its community mental health plan and submit its findings 10656  
and recommendations to the department of mental health; 10657

(5) In accordance with section 5119.22 of the Revised Code, 10658  
review applications for residential facility licenses and 10659  
recommend to the department of mental health approval or 10660  
disapproval of applications; 10661

(6) Audit, in accordance with rules adopted by the auditor of 10662  
state pursuant to section 117.20 of the Revised Code, at least 10663  
annually all programs and services provided under contract with 10664  
the board. In so doing, the board may contract for or employ the 10665  
services of private auditors. A copy of the fiscal audit report 10666  
shall be provided to the director of mental health, the auditor of 10667  
state, and the county auditor of each county in the board's 10668  
district. 10669

(7) Recruit and promote local financial support for mental 10670  
health programs from private and public sources; 10671

(8)(a) Enter into contracts with public and private 10672  
facilities for the operation of facility services included in the 10673  
board's community mental health plan and enter into contracts with 10674  
public and private community mental health agencies for the 10675

provision of community mental health services that are listed in 10676  
section 340.09 of the Revised Code and included in the board's 10677  
community mental health plan. The board may not contract with a 10678  
community mental health agency to provide community mental health 10679  
services included in the board's community mental health plan 10680  
unless the services are certified by the director of mental health 10681  
under section 5119.611 of the Revised Code. Section 307.86 of the 10682  
Revised Code does not apply to contracts entered into under this 10683  
division. In contracting with a community mental health agency, a 10684  
board shall consider the cost effectiveness of services provided 10685  
by that agency and the quality and continuity of care, and may 10686  
review cost elements, including salary costs, of the services to 10687  
be provided. A utilization review process shall be established as 10688  
part of the contract for services entered into between a board and 10689  
a community mental health agency. The board may establish this 10690  
process in a way that is most effective and efficient in meeting 10691  
local needs. Until July 1, 2012, a contract with a community 10692  
mental health agency or facility, as defined in section 5111.023 10693  
of the Revised Code, to provide services listed in division (B) of 10694  
that section shall provide for the agency or facility to be paid 10695  
in accordance with the contract entered into between the 10696  
departments of job and family services and mental health under 10697  
section 5111.91 of the Revised Code and any rules adopted under 10698  
division (A) of section 5119.61 of the Revised Code. 10699

If either the board or a facility or community mental health 10700  
agency with which the board contracts under division (A)(8)(a) of 10701  
this section proposes not to renew the contract or proposes 10702  
substantial changes in contract terms, the other party shall be 10703  
given written notice at least one hundred twenty days before the 10704  
expiration date of the contract. During the first sixty days of 10705  
this one hundred twenty-day period, both parties shall attempt to 10706  
resolve any dispute through good faith collaboration and 10707  
negotiation in order to continue to provide services to persons in 10708

need. If the dispute has not been resolved sixty days before the 10709  
expiration date of the contract, either party may ~~request that~~ 10710  
notify the department of mental health of the unresolved dispute. 10711  
The director may require both parties to submit the dispute to a 10712  
third party with the cost to be shared by the board and the 10713  
facility or community mental health agency. The third party shall 10714  
issue to the board ~~and, the~~ facility or agency, and the department 10715  
recommendations on how the dispute may be resolved twenty days 10716  
prior to the expiration date of the contract, unless both parties 10717  
agree to a time extension. The director shall adopt rules 10718  
establishing the procedures of this dispute resolution process. 10719

(b) With the prior approval of the director of mental health, 10720  
a board may operate a facility or provide a community mental 10721  
health service as follows, if there is no other qualified private 10722  
or public facility or community mental health agency that is 10723  
immediately available and willing to operate such a facility or 10724  
provide the service: 10725

(i) In an emergency situation, any board may operate a 10726  
facility or provide a community mental health service in order to 10727  
provide essential services for the duration of the emergency; 10728

(ii) In a service district with a population of at least one 10729  
hundred thousand but less than five hundred thousand, a board may 10730  
operate a facility or provide a community mental health service 10731  
for no longer than one year; 10732

(iii) In a service district with a population of less than 10733  
one hundred thousand, a board may operate a facility or provide a 10734  
community mental health service for no longer than one year, 10735  
except that such a board may operate a facility or provide a 10736  
community mental health service for more than one year with the 10737  
prior approval of the director and the prior approval of the board 10738  
of county commissioners, or of a majority of the boards of county 10739  
commissioners if the district is a joint-county district. 10740



The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community mental health agency.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a community mental health service previously provided by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service or that the agency has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community mental health agency, but a facility or agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body

|                                                                                                                                                                                                                                                                                                                                 |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| of the facility or agency.                                                                                                                                                                                                                                                                                                      | 10773                                              |
| (9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;        | 10774<br>10775<br>10776<br>10777<br>10778          |
| (10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;                                                                                  | 10779<br>10780<br>10781<br>10782                   |
| (11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code: | 10783<br>10784<br>10785<br>10786<br>10787<br>10788 |
| (a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;                                                                                                                                                                                                           | 10789<br>10790                                     |
| (b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;                                                                                                                                                                       | 10791<br>10792<br>10793                            |
| (c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;                                                                                                                                                                                             | 10794<br>10795<br>10796                            |
| (d) Emergency services and crisis intervention;                                                                                                                                                                                                                                                                                 | 10797                                              |
| (e) Assistance for clients to obtain vocational services and opportunities for jobs;                                                                                                                                                                                                                                            | 10798<br>10799                                     |
| (f) The provision of services designed to develop social, community, and personal living skills;                                                                                                                                                                                                                                | 10800<br>10801                                     |
| (g) Access to a wide range of housing and the provision of                                                                                                                                                                                                                                                                      | 10802                                              |

residential treatment and support; 10803

(h) Support, assistance, consultation, and education for 10804  
families, friends, consumers of mental health services, and 10805  
others; 10806

(i) Recognition and encouragement of families, friends, 10807  
neighborhood networks, especially networks that include racial and 10808  
ethnic minorities, churches, community organizations, and 10809  
meaningful employment as natural supports for consumers of mental 10810  
health services; 10811

(j) Grievance procedures and protection of the rights of 10812  
consumers of mental health services; 10813

(k) Case management, which includes continual individualized 10814  
assistance and advocacy to ensure that needed services are offered 10815  
and procured. 10816

(12) Designate the treatment program, agency, or facility for 10817  
each person involuntarily committed to the board pursuant to 10818  
Chapter 5122. of the Revised Code and authorize payment for such 10819  
treatment. The board shall provide the least restrictive and most 10820  
appropriate alternative that is available for any person 10821  
involuntarily committed to it and shall assure that the services 10822  
listed in section 340.09 of the Revised Code are available to 10823  
severely mentally disabled persons residing within its service 10824  
district. The board shall establish the procedure for authorizing 10825  
payment for services, which may include prior authorization in 10826  
appropriate circumstances. The board may provide for services 10827  
directly to a severely mentally disabled person when life or 10828  
safety is endangered and when no community mental health agency is 10829  
available to provide the service. 10830

(13) Establish a method for evaluating referrals for 10831  
involuntary commitment and affidavits filed pursuant to section 10832  
5122.11 of the Revised Code in order to assist the probate 10833

division of the court of common pleas in determining whether there 10834  
is probable cause that a respondent is subject to involuntary 10835  
hospitalization and what alternative treatment is available and 10836  
appropriate, if any; 10837

(14) Ensure that apartments or rooms built, subsidized, 10838  
renovated, rented, owned, or leased by the board or a community 10839  
mental health agency have been approved as meeting minimum fire 10840  
safety standards and that persons residing in the rooms or 10841  
apartments are receiving appropriate and necessary services, 10842  
including culturally relevant services, from a community mental 10843  
health agency. This division does not apply to residential 10844  
facilities licensed pursuant to section 5119.22 of the Revised 10845  
Code. 10846

(15) Establish a mechanism for involvement of consumer 10847  
recommendation and advice on matters pertaining to mental health 10848  
services in the alcohol, drug addiction, and mental health service 10849  
district; 10850

~~(16) Perform the duties under section 5119.88 of the Revised 10851  
Code required by rules adopted under section 5119.61 of the 10852  
Revised Code regarding referrals by the board or mental health 10853  
agencies under contract with the board of individuals with mental 10854  
illness or severe mental disability to adult care facilities and 10855  
effective arrangements for ongoing mental health services for the 10856  
individuals. The board is accountable in the manner specified in 10857  
the rules for ensuring that the ongoing mental health services are 10858  
effectively arranged for the individuals. 10859~~

(B) The board shall establish such rules, operating 10860  
procedures, standards, and bylaws, and perform such other duties 10861  
as may be necessary or proper to carry out the purposes of this 10862  
chapter. 10863

(C) A board of alcohol, drug addiction, and mental health 10864

services may receive by gift, grant, devise, or bequest any 10865  
moneys, lands, or property for the benefit of the purposes for 10866  
which the board is established, and may hold and apply it 10867  
according to the terms of the gift, grant, or bequest. All money 10868  
received, including accrued interest, by gift, grant, or bequest 10869  
shall be deposited in the treasury of the county, the treasurer of 10870  
which is custodian of the alcohol, drug addiction, and mental 10871  
health services funds to the credit of the board and shall be 10872  
available for use by the board for purposes stated by the donor or 10873  
grantor. 10874

(D) No board member or employee of a board of alcohol, drug 10875  
addiction, and mental health services shall be liable for injury 10876  
or damages caused by any action or inaction taken within the scope 10877  
of the board member's official duties or the employee's 10878  
employment, whether or not such action or inaction is expressly 10879  
authorized by this section, section 340.033, or any other section 10880  
of the Revised Code, unless such action or inaction constitutes 10881  
willful or wanton misconduct. Chapter 2744. of the Revised Code 10882  
applies to any action or inaction by a board member or employee of 10883  
a board taken within the scope of the board member's official 10884  
duties or employee's employment. For the purposes of this 10885  
division, the conduct of a board member or employee shall not be 10886  
considered willful or wanton misconduct if the board member or 10887  
employee acted in good faith and in a manner that the board member 10888  
or employee reasonably believed was in or was not opposed to the 10889  
best interests of the board and, with respect to any criminal 10890  
action or proceeding, had no reasonable cause to believe the 10891  
conduct was unlawful. 10892

(E) The meetings held by any committee established by a board 10893  
of alcohol, drug addiction, and mental health services shall be 10894  
considered to be meetings of a public body subject to section 10895  
121.22 of the Revised Code. 10896

**Sec. 340.091.** Each board of alcohol, drug addiction, and 10897  
mental health services shall contract with a community mental 10898  
health agency under division (A)(7)(a) of section 340.03 of the 10899  
Revised Code for the agency to do all of the following in 10900  
accordance with rules adopted under section 5119.61 of the Revised 10901  
Code for an individual referred to the agency under division 10902  
~~(C)~~(D)(2) of section 5119.69 of the Revised Code: 10903

(A) Assess the individual ~~to determine whether to recommend~~ 10904  
~~that a residential state supplement administrative agency~~ 10905  
~~designated under section 5119.69 of the Revised Code determine~~ 10906  
and, if the agency determines that the environment in which the 10907  
individual will be living while receiving residential state 10908  
supplement payments is appropriate for the individual's needs ~~and,~~ 10909  
~~if it determines the environment is appropriate,~~ issue the a 10910  
recommendation to the referring residential state supplement 10911  
administrative agency that the referring agency should conclude 10912  
that the living environment is appropriate when it makes its 10913  
determination regarding the appropriateness of the environment; 10914

(B) Provide ongoing monitoring to ensure that services 10915  
provided under section 340.09 of the Revised Code are available to 10916  
the individual; 10917

(C) Provide discharge planning to ensure the individual's 10918  
earliest possible transition to a less restrictive environment. 10919

**Sec. 505.37.** (A) The board of township trustees may establish 10920  
all necessary rules to guard against the occurrence of fires and 10921  
to protect the property and lives of the citizens against damage 10922  
and accidents, and may, with the approval of the specifications by 10923  
the prosecuting attorney or, if the township has adopted limited 10924  
home rule government under Chapter 504. of the Revised Code, with 10925  
the approval of the specifications by the township's law director, 10926

purchase, lease, lease with an option to purchase, or otherwise 10927  
provide any fire apparatus, mechanical resuscitators, or other 10928  
equipment, appliances, materials, fire hydrants, and water supply 10929  
for fire-fighting purposes that seems advisable to the board. The 10930  
board shall provide for the care and maintenance of fire 10931  
equipment, and, for these purposes, may purchase, lease, lease 10932  
with an option to purchase, or construct and maintain necessary 10933  
buildings, and it may establish and maintain lines of fire-alarm 10934  
communications within the limits of the township. The board may 10935  
employ one or more persons to maintain and operate fire-fighting 10936  
equipment, or it may enter into an agreement with a volunteer fire 10937  
company for the use and operation of fire-fighting equipment. The 10938  
board may compensate the members of a volunteer fire company on 10939  
any basis and in any amount that it considers equitable. 10940

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When the estimated cost to purchase fire apparatus, 10942  
mechanical resuscitators, other equipment, appliances, materials, 10943  
fire hydrants, buildings, or fire-alarm communications equipment 10944  
or services exceeds fifty thousand dollars, the contract shall be 10945  
let by competitive bidding. When competitive bidding is required, 10946  
the board shall advertise once a week for not less than two 10947  
consecutive weeks in a newspaper of general circulation within the 10948  
township. The board may also cause notice to be inserted in trade 10949  
papers or other publications designated by it or to be distributed 10950  
by electronic means, including posting the notice on the board's 10951  
internet web site. If the board posts the notice on its web site, 10952  
it may eliminate the second notice otherwise required to be 10953  
published in a newspaper of general circulation within the 10954  
township, provided that the first notice published in such 10955  
newspaper meets all of the following requirements: 10956

(1) It is published at least two weeks before the opening of 10957  
bids. 10958

(2) It includes a statement that the notice is posted on the board's internet web site. 10959  
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(3) It includes the internet address of the board's internet web site. 10961  
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(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 10963  
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The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement. 10965  
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(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire-fighting equipment, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon. 10977  
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(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their 10986  
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occurrence, create a fire district of any portions of the township 10990  
that it considers necessary. The board may purchase, lease, lease 10991  
with an option to purchase, or otherwise provide any fire 10992  
apparatus, appliances, materials, fire hydrants, and water supply 10993  
for fire-fighting purposes, or may contract for the fire 10994  
protection for the fire district as provided in section 9.60 of 10995  
the Revised Code. The fire district so created shall be given a 10996  
separate name by which it shall be known. 10997

Additional unincorporated territory of the township may be 10998  
added to a fire district upon the board's adoption of a resolution 10999  
authorizing the addition. A municipal corporation that is within 11000  
or adjoining the township may be added to a fire district upon the 11001  
board's adoption of a resolution authorizing the addition and the 11002  
municipal legislative authority's adoption of a resolution or 11003  
ordinance requesting the addition of the municipal corporation to 11004  
the fire district. 11005

If the township fire district imposes a tax, additional 11006  
unincorporated territory of the township or a municipal 11007  
corporation that is within or adjoining the township shall become 11008  
part of the fire district only after all of the following have 11009  
occurred: 11010

(1) Adoption by the board of township trustees of a 11011  
resolution approving the expansion of the territorial limits of 11012  
the district and, if the resolution proposes to add a municipal 11013  
corporation, adoption by the municipal legislative authority of a 11014  
resolution or ordinance requesting the addition of the municipal 11015  
corporation to the district; 11016

(2) Adoption by the board of township trustees of a 11017  
resolution recommending the extension of the tax to the additional 11018  
territory; 11019

(3) Approval of the tax by the electors of the territory 11020

proposed for addition to the district. 11021

Each resolution of the board adopted under division (C)(2) of 11022  
this section shall state the name of the fire district, a 11023  
description of the territory to be added, and the rate and 11024  
termination date of the tax, which shall be the rate and 11025  
termination date of the tax currently in effect in the fire 11026  
district. 11027

The board of trustees shall certify each resolution adopted 11028  
under division (C)(2) of this section to the board of elections in 11029  
accordance with section 5705.19 of the Revised Code. The election 11030  
required under division (C)(3) of this section shall be held, 11031  
canvassed, and certified in the manner provided for the submission 11032  
of tax levies under section 5705.25 of the Revised Code, except 11033  
that the question appearing on the ballot shall read: 11034

"Shall the territory within ..... 11035  
(description of the proposed territory to be added) be added to 11036  
..... (name) fire district, and a property tax 11037  
at a rate of taxation not exceeding ..... (here insert tax rate) 11038  
be in effect for ..... (here insert the number of years the 11039  
tax is to be in effect or "a continuing period of time," as 11040  
applicable)?" 11041

If the question is approved by at least a majority of the 11042  
electors voting on it, the joinder shall be effective as of the 11043  
first day of July of the year following approval, and on that 11044  
date, the township fire district tax shall be extended to the 11045  
taxable property within the territory that has been added. If the 11046  
territory that has been added is a municipal corporation and if it 11047  
had adopted a tax levy for fire purposes, the levy is terminated 11048  
on the effective date of the joinder. 11049

Any municipal corporation may withdraw from a township fire 11050  
district created under division (C) of this section by the 11051

adoption by the municipal legislative authority of a resolution or 11052  
ordinance ordering withdrawal. On the first day of July of the 11053  
year following the adoption of the resolution or ordinance of 11054  
withdrawal, the municipal corporation withdrawing ceases to be a 11055  
part of the district, and the power of the fire district to levy a 11056  
tax upon taxable property in the withdrawing municipal corporation 11057  
terminates, except that the fire district shall continue to levy 11058  
and collect taxes for the payment of indebtedness within the 11059  
territory of the fire district as it was composed at the time the 11060  
indebtedness was incurred. 11061

Upon the withdrawal of any municipal corporation from a 11062  
township fire district created under division (C) of this section, 11063  
the county auditor shall ascertain, apportion, and order a 11064  
division of the funds on hand, moneys and taxes in the process of 11065  
collection except for taxes levied for the payment of 11066  
indebtedness, credits, and real and personal property, either in 11067  
money or in kind, on the basis of the valuation of the respective 11068  
tax duplicates of the withdrawing municipal corporation and the 11069  
remaining territory of the fire district. 11070

A board of township trustees may remove unincorporated 11071  
territory of the township from the fire district upon the adoption 11072  
of a resolution authorizing the removal. On the first day of July 11073  
of the year following the adoption of the resolution, the 11074  
unincorporated township territory described in the resolution 11075  
ceases to be a part of the district, and the power of the fire 11076  
district to levy a tax upon taxable property in that territory 11077  
terminates, except that the fire district shall continue to levy 11078  
and collect taxes for the payment of indebtedness within the 11079  
territory of the fire district as it was composed at the time the 11080  
indebtedness was incurred. 11081

(D) The board of township trustees of any township, the board 11082  
of fire district trustees of a fire district created under section 11083

505.371 of the Revised Code, or the legislative authority of any 11084  
municipal corporation may purchase, lease, or lease with an option 11085  
to purchase the necessary fire-fighting equipment, buildings, and 11086  
sites for the township, fire district, or municipal corporation 11087  
and issue securities for that purpose with maximum maturities as 11088  
provided in section 133.20 of the Revised Code. The board of 11089  
township trustees, board of fire district trustees, or legislative 11090  
authority may also construct any buildings necessary to house 11091  
fire-fighting equipment and issue securities for that purpose with 11092  
maximum maturities as provided in section 133.20 of the Revised 11093  
Code. 11094

The board of township trustees, board of fire district 11095  
trustees, or legislative authority may issue the securities of the 11096  
township, fire district, or municipal corporation, signed by the 11097  
board or designated officer of the municipal corporation and 11098  
attested by the signature of the township fiscal officer, fire 11099  
district clerk, or municipal clerk, covering any deferred payments 11100  
and payable at the times provided, which securities shall bear 11101  
interest not to exceed the rate determined as provided in section 11102  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 11103  
of the Revised Code. The legislation authorizing the issuance of 11104  
the securities shall provide for levying and collecting annually 11105  
by taxation, amounts sufficient to pay the interest on and 11106  
principal of the securities. The securities shall be offered for 11107  
sale on the open market or given to the vendor or contractor if no 11108  
sale is made. 11109

Section 505.40 of the Revised Code does not apply to any 11110  
securities issued, or any lease with an option to purchase entered 11111  
into, in accordance with this division. 11112

(E) A board of township trustees of any township or a board 11113  
of fire district trustees of a fire district created under section 11114  
505.371 of the Revised Code may purchase a policy or policies of 11115

liability insurance for the officers, employees, and appointees of 11116  
the fire department, fire district, or joint fire district 11117  
governed by the board that includes personal injury liability 11118  
coverage as to the civil liability of those officers, employees, 11119  
and appointees for false arrest, detention, or imprisonment, 11120  
malicious prosecution, libel, slander, defamation or other 11121  
violation of the right of privacy, wrongful entry or eviction, or 11122  
other invasion of the right of private occupancy, arising out of 11123  
the performance of their duties. 11124

When a board of township trustees cannot, by deed of gift or 11125  
by purchase and upon terms it considers reasonable, procure land 11126  
for a township fire station that is needed in order to respond in 11127  
reasonable time to a fire or medical emergency, the board may 11128  
appropriate land for that purpose under sections 163.01 to 163.22 11129  
of the Revised Code. If it is necessary to acquire additional 11130  
adjacent land for enlarging or improving the fire station, the 11131  
board may purchase, appropriate, or accept a deed of gift for the 11132  
land for these purposes. 11133

(F) As used in this division, "emergency medical service 11134  
organization" has the same meaning as in section 4766.01 of the 11135  
Revised Code. 11136

A board of township trustees, by adoption of an appropriate 11137  
resolution, may choose to have the ~~Ohio~~ state board of emergency 11138  
medical, fire, and transportation board services license any 11139  
emergency medical service organization it operates. If the board 11140  
adopts such a resolution, Chapter 4766. of the Revised Code, 11141  
except for sections 4766.06 and 4766.99 of the Revised Code, 11142  
applies to the organization. All rules adopted under the 11143  
applicable sections of that chapter also apply to the 11144  
organization. A board of township trustees, by adoption of an 11145  
appropriate resolution, may remove its emergency medical service 11146  
organization from the jurisdiction of the ~~Ohio~~ state board of 11147

emergency medical, fire, and transportation board services. 11148

**Sec. 505.375.** (A)(1)(a) The boards of township trustees of 11149  
one or more townships and the legislative authorities of one or 11150  
more municipal corporations, or the legislative authorities of two 11151  
or more municipal corporations, or the boards of township trustees 11152  
of two or more townships, may negotiate an agreement to form a 11153  
fire and ambulance district for the delivery of both fire and 11154  
ambulance services. The agreement shall be ratified by the 11155  
adoption of a joint resolution by a majority of the members of 11156  
each board of township trustees involved and a majority of the 11157  
members of the legislative authority of each municipal corporation 11158  
involved. The joint resolution shall specify a date on which the 11159  
fire and ambulance district shall come into being. 11160

(b) If a joint fire district created under section 505.371 of 11161  
the Revised Code or a joint ambulance district created under 11162  
section 505.71 of the Revised Code is dissolved to facilitate the 11163  
creation of a fire and ambulance district under division (A)(1)(a) 11164  
of this section, the townships and municipal corporations forming 11165  
the fire and ambulance district may transfer to the fire and 11166  
ambulance district any of the funds on hand, moneys and taxes in 11167  
the process of collection, credits, and real and personal property 11168  
apportioned to them under division (D) of section 505.371 of the 11169  
Revised Code or section 505.71 of the Revised Code, as applicable, 11170  
for use by the fire and ambulance district in accordance with this 11171  
section. 11172

(2)(a) The board of trustees of a joint ambulance district 11173  
created under section 505.71 of the Revised Code and the board of 11174  
fire district trustees of a joint fire district created under 11175  
section 505.371 of the Revised Code may negotiate to combine their 11176  
two joint districts into a single fire and ambulance district for 11177  
the delivery of both fire and ambulance services, if the 11178

geographic area covered by the combining joint districts is 11179  
exactly the same. Both boards shall adopt a joint resolution 11180  
ratifying the agreement and setting a date on which the fire and 11181  
ambulance district shall come into being. 11182

(b) On that date, the joint fire district and the joint 11183  
ambulance district shall cease to exist, and the power of each to 11184  
levy a tax upon taxable property shall terminate, except that any 11185  
levy of a tax for the payment of indebtedness within the territory 11186  
of the joint fire or joint ambulance district as it was composed 11187  
at the time the indebtedness was incurred shall continue to be 11188  
collected by the successor fire and ambulance district if the 11189  
indebtedness remains unpaid. All funds and other property of the 11190  
joint districts shall become the property of the fire and 11191  
ambulance district, unless otherwise provided in the negotiated 11192  
agreement. The agreement shall provide for the settlement of all 11193  
debts and obligations of the joint districts. 11194

(B)(1) The governing body of a fire and ambulance district 11195  
created under division (A)(1) or (2) of this section shall be a 11196  
board of trustees of at least three but no more than nine members, 11197  
appointed as provided in the agreement creating the district. 11198  
Members of the board may be compensated at a rate not to exceed 11199  
thirty dollars per meeting for not more than fifteen meetings per 11200  
year, and may be reimbursed for all necessary expenses incurred, 11201  
as provided in the agreement creating the district. 11202

(2) The board shall employ a clerk and other employees as it 11203  
considers best, including a fire chief or fire prevention 11204  
officers, and shall fix their compensation. Neither this section 11205  
nor any other section of the Revised Code requires, or shall be 11206  
construed to require, that the fire chief of a fire and ambulance 11207  
district be a resident of the district. 11208

Before entering upon the duties of office, the clerk shall 11209  
execute a bond, in the amount and with surety to be approved by 11210

the board, payable to the state, conditioned for the faithful 11211  
performance of all of the clerk's official duties. The clerk shall 11212  
deposit the bond with the presiding officer of the board, who 11213  
shall file a copy of it, certified by the presiding officer, with 11214  
the county auditor of the county containing the most territory in 11215  
the district. 11216

The board also shall provide for the appointment of a fiscal 11217  
officer for the district and may enter into agreements with 11218  
volunteer fire companies for the use and operation of 11219  
fire-fighting equipment. Volunteer firefighters acting under such 11220  
an agreement are subject to the requirements for volunteer 11221  
firefighters set forth in division (A) of section 505.38 of the 11222  
Revised Code. 11223

(3) Employees of the district shall not be removed from 11224  
office except as provided by sections 733.35 to 733.39 of the 11225  
Revised Code, except that, to initiate removal proceedings, the 11226  
board shall designate a private citizen or, if the employee is 11227  
employed as a firefighter, the board may designate the fire chief, 11228  
to investigate, conduct the proceedings, and prepare the necessary 11229  
charges in conformity with those sections, and except that the 11230  
board shall perform the functions and duties specified for the 11231  
municipal legislative authority under those sections. The board 11232  
may pay reasonable compensation to any private citizen hired for 11233  
services rendered in the matter. 11234

(4) No person shall be appointed as a permanent full-time 11235  
paid member of the district whose duties include fire fighting, or 11236  
be appointed as a volunteer firefighter, unless that person has 11237  
received a certificate issued under former section 3303.07 or 11238  
section 4765.55 of the Revised Code evidencing satisfactory 11239  
completion of a firefighter training program. The board may send 11240  
its officers and firefighters to schools of instruction designed 11241  
to promote the efficiency of firefighters and, if authorized in 11242



advance, may pay their necessary expenses from the funds used for 11243  
the maintenance and operation of the district. 11244

The board may choose, by adoption of an appropriate 11245  
resolution, to have the ~~Ohio~~ state board of emergency medical, 11246  
fire, and transportation board services license any emergency 11247  
medical service organization it operates. If the board adopts such 11248  
a resolution, Chapter 4766. of the Revised Code, except for 11249  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 11250  
organization. All rules adopted under the applicable sections of 11251  
that chapter also apply to the organization. The board may remove, 11252  
by resolution, its emergency medical service organization from the 11253  
jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, 11254  
and transportation board services. 11255

(C) The board of trustees of a fire and ambulance district 11256  
created under division (A)(1) or (2) of this section may exercise 11257  
the following powers: 11258

(1) Purchase or otherwise provide any fire apparatus, 11259  
mechanical resuscitators, or other fire or ambulance equipment, 11260  
appliances, or materials; fire hydrants; and water supply for 11261  
firefighting purposes that seems advisable to the board; 11262

(2) Provide for the care and maintenance of equipment and, 11263  
for that purpose, purchase, lease, lease with an option to 11264  
purchase, or construct and maintain necessary buildings; 11265

(3) Establish and maintain lines of fire-alarm communications 11266  
within the limits of the district; 11267

(4) Appropriate land for a fire station or medical emergency 11268  
unit needed in order to respond in reasonable time to a fire or 11269  
medical emergency, in accordance with Chapter 163. of the Revised 11270  
Code; 11271

(5) Purchase, appropriate, or accept a deed or gift of land 11272  
to enlarge or improve a fire station or medical emergency unit; 11273

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (6) Purchase, lease, lease with an option to purchase,             | 11274 |
| maintain, and use all materials, equipment, vehicles, buildings,   | 11275 |
| and land necessary to perform its duties;                          | 11276 |
| (7) Contract for a period not to exceed three years with one       | 11277 |
| or more townships, municipal corporations, counties, joint fire    | 11278 |
| districts, joint ambulance districts, governmental agencies,       | 11279 |
| nonprofit corporations, or private ambulance owners located either | 11280 |
| within or outside the state, to furnish or receive ambulance       | 11281 |
| services or emergency medical services within the several          | 11282 |
| territories of the contracting parties, if the contract is first   | 11283 |
| authorized by all boards of trustees and legislative authorities   | 11284 |
| concerned;                                                         | 11285 |
| (8) Establish reasonable charges for the use of ambulance or       | 11286 |
| emergency medical services under the same conditions under which a | 11287 |
| board of fire district trustees may establish those charges under  | 11288 |
| section 505.371 of the Revised Code;                               | 11289 |
| (9) Establish all necessary rules to guard against the             | 11290 |
| occurrence of fires and to protect property and lives against      | 11291 |
| damage and accidents;                                              | 11292 |
| (10) Adopt a standard code pertaining to fire, fire hazards,       | 11293 |
| and fire prevention prepared and promulgated by the state or by a  | 11294 |
| public or private organization that publishes a model or standard  | 11295 |
| code;                                                              | 11296 |
| (11) Provide for charges for false alarms at commercial            | 11297 |
| establishments in the same manner as joint fire districts are      | 11298 |
| authorized to do under section 505.391 of the Revised Code;        | 11299 |
| (12) Issue bonds and other evidences of indebtedness, subject      | 11300 |
| to Chapter 133. of the Revised Code, but only after approval by a  | 11301 |
| vote of the electors of the district as provided by section 133.18 | 11302 |
| of the Revised Code;                                               | 11303 |
| (13) To provide the services and equipment it considers            | 11304 |

necessary, levy a sufficient tax, subject to Chapter 5705. of the 11305  
Revised Code, on all the taxable property in the district. 11306

(D) Any municipal corporation or township may join an 11307  
existing fire and ambulance district, whether created under 11308  
division (A)(1) or (2) of this section, by its legislative 11309  
authority's adoption of a resolution requesting the membership and 11310  
upon approval of the board of trustees of the district. Any 11311  
municipal corporation or township may withdraw from a district, 11312  
whether created under division (A)(1) or (2) of this section, by 11313  
its legislative authority's adoption of a resolution ordering 11314  
withdrawal. Upon its withdrawal, the municipal corporation or 11315  
township ceases to be a part of the district, and the district's 11316  
power to levy a tax on taxable property in the withdrawing 11317  
township or municipal corporation terminates, except that the 11318  
district shall continue to levy and collect taxes for the payment 11319  
of indebtedness within the territory of the district as it was 11320  
composed at the time the indebtedness was incurred. 11321

Upon the withdrawal of any township or municipal corporation 11322  
from a district, the county auditor of the county containing the 11323  
most territory in the district shall ascertain, apportion, and 11324  
order a division of the funds on hand, including funds in the 11325  
ambulance and emergency medical services fund, moneys and taxes in 11326  
the process of collection, except for taxes levied for the payment 11327  
of indebtedness, credits, and real and personal property on the 11328  
basis of the valuation of the respective tax duplicates of the 11329  
withdrawing municipal corporation or township and the remaining 11330  
territory of the district. 11331

(E) As used in this section: 11332

(1) "Governmental agency" includes all departments, boards, 11333  
offices, commissions, agencies, colleges, universities, 11334  
institutions, and other instrumentalities of this or another 11335  
state. 11336

(2) "Emergency medical service organization" has the same 11337  
meaning as in section 4766.01 of the Revised Code. 11338

**Sec. 505.44.** As used in this section: 11339

(A) "Emergency medical service organization" has the same 11340  
meaning as in section 4765.01 of the Revised Code. 11341

(B) "State agency" means all departments, boards, offices, 11342  
commissions, agencies, colleges, universities, institutions, and 11343  
other instrumentalities of this or another state. 11344

In order to obtain the services of ambulance service 11345  
organizations, to obtain additional services from ambulance 11346  
service organizations in times of emergency, to obtain the 11347  
services of emergency medical service organizations, or, if the 11348  
township is located in a county with a population of forty 11349  
thousand or less, to obtain the services of nonemergency patient 11350  
transport service organizations, a township may enter into a 11351  
contract with one or more state agencies, townships, municipal 11352  
corporations, counties, nonprofit corporations, joint emergency 11353  
medical services districts, fire and ambulance districts, or 11354  
private ambulance owners, regardless of whether such state 11355  
agencies, townships, municipal corporations, counties, nonprofit 11356  
corporations, joint emergency medical services districts, fire and 11357  
ambulance districts, or private ambulance owners are located 11358  
within or outside the state, upon such terms as are agreed to by 11359  
them, to furnish or receive services from ambulance or emergency 11360  
medical service organizations or, if the township is located in a 11361  
county with a population of forty thousand or less, to furnish or 11362  
receive services from nonemergency patient transport service 11363  
organizations, or may enter into a contract for the interchange of 11364  
services from ambulance or emergency medical service organizations 11365  
or, if the township is located in a county with a population of 11366  
forty thousand or less, the interchange of services from 11367

nonemergency patient transport service organizations, within the 11368  
several territories of the contracting parties, if the contract is 11369  
first authorized by the respective boards of township trustees, 11370  
the other legislative bodies, or the officer or body authorized to 11371  
contract on behalf of the state agency. Such contracts shall not 11372  
be entered into with a state agency or nonprofit corporation that 11373  
receives more than half of its operating funds from governmental 11374  
entities with the intention of directly competing with the 11375  
operation of other ambulance, emergency medical, or nonemergency 11376  
patient transport service organizations in the township unless the 11377  
state agency or nonprofit corporation is awarded the contract 11378  
after submitting the lowest and best bid to the board of township 11379  
trustees. 11380

The contract may provide for compensation upon such terms as 11381  
the parties may agree. 11382

Any township wishing to commence providing or wishing to 11383  
enter into a contract for the first time to furnish or obtain 11384  
services from nonemergency patient transport service organizations 11385  
on or after March 1, 1993, including a township in which a private 11386  
provider has been providing the service, shall demonstrate the 11387  
need for public funding for the service to, and obtain approval 11388  
from, the state board of emergency medical, fire, and 11389  
transportation services or its immediate successor board prior to 11390  
the establishment of a township-operated or township-funded 11391  
service. 11392

Sec. 505.59. The board of township trustees of a township 11393  
that withdraws or proposes by resolution to withdraw the 11394  
unincorporated territory of the township from a regional transit 11395  
authority under section 306.55 of the Revised Code may levy a tax 11396  
on taxable property in the unincorporated area of the township 11397  
under section 5705.72 of the Revised Code to provide 11398

transportation services for the movement of persons within, from, 11399  
or to the unincorporated area of the township. 11400

**Sec. 505.72.** (A) The board of trustees of a joint ambulance 11401  
district shall provide for the employment of such employees as it 11402  
considers best, and shall fix their compensation. Such employees 11403  
shall continue in office until removed as provided by sections 11404  
733.35 to 733.39 of the Revised Code. To initiate removal 11405  
proceedings, and for such purpose, the board shall designate a 11406  
private citizen to investigate the conduct and prepare the 11407  
necessary charges in conformity with sections 733.35 to 733.39 of 11408  
the Revised Code. The board may pay reasonable compensation to 11409  
such person for the person's services. 11410

In case of the removal of an employee of the district, an 11411  
appeal may be had from the decision of the board to the court of 11412  
common pleas of the county in which such district, or part of it, 11413  
is situated, to determine the sufficiency of the cause of removal. 11414  
Such appeal from the findings of the board shall be taken within 11415  
ten days. 11416

(B) As used in this division, "emergency medical service 11417  
organization" has the same meaning as in section 4765.01 of the 11418  
Revised Code. 11419

(1) In order to obtain the services of ambulance service 11420  
organizations, to obtain additional services from ambulance 11421  
service organizations in times of emergency, or to obtain the 11422  
services of emergency medical service organizations, a district 11423  
may enter into a contract, for a period not to exceed three years, 11424  
with one or more townships, municipal corporations, joint fire 11425  
districts, nonprofit corporations, any other governmental unit 11426  
that provides ambulance services or emergency medical services, or 11427  
with private ambulance owners, regardless of whether such 11428

townships, municipal corporations, joint fire districts, nonprofit 11429  
corporations, governmental unit, or private ambulance owners are 11430  
located within or without this state, upon such terms as are 11431  
agreed to, to furnish or receive services from ambulance or 11432  
emergency medical service organizations or the interchange of 11433  
services from ambulance or emergency medical service organizations 11434  
within the several territories of the contracting subdivisions, if 11435  
such contract is first authorized by all boards of trustees and 11436  
legislative authorities concerned. 11437

The contract may provide for a fixed annual charge to be paid 11438  
at the times agreed upon and stipulated in the contract, or for 11439  
compensation based upon a stipulated price for each run, call, or 11440  
emergency, or the elapsed time of service required in such run, 11441  
call, or emergency, or any combination thereof. 11442

(2) Expenditures of a district for the services of ambulance 11443  
service organizations or emergency medical service organizations, 11444  
whether pursuant to contract or otherwise, are lawful 11445  
expenditures, regardless of whether the district or the party with 11446  
which it contracts charges additional fees to users of the 11447  
services. 11448

(3) A district's board of trustees, by adoption of an 11449  
appropriate resolution, may choose to have the Ohio state board of 11450  
emergency medical, fire, and transportation board services license 11451  
any emergency medical service organization the district operates. 11452  
If a board adopts such a resolution, Chapter 4766. of the Revised 11453  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 11454  
applies to the district emergency medical service organization. 11455  
All rules adopted under the applicable sections of that chapter 11456  
also apply to the organization. A board, by adoption of an 11457  
appropriate resolution, may remove the district emergency medical 11458  
service organization from the jurisdiction of the Ohio state board 11459  
of emergency medical, fire, and transportation board services. 11460

(C) Ambulance services or emergency medical services rendered 11461  
for a joint ambulance district under this section and section 11462  
505.71 of the Revised Code shall be deemed services of the 11463  
district. These sections do not authorize suits against a district 11464  
or any township or municipal corporation providing or receiving, 11465  
or contracting to provide or receive, such services under these 11466  
sections for damages for injury or loss to persons or property or 11467  
for wrongful death caused by persons providing such services. 11468

**Sec. 705.18.** An annual appropriation ordinance shall be 11469  
prepared by the legislative authority of a municipal corporation 11470  
from estimates submitted by the mayor, the ~~chairman~~ chairperson of 11471  
the commission, or the city manager, as the case may be, in the 11472  
manner provided in section 705.17 of the Revised Code for the 11473  
annual tax ordinance. The annual appropriation ordinance shall be 11474  
submitted to the legislative authority at its first meeting ~~in~~ 11475  
January after the beginning of the municipal corporation's fiscal 11476  
year, and the total of any appropriation ordinance passed by such 11477  
legislative authority shall not exceed the total balances carried 11478  
over from the previous fiscal year plus the estimated revenue of 11479  
the current fiscal year. Supplemental appropriations shall not be 11480  
made during the current fiscal year except from an contingent fund 11481  
regularly set aside by the legislative authority in the annual 11482  
appropriation ordinance or unless by an ordinance passed as an 11483  
emergency measure. 11484

**Sec. 901.54.** ~~(A)~~ There is hereby created the office of 11485  
farmland preservation within the department of agriculture. The 11486  
office shall do all of the following: 11487

~~(1)~~(A) Prepare guidelines and criteria for use in the 11488  
development of comprehensive local land use plans that encourage 11489  
the efficient use of public infrastructure and the preservation of 11490  
farmland; 11491



|                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <del>(2)(B)</del> Establish a farmland preservation program to coordinate and assist local farmland preservation initiatives;                                                                                                                                                                                                                                                                                                              | 11492<br>11493                                              |
| <del>(3) Administer the pilot farmland preservation fund established in division (B) of this section;</del>                                                                                                                                                                                                                                                                                                                                | 11494<br>11495                                              |
| <del>(4)(C)</del> Educate existing agencies and organizations on the importance of farmland preservation and on the significance of agriculture and agribusiness to this state's economy;                                                                                                                                                                                                                                                  | 11496<br>11497<br>11498                                     |
| <del>(5)(D)</del> Serve as a liaison with other farmland preservation entities operating on a state, regional, or national level;                                                                                                                                                                                                                                                                                                          | 11499<br>11500                                              |
| <del>(6)(E)</del> Prepare an inventory of farmland within this state to monitor the development of lands within this state having prime soils or unique microclimates.                                                                                                                                                                                                                                                                     | 11501<br>11502<br>11503                                     |
| <del>(B) There is hereby created in the state treasury the pilot farmland preservation fund consisting of moneys received by the office of farmland preservation for the purposes of the fund. The fund shall be administered by the office of farmland preservation. Moneys in the fund shall be used to leverage or match other farmland preservation funds provided from federal, local, or private sources.</del>                      | 11504<br>11505<br>11506<br>11507<br>11508<br>11509<br>11510 |
| <b>Sec. 955.16.</b> (A) Dogs that have been seized by the county dog warden and impounded shall be kept, housed, and fed for three days for the purpose of redemption, as provided by section 955.18 of the Revised Code, unless any of the following applies:                                                                                                                                                                             | 11512<br>11513<br>11514<br>11515                            |
| (1) Immediate humane destruction of the dog is necessary because of obvious disease or injury. If the diseased or injured dog is registered, as determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the necessity of destroying the dog shall be certified by a licensed veterinarian or a registered veterinary technician. If the dog is not | 11516<br>11517<br>11518<br>11519<br>11520<br>11521<br>11522 |

registered, the decision to destroy it shall be made by the warden.

(2) The dog is currently registered on the registration list maintained by the warden and the auditor of the county where the dog is registered and the attempts to notify the owner, keeper, or harborer under section 955.12 of the Revised Code have failed, in which case the dog shall be kept, housed, and fed for fourteen days for the purpose of redemption.

(3) The warden has contacted the owner, keeper, or harborer under section 955.12 of the Revised Code, and the owner, keeper, or harborer has requested that the dog remain in the pound or animal shelter until the owner, harborer, or keeper redeems the dog. The time for such redemption shall be not more than forty-eight hours following the end of the appropriate redemption period.

At any time after such periods of redemption, any dog not redeemed shall be donated to any nonprofit special agency that is engaged in the training of any type of assistance dogs and that requests that the dog be donated to it. Any dog not redeemed that is not requested by such an agency may be sold, except that no dog sold to a person other than a nonprofit teaching or research institution or organization of the type described in division (B) of this section shall be discharged from the pound or animal shelter until the animal has been registered and furnished with a valid registration tag.

(B) Any dog that is not redeemed within the applicable period as specified in this section or section 955.12 of the Revised Code from the time notice is mailed to its owner, keeper, or harborer or is posted at the pound or animal shelter, as required by section 955.12 of the Revised Code, and that is not required to be donated to a nonprofit special agency engaged in the training of any type of assistance dogs may, upon payment to the dog warden or

poundkeeper of the sum of three dollars, be sold to any nonprofit 11555  
Ohio institution or organization that is certified by the ~~Ohio~~ 11556  
~~public director of health council~~ as being engaged in teaching or 11557  
research concerning the prevention and treatment of diseases of 11558  
human beings or animals. Any dog that is donated to a nonprofit 11559  
special agency engaged in the training of any type of assistance 11560  
dogs in accordance with division (A) of this section and any dog 11561  
that is sold to any nonprofit teaching or research institution or 11562  
organization shall be discharged from the pound or animal shelter 11563  
without registration and may be kept by the agency or by the 11564  
institution or organization without registration so long as the 11565  
dog is being trained, or is being used for teaching and research 11566  
purposes. 11567

Any institution or organization certified by the ~~Ohio public~~ 11568  
~~health council~~ director that obtains dogs for teaching and 11569  
research purposes pursuant to this section shall, at all 11570  
reasonable times, make the dogs available for inspection by agents 11571  
of the Ohio humane society, appointed pursuant to section 1717.04 11572  
of the Revised Code, and agents of county humane societies, 11573  
appointed pursuant to section 1717.06 of the Revised Code, in 11574  
order that the agents may prevent the perpetration of any act of 11575  
cruelty, as defined in section 1717.01 of the Revised Code, to the 11576  
dogs. 11577

(C) Any dog that the dog warden or poundkeeper is unable to 11578  
dispose of, in the manner provided by this section and section 11579  
955.18 of the Revised Code, may be humanely destroyed, except that 11580  
no dog shall be destroyed until twenty-four hours after it has 11581  
been offered to a nonprofit teaching or research institution or 11582  
organization, as provided in this section, that has made a request 11583  
for dogs to the dog warden or poundkeeper. 11584

(D) An owner of a dog that is wearing a valid registration 11585  
tag who presents the dog to the dog warden or poundkeeper may 11586

specify in writing that the dog shall not be offered to a 11587  
nonprofit teaching or research institution or organization, as 11588  
provided in this section. 11589

(E) A record of all dogs impounded, the disposition of the 11590  
same, the owner's name and address, if known, and a statement of 11591  
costs assessed against the dogs shall be kept by the poundkeeper, 11592  
and the poundkeeper shall furnish a transcript thereof to the 11593  
county treasurer quarterly. 11594

A record of all dogs received and the source that supplied 11595  
them shall be kept, for a period of three years from the date of 11596  
acquiring the dogs, by all institutions or organizations engaged 11597  
in teaching or research concerning the prevention and treatment of 11598  
diseases of human beings or animals. 11599

(F) No person shall destroy any dog by the use of a high 11600  
altitude decompression chamber or by any method other than a 11601  
method that immediately and painlessly renders the dog initially 11602  
unconscious and subsequently dead. 11603

**Sec. 955.26.** Whenever, in the judgment of the director of 11604  
health, any city or general health district board of health, or 11605  
persons performing the duties of a board of health, rabies is 11606  
prevalent, the director of health, the board, or those persons 11607  
shall declare a quarantine of all dogs in the health district or 11608  
in a part of it. During the quarantine, the owner, keeper, or 11609  
harborer of any dog shall keep it confined on the premises of the 11610  
owner, keeper, or harborer, or in a suitable pound or kennel, at 11611  
the expense of the owner, keeper, or harborer, except that a dog 11612  
may be permitted to leave the premises of its owner, keeper, or 11613  
harborer if it is under leash or under the control of a 11614  
responsible person. The quarantine order shall be considered an 11615  
emergency and need not be published. 11616

When the quarantine has been declared, the director of 11617

health, the board, or those persons may require vaccination for 11618  
rabies of all dogs within the health district or part of it. Proof 11619  
of rabies vaccination within a satisfactory period shall be 11620  
demonstrated to the county auditor before any registration is 11621  
issued under section 955.01 of the Revised Code for any dog that 11622  
is required to be vaccinated. 11623

The ~~public health council~~ director shall determine 11624  
appropriate methods of rabies vaccination and satisfactory periods 11625  
for purposes of quarantines under this section. 11626

When a quarantine of dogs has been declared in any health 11627  
district or part of a health district, the county dog warden and 11628  
all other persons having the authority of police officers shall 11629  
assist the health authorities in enforcing the quarantine order. 11630  
When rabies vaccination has been declared compulsory in any health 11631  
district or part of a health district, the dog warden shall assist 11632  
the health authorities in enforcing the vaccination order. 11633

Notwithstanding the provisions of this section, a city or 11634  
general health district board of health may make orders pursuant 11635  
to sections 3709.20 and 3709.21 of the Revised Code requiring the 11636  
vaccination of dogs. 11637

**Sec. 991.02.** (A) There is hereby created the Ohio expositions 11638  
commission, which shall consist of the following ~~thirteen~~ fourteen 11639  
members: nine members appointed by the governor with the advice 11640  
and consent of the senate; the director of development, the 11641  
director of natural resources, and the director of agriculture, or 11642  
their designated representatives, who shall be ex officio members 11643  
with voting rights of ~~such~~ the commission; and the ~~chairman~~ 11644  
chairperson of the standing committee in the house of 11645  
representatives to which matters dealing with agriculture are 11646  
generally referred and the ~~chairman~~ chairperson of the standing 11647  
committee in the senate to which matters dealing with agriculture 11648

are generally referred, who shall be nonvoting members. If the 11649  
senate is not in session, recess appointments shall be made by the 11650  
governor. 11651

(B) Of the nine members of the commission appointed by the 11652  
governor, not more than five shall be from one political party, at 11653  
least three members shall receive the major portion of their 11654  
income from farming, and at least one member shall, at the time of 11655  
~~his~~ appointment, be a member of the board of directors of an 11656  
agricultural society ~~which~~ that was organized in compliance with 11657  
section 1711.01 or 1711.02 of the Revised Code. Terms of office 11658  
shall be for six years, commencing on the second day of December 11659  
and ending on the first day of December. Each member shall hold 11660  
office from the date of ~~his~~ appointment until the end of the term 11661  
for which ~~he~~ the member was appointed. Any member appointed to 11662  
fill a vacancy occurring prior to the expiration of the term for 11663  
which ~~his~~ the member's predecessor was appointed shall hold office 11664  
for the remainder of ~~such~~ that term. Any member shall continue in 11665  
office subsequent to the expiration date of ~~his~~ the member's term 11666  
until ~~his~~ the member's successor takes office, or until a period 11667  
of sixty days has elapsed, whichever occurs first. 11668

The term of each nonvoting, legislative member of the 11669  
commission shall be for two years or until the end of the member's 11670  
legislative term, whichever occurs first. 11671

(C) The commission shall annually, during the month of 11672  
December, select from among its members a ~~chairman~~ chairperson, a 11673  
~~vice-chairman~~ vice-chairperson, who in the absence of the ~~chairman~~ 11674  
chairperson shall carry out ~~his~~ the chairperson's duties, and a 11675  
secretary, who may be a member or employee of the commission, to 11676  
record the minutes of its meetings and to carry out such other 11677  
duties as may be assigned by the commission, its ~~chairman~~ 11678  
chairperson, or ~~vice-chairman~~ its vice-chairperson. 11679

(D) The director of agriculture, the director of natural 11680

resources, and the director of development, or their designated 11681  
representatives, and the two legislators appointed to the 11682  
commission, as members of the commission shall serve without 11683  
compensation. 11684

(E) Each of the members of the commission appointed by the 11685  
governor shall be paid the rate established pursuant to division 11686  
(J) of section 124.15 of the Revised Code. All members of the 11687  
commission are entitled to their actual and necessary expenses 11688  
incurred in the performance of their duties as such members, 11689  
payable from the appropriations for the commission. 11690

(F) The commission shall hold at least one regular meeting in 11691  
each quarter of each calendar year, and shall keep a record of its 11692  
proceedings, which shall be open to the public for inspection. 11693  
Special meetings may be called by the ~~chairman~~ chairperson and 11694  
shall be called by ~~him~~ the chairperson upon receipt of a written 11695  
request therefor signed by two or more members of the commission. 11696  
Written notice of the time and place of each meeting shall be sent 11697  
to each member of the commission. Six of the voting members of the 11698  
commission shall constitute a quorum. 11699

(G) The commission shall employ and prescribe the powers and 11700  
duties of a general manager who shall serve in the unclassified 11701  
civil service at a salary fixed pursuant to section 124.14 of the 11702  
Revised Code. The general manager may employ such assistant 11703  
managers as ~~he~~ the general manager and the commission may approve. 11704  
At no time shall such assistant managers exceed four in number, 11705  
one of whom shall be appointed in the classified civil service. 11706  
The general manager may, subject to the approval of the 11707  
commission, employ a fiscal officer and such other officers, 11708  
employees, and consultants with such powers and duties as are 11709  
necessary to carry out ~~sections 991.01 to 991.07 of the Revised~~ 11710  
~~Code~~ this chapter. With the approval of the commission and in 11711  
order to implement this chapter, the general manager may employ 11712

and fix the compensation of seasonal employees; these employees 11713  
shall be in the unclassified civil service, and the overtime pay 11714  
requirements of section 124.18 of the Revised Code do not apply to 11715  
them. The general manager shall be considered the appointing 11716  
authority of the commission for purposes of Chapter 124. of the 11717  
Revised Code. 11718

(H) The governor may remove any appointed voting member of 11719  
the commission at any time for inefficiency, neglect of duty, or 11720  
malfeasance in office. 11721

**Sec. 1121.23.** Whenever the approval of the superintendent of 11722  
financial institutions is required under Chapters 1101. to 1127. 11723  
of the Revised Code, or under an order or supervisory action 11724  
issued or taken under those chapters, for a person to serve as an 11725  
organizer, incorporator, director, executive officer, or 11726  
controlling shareholder of a bank, or to otherwise have a 11727  
substantial interest in or participate in the management of a 11728  
bank, the superintendent shall request the superintendent of the 11729  
bureau of criminal identification and investigation, or a vendor 11730  
approved by the bureau, to conduct a criminal records check based 11731  
on the person's fingerprints in accordance with ~~division (A)(14)~~ 11732  
~~of~~ section 109.572 of the Revised Code. The superintendent of 11733  
financial institutions shall request that criminal record 11734  
information from the federal bureau of investigation be obtained 11735  
as part of the criminal records check. Any fee required under 11736  
division (C)(3) of section 109.572 of the Revised Code shall be 11737  
paid by the person who is the subject of the request. 11738

**Sec. 1155.03.** Whenever the approval of the superintendent of 11739  
financial institutions is required under Chapters 1151. to 1157. 11740  
of the Revised Code, or under an order or supervisory action 11741  
issued or taken under those chapters, for a person to serve as an 11742  
organizer, incorporator, director, executive officer, or 11743



controlling person of a savings and loan association, or to 11744  
otherwise have a substantial interest in or participate in the 11745  
management of a savings and loan association, the superintendent 11746  
shall request the superintendent of the bureau of criminal 11747  
identification and investigation, or a vendor approved by the 11748  
bureau, to conduct a criminal records check based on the person's 11749  
fingerprints in accordance with ~~division (A)(14)~~ of section 11750  
109.572 of the Revised Code. The superintendent of financial 11751  
institutions shall request that criminal record information from 11752  
the federal bureau of investigation be obtained as part of the 11753  
criminal records check. Any fee required under division (C)(3) of 11754  
section 109.572 of the Revised Code shall be paid by the person 11755  
who is the subject of the request. 11756

**Sec. 1163.05.** Whenever the approval of the superintendent of 11757  
financial institutions is required under Chapters 1161. to 1165. 11758  
of the Revised Code, or under an order or supervisory action 11759  
issued or taken under those chapters, for a person to serve as an 11760  
organizer, incorporator, director, executive officer, or 11761  
controlling person of a savings bank, or to otherwise have a 11762  
substantial interest in or participate in the management of a 11763  
savings bank, the superintendent shall request the superintendent 11764  
of the bureau of criminal identification and investigation, or a 11765  
vendor approved by the bureau, to conduct a criminal records check 11766  
based on the person's fingerprints in accordance with ~~division~~ 11767  
~~(A)(14)~~ of section 109.572 of the Revised Code. The superintendent 11768  
of financial institutions shall request that criminal record 11769  
information from the federal bureau of investigation be obtained 11770  
as part of the criminal records check. Any fee required under 11771  
division (C)(3) of section 109.572 of the Revised Code shall be 11772  
paid by the person who is the subject of the request. 11773

**Sec. 1315.141.** Whenever the approval of the superintendent of financial institutions is required under sections 1315.01 to 1315.18 of the Revised Code, or under an order or supervisory action issued or taken under those sections, for a person to serve as an organizer, incorporator, director, executive officer, or controlling person of a licensee, or to otherwise have a substantial interest in or participate in the management of a licensee, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with ~~division (A)(14)~~ of section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the person who is the subject of the request.

**Sec. 1321.37.** (A) Application for an original or renewal license to make short-term loans shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain the name and address of the applicant, the location where the business of making loans is to be conducted, and any further information as the superintendent requires. At the time of making an application for an original license, the applicant shall pay to the superintendent a nonrefundable investigation fee of two hundred dollars. No investigation fee or any portion thereof shall be refunded after an original license has been issued. The application for an original or renewal license shall be accompanied by an original or renewal license fee, for each business location of one thousand dollars, except that applications for original licenses issued on

or after the first day of July for any year shall be accompanied 11805  
by an original license fee of five hundred dollars, and except 11806  
that an application for an original or renewal license, for a 11807  
nonprofit corporation that is incorporated under Chapter 1702. of 11808  
the Revised Code, shall be accompanied by an original or renewal 11809  
license fee, for each business location, that is one-half of the 11810  
fee otherwise required. All fees paid to the superintendent 11811  
pursuant to this division shall be deposited into the state 11812  
treasury to the credit of the consumer finance fund. 11813

(B) Upon the filing of an application for an original license 11814  
and, with respect to an application filed for a renewal license, 11815  
on a schedule determined by the superintendent by rule adopted 11816  
pursuant to section 1321.43 of the Revised Code, and the payment 11817  
of fees in accordance with division (A) of this section, the 11818  
superintendent shall investigate the facts concerning the 11819  
applicant and the requirements provided by this division. The 11820  
superintendent shall request the superintendent of the bureau of 11821  
criminal identification and investigation, or a vendor approved by 11822  
the bureau, to conduct a criminal records check based on the 11823  
applicant's fingerprints in accordance with ~~division (A)(12)~~ of 11824  
section 109.572 of the Revised Code. Notwithstanding division (K) 11825  
of section 121.08 of the Revised Code, the superintendent of 11826  
financial institutions shall request that criminal record 11827  
information from the federal bureau of investigation be obtained 11828  
as part of the criminal records check. The superintendent of 11829  
financial institutions shall conduct a civil records check. The 11830  
superintendent shall approve an application and issue an original 11831  
or renewal license to the applicant if the superintendent finds 11832  
all of the following: 11833

(1) The financial responsibility, experience, reputation, and 11834  
general fitness of the applicant are such as to warrant the belief 11835  
that the business of making loans will be operated lawfully, 11836

honestly, and fairly under sections 1321.35 to 1321.48 of the 11837  
Revised Code and within the purposes of those sections; that the 11838  
applicant has fully complied with those sections and any rule or 11839  
order adopted or issued pursuant to section 1321.43 of the Revised 11840  
Code; and that the applicant is qualified to engage in the 11841  
business of making loans under sections 1321.35 to 1321.48 of the 11842  
Revised Code. 11843

(2) The applicant is financially sound and has a net worth of 11844  
not less than one hundred thousand dollars, or in the case of a 11845  
nonprofit corporation that is incorporated under Chapter 1702. of 11846  
the Revised Code, a net worth of not less than fifty thousand 11847  
dollars. The applicant's net worth shall be computed according to 11848  
generally accepted accounting principles. 11849

(3) The applicant has never had revoked a license to make 11850  
loans under sections 1321.35 to 1321.48 of the Revised Code, under 11851  
former sections 1315.35 to 1315.44 of the Revised Code, or to do 11852  
business under sections 1315.21 to 1315.30 of the Revised Code. 11853

(4) Neither the applicant nor any senior officer, or partner 11854  
of the applicant, has pleaded guilty to or been convicted of any 11855  
criminal offense involving theft, receiving stolen property, 11856  
embezzlement, forgery, fraud, passing bad checks, money 11857  
laundering, or drug trafficking, or any criminal offense involving 11858  
money or securities or any violation of an existing or former law 11859  
of this state, any other state, or the United States that 11860  
substantially is equivalent to a criminal offense described in 11861  
that division. However, if the applicant or any of those other 11862  
persons has pleaded guilty to or been convicted of any such 11863  
offense other than theft, the superintendent shall not consider 11864  
the offense if the applicant has proven to the superintendent, by 11865  
a preponderance of the evidence, that the applicant's or other 11866  
person's activities and employment record since the conviction 11867  
show that the applicant or other person is honest, truthful, and 11868

of good reputation, and there is no basis in fact for believing 11869  
that the applicant or other person will commit such an offense 11870  
again. 11871

(5) Neither the applicant nor any senior officer, or partner 11872  
of the applicant, has been subject to any adverse judgment for 11873  
conversion, embezzlement, misappropriation of funds, fraud, 11874  
misfeasance or malfeasance, or breach of fiduciary duty, or if the 11875  
applicant or any of those other persons has been subject to such a 11876  
judgment, the applicant has proven to the superintendent, by a 11877  
preponderance of the evidence, that the applicant's or other 11878  
person's activities and employment record since the judgment show 11879  
that the applicant or other person is honest, truthful, and of 11880  
good reputation, and there is no basis in fact for believing that 11881  
the applicant or other person will be subject to such a judgment 11882  
again. 11883

(C) If the superintendent finds that the applicant does not 11884  
meet the requirements of division (B) of this section, or the 11885  
superintendent finds that the applicant knowingly or repeatedly 11886  
contracts with or employs persons to directly engage in lending 11887  
activities who have been convicted of a felony crime listed in 11888  
division (B)(5) of this section, the superintendent shall issue an 11889  
order denying the application for an original or renewal license 11890  
and giving the applicant an opportunity for a hearing on the 11891  
denial in accordance with Chapter 119. of the Revised Code. The 11892  
superintendent shall notify the applicant of the denial, the 11893  
grounds for the denial, and the applicant's opportunity for a 11894  
hearing. If the application is denied, the superintendent shall 11895  
return the annual license fee but shall retain the investigation 11896  
fee. 11897

(D) No person licensed under sections 1321.35 to 1321.48 of 11898  
the Revised Code shall conduct business in this state unless the 11899  
licensee has obtained and maintains in effect at all times a 11900

corporate surety bond issued by a bonding company or insurance 11901  
company authorized to do business in this state. The bond shall be 11902  
in favor of the superintendent and in the penal sum of at least 11903  
one hundred thousand dollars, or in the case of a nonprofit 11904  
corporation that is incorporated under Chapter 1702. of the 11905  
Revised Code, in the amount of fifty thousand dollars. The term of 11906  
the bond shall coincide with the term of the license. The licensee 11907  
shall file a copy of the bond with the superintendent. The bond 11908  
shall be for the exclusive benefit of any borrower injured by a 11909  
violation by a licensee or any employee of a licensee, of any 11910  
provision of sections 1321.35 to 1321.48 of the Revised Code. 11911

**Sec. 1321.53.** (A)(1) An application for a certificate of 11912  
registration under sections 1321.51 to 1321.60 of the Revised Code 11913  
shall contain an undertaking by the applicant to abide by those 11914  
sections. The application shall be in writing, under oath, and in 11915  
the form prescribed by the division of financial institutions, and 11916  
shall contain any information that the division may require. 11917  
Applicants that are foreign corporations shall obtain and maintain 11918  
a license pursuant to Chapter 1703. of the Revised Code before a 11919  
certificate is issued or renewed. 11920

(2) Upon the filing of the application and the payment by the 11921  
applicant of a nonrefundable two\_hundred\_dollar investigation fee, 11922  
a nonrefundable three\_hundred\_dollar annual registration fee, and 11923  
any additional fee required by the nationwide mortgage licensing 11924  
system and registry, the division shall investigate the relevant 11925  
facts. If the application involves investigation outside this 11926  
state, the applicant may be required by the division to advance 11927  
sufficient funds to pay any of the actual expenses of such 11928  
investigation, when it appears that these expenses will exceed two 11929  
hundred dollars. An itemized statement of any of these expenses 11930  
which the applicant is required to pay shall be furnished to the 11931  
applicant by the division. No certificate shall be issued unless 11932

all the required fees have been submitted to the division. 11933

(3) All applicants making loans secured by an interest in 11934  
real estate shall designate an employee or owner of the applicant 11935  
as the applicant's primary point of contact. While acting as the 11936  
primary point of contact, the employee or owner shall not be 11937  
employed by any other registrant or mortgage broker. 11938

(4) The investigation undertaken upon application shall 11939  
include both a civil and criminal records check of the applicant 11940  
including any individual whose identity is required to be 11941  
disclosed in the application. Where the applicant is a business 11942  
entity the superintendent shall have the authority to require a 11943  
civil and criminal background check of those persons that in the 11944  
determination of the superintendent have the authority to direct 11945  
and control the operations of the applicant. 11946

(5)(a) Notwithstanding division (K) of section 121.08 of the 11947  
Revised Code, the superintendent of financial institutions shall 11948  
obtain a criminal history records check and, as part of that 11949  
records check, request that criminal record information from the 11950  
federal bureau of investigation be obtained. To fulfill this 11951  
requirement, the superintendent shall do either of the following: 11952

(i) Request the superintendent of the bureau of criminal 11953  
identification and investigation, or a vendor approved by the 11954  
bureau, to conduct a criminal records check based on the 11955  
applicant's fingerprints or, if the fingerprints are unreadable, 11956  
based on the applicant's social security number, in accordance 11957  
with ~~division (A)(12)~~ of section 109.572 of the Revised Code; 11958

(ii) Authorize the nationwide mortgage licensing system and 11959  
registry to request a criminal history background check as set 11960  
forth in division (C) of section 1321.531 of the Revised Code. 11961

(b) Any fee required under division (C)(3) of section 109.572 11962  
of the Revised Code or by the nationwide mortgage licensing system 11963

and registry shall be paid by the applicant. 11964

(6) If an application for a certificate of registration does 11965  
not contain all of the information required under division (A) of 11966  
this section, and if such information is not submitted to the 11967  
division or to the nationwide mortgage licensing system and 11968  
registry within ninety days after the superintendent or the 11969  
nationwide mortgage licensing system and registry requests the 11970  
information in writing, including by electronic transmission or 11971  
facsimile, the superintendent may consider the application 11972  
withdrawn. 11973

(7) If the division finds that the financial responsibility, 11974  
experience, character, and general fitness of the applicant 11975  
command the confidence of the public and warrant the belief that 11976  
the business will be operated honestly and fairly in compliance 11977  
with the purposes of sections 1321.51 to 1321.60 of the Revised 11978  
Code and the rules adopted thereunder, and that the applicant has 11979  
the requisite bond or applicable net worth and assets required by 11980  
division (B) of this section, the division shall thereupon issue a 11981  
certificate of registration to the applicant. The superintendent 11982  
shall not use a credit score as the sole basis for a registration 11983  
denial. 11984

(a)(i) Certificates of registration issued on or after July 11985  
1, 2010, shall annually expire on the thirty-first day of 11986  
December, unless renewed by the filing of a renewal application 11987  
and payment of a three\_hundred\_dollar nonrefundable annual 11988  
registration fee, any assessment as determined by the 11989  
superintendent pursuant to division (A)(7)(a)(ii) of this section, 11990  
and any additional fee required by the nationwide mortgage 11991  
licensing system and registry, on or before the last day of 11992  
December of each year. No other fee or assessment shall be 11993  
required of a registrant by the state or any political subdivision 11994  
of this state. 11995



(ii) If the renewal fees billed by the superintendent 11996  
pursuant to division (A)(7)(a)(i) of this section are less than 11997  
the estimated expenditures of the consumer finance section of the 11998  
division of financial institutions, as determined by the 11999  
superintendent, for the following fiscal year, the superintendent 12000  
may assess each registrant at a rate sufficient to equal in the 12001  
aggregate the difference between the renewal fees billed and the 12002  
estimated expenditures. Each registrant shall pay the assessed 12003  
amount to the superintendent prior to the last day of June. In no 12004  
case shall the assessment exceed ten cents per each one hundred 12005  
dollars of interest (excluding charge-off recoveries), points, 12006  
loan origination charges, and credit line charges collected by 12007  
that registrant during the previous calendar year. If such an 12008  
assessment is imposed, it shall not be less than two hundred fifty 12009  
dollars per registrant and shall not exceed thirty thousand 12010  
dollars less the total renewal fees paid pursuant to division 12011  
(A)(7)(a)(i) of this section by each registrant. 12012

(b) Registrants shall timely file renewal applications on 12013  
forms prescribed by the division and provide any further 12014  
information that the division may require. If a renewal 12015  
application does not contain all of the information required under 12016  
this section, and if that information is not submitted to the 12017  
division or to the nationwide mortgage licensing system and 12018  
registry within ninety days after the superintendent or the 12019  
nationwide mortgage licensing system and registry requests the 12020  
information in writing, including by electronic transmission or 12021  
facsimile, the superintendent may consider the application 12022  
withdrawn. 12023

(c) Renewal shall not be granted if the applicant's 12024  
certificate of registration is subject to an order of suspension, 12025  
revocation, or an unpaid and past due fine imposed by the 12026  
superintendent. 12027

(d) If the division finds the applicant does not meet the conditions set forth in this section, it shall issue a notice of intent to deny the application, and forthwith notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

(8) If there is a change of five per cent or more in the ownership of a registrant, the division may make any investigation necessary to determine whether any fact or condition exists that, if it had existed at the time of the original application for a certificate of registration, the fact or condition would have warranted the division to deny the application under division (A)(7) of this section. If such a fact or condition is found, the division may, in accordance with Chapter 119. of the Revised Code, revoke the registrant's certificate.

(B) Each registrant that engages in lending under sections 1321.51 to 1321.60 of the Revised Code shall, if not otherwise required to be bonded pursuant to section 1321.533 of the Revised Code, maintain both of the following:

(1) A net worth of at least fifty thousand dollars;

(2) For each certificate of registration, assets of at least fifty thousand dollars either in use or readily available for use in the conduct of the business.

(C) Not more than one place of business shall be maintained under the same certificate, but the division may issue additional certificates to the same registrant upon compliance with sections 1321.51 to 1321.60 of the Revised Code, governing the issuance of a single certificate. No change in the place of business of a registrant to a location outside the original municipal corporation shall be permitted under the same certificate without the approval of a new application, the payment of the registration

fee and, if required by the superintendent, the payment of an 12059  
investigation fee of two hundred dollars. When a registrant wishes 12060  
to change its place of business within the same municipal 12061  
corporation, it shall give written notice of the change in advance 12062  
to the division, which shall provide a certificate for the new 12063  
address without cost. If a registrant changes its name, prior to 12064  
making loans under the new name it shall give written notice of 12065  
the change to the division, which shall provide a certificate in 12066  
the new name without cost. Sections 1321.51 to 1321.60 of the 12067  
Revised Code do not limit the loans of any registrant to residents 12068  
of the community in which the registrant's place of business is 12069  
situated. Each certificate shall be kept conspicuously posted in 12070  
the place of business of the registrant and is not transferable or 12071  
assignable. 12072

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 12073  
apply to any of the following: 12074

(1) Entities chartered and lawfully doing business under the 12075  
authority of any law of this state, another state, or the United 12076  
States as a bank, savings bank, trust company, savings and loan 12077  
association, or credit union, or a subsidiary of any such entity, 12078  
which subsidiary is regulated by a federal banking agency and is 12079  
owned and controlled by such a depository institution; 12080

(2) Life, property, or casualty insurance companies licensed 12081  
to do business in this state; 12082

(3) Any person that is a lender making a loan pursuant to 12083  
sections 1321.01 to 1321.19 of the Revised Code or a business loan 12084  
as described in division (B)(6) of section 1343.01 of the Revised 12085  
Code; 12086

(4) Any political subdivision, or any governmental or other 12087  
public entity, corporation, instrumentality, or agency, in or of 12088  
the United States or any state of the United States, or any entity 12089

described in division (B)(3) of section 1343.01 of the Revised Code; 12090  
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(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code; 12092  
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(6) A credit union service organization, provided the organization utilizes services provided by registered mortgage loan originators or the organization complies with section 1321.522 of the Revised Code and holds a valid letter of exemption issued by the superintendent. 12095  
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(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business. 12100  
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**Sec. 1321.531.** (A) An application for a mortgage loan originator license shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and all other required fees, including any fees required by the nationwide mortgage licensing system and registry. 12104  
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(B) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licensees or other persons subject to or involved in their licensure. 12111  
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(C) In connection with applying for a mortgage loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information 12117  
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| concerning the applicant's identity:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12120                                                                                  |
| (1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;                                                                                                                                                                                                                                                                                                                                                             | 12121<br>12122<br>12123<br>12124<br>12125                                              |
| (2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following:                                                                                                                                                                                                                                                                                                                                                                           | 12126<br>12127<br>12128<br>12129                                                       |
| (a) An independent credit report from a consumer reporting agency;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12130<br>12131                                                                         |
| (b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 12132<br>12133                                                                         |
| (D) In order to effectuate the purposes of divisions (C)(1) and (C)(2)(b) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to divisions (C)(2)(a) and (b) of this section. | 12134<br>12135<br>12136<br>12137<br>12138<br>12139<br>12140<br>12141<br>12142<br>12143 |
| (E) Upon the filing of the application, payment of the application fee, and payment of any additional fee, including any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant as set forth in division (E) of this section.                                                                                                                                                                                                                                                                                                                                | 12144<br>12145<br>12146<br>12147<br>12148                                              |
| (1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 12149<br>12150                                                                         |

records check and, as part of that records check, request that 12151  
criminal record information from the federal bureau of 12152  
investigation be obtained. To fulfill this requirement, the 12153  
superintendent shall do either of the following: 12154

(i) Request the superintendent of the bureau of criminal 12155  
identification and investigation, or a vendor approved by the 12156  
bureau, to conduct a criminal records check based on the 12157  
applicant's fingerprints or, if the fingerprints are unreadable, 12158  
based on the applicant's social security number in accordance with 12159  
~~division (A)(12) of~~ section 109.572 of the Revised Code; 12160

(ii) Authorize the nationwide mortgage licensing system and 12161  
registry to request a criminal history background check as set 12162  
forth in division (C) of this section. 12163

(b) Any fee required under division (C)(3) of section 109.572 12164  
of the Revised Code or by the nationwide mortgage licensing system 12165  
and registry shall be paid by the applicant. 12166

(2) The superintendent of financial institutions shall 12167  
conduct a civil records check. 12168

(3) If, in order to issue a license to an applicant, 12169  
additional investigation by the superintendent outside this state 12170  
is necessary, the superintendent may require the applicant to 12171  
advance sufficient funds to pay the actual expenses of the 12172  
investigation, if it appears that these expenses will exceed one 12173  
hundred dollars. The superintendent shall provide the applicant 12174  
with an itemized statement of the actual expenses that the 12175  
applicant is required to pay. 12176

(F) If an application for a mortgage loan originator license 12177  
does not contain all of the information required under this 12178  
section, and if that information is not submitted to the 12179  
superintendent or to the nationwide mortgage licensing system and 12180  
registry within ninety days after the superintendent or the 12181

nationwide mortgage licensing system and registry requests the 12182  
information in writing, including by electronic transmission or 12183  
facsimile, the superintendent may consider the application 12184  
withdrawn. 12185

**Sec. 1322.03.** (A) An application for a certificate of 12186  
registration as a mortgage broker shall be in writing, under oath, 12187  
and in the form prescribed by the superintendent of financial 12188  
institutions. The application shall be accompanied by a 12189  
nonrefundable application fee of five hundred dollars for each 12190  
location of an office to be maintained by the applicant in 12191  
accordance with division (A) of section 1322.02 of the Revised 12192  
Code and any additional fee required by the nationwide mortgage 12193  
licensing system and registry. The application shall provide all 12194  
of the following: 12195

(1) The location or locations where the business is to be 12196  
transacted and whether any location is a residence. If any 12197  
location where the business is to be transacted is a residence, 12198  
the superintendent may require that the application be accompanied 12199  
by a copy of a zoning permit authorizing the use of the residence 12200  
for commercial purposes, or by a written opinion or other document 12201  
issued by the county or political subdivision where the residence 12202  
is located certifying that the use of the residence to transact 12203  
business as a mortgage broker is not prohibited by the county or 12204  
political subdivision. 12205

(2)(a) In the case of a sole proprietor, the name and address 12206  
of the sole proprietor; 12207

(b) In the case of a partnership, the name and address of 12208  
each partner; 12209

(c) In the case of a corporation, the name and address of 12210  
each shareholder owning five per cent or more of the corporation; 12211

(d) In the case of any other entity, the name and address of 12212  
any person that owns five per cent or more of the entity that will 12213  
transact business as a mortgage broker. 12214

(3) Each applicant shall designate an employee or owner of 12215  
the applicant as the applicant's operations manager. While acting 12216  
as the operations manager, the employee or owner shall be licensed 12217  
as a loan originator under sections 1322.01 to 1322.12 of the 12218  
Revised Code and shall not be employed by any other mortgage 12219  
broker. 12220

(4) Evidence that the person designated on the application 12221  
pursuant to division (A)(3) of this section possesses at least 12222  
three years of experience in the residential mortgage and lending 12223  
field, which experience may include employment with or as a 12224  
mortgage broker or with a depository institution, mortgage lending 12225  
institution, or other lending institution, or possesses at least 12226  
three years of other experience related specifically to the 12227  
business of residential mortgage loans that the superintendent 12228  
determines meets the requirements of division (A)(4) of this 12229  
section; 12230

(5) Evidence that the person designated on the application 12231  
pursuant to division (A)(3) of this section has successfully 12232  
completed the pre-licensing instruction requirements set forth in 12233  
section 1322.031 of the Revised Code; 12234

(6) Evidence of compliance with the surety bond requirements 12235  
of section 1322.05 of the Revised Code and with sections 1322.01 12236  
to 1322.12 of the Revised Code; 12237

(7) In the case of a foreign business entity, evidence that 12238  
it maintains a license or registration pursuant to Chapter 1703., 12239  
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 12240  
transact business in this state; 12241

(8) Evidence that the applicant's operations manager has 12242



successfully completed the written test required under division 12243  
(A) of section 1322.051 of the Revised Code; 12244

(9) Any further information that the superintendent requires. 12245

(B) Upon the filing of the application and payment of the 12246  
nonrefundable application fee and any fee required by the 12247  
nationwide mortgage licensing system and registry, the 12248  
superintendent of financial institutions shall investigate the 12249  
applicant, and any individual whose identity is required to be 12250  
disclosed in the application, as set forth in division (B) of this 12251  
section. 12252

(1)(a) Notwithstanding division (K) of section 121.08 of the 12253  
Revised Code, the superintendent shall obtain a criminal history 12254  
records check and, as part of that records check, request that 12255  
criminal record information from the federal bureau of 12256  
investigation be obtained. To fulfill this requirement, the 12257  
superintendent shall do either of the following: 12258

(i) Request the superintendent of the bureau of criminal 12259  
identification and investigation, or a vendor approved by the 12260  
bureau, to conduct a criminal records check based on the 12261  
applicant's fingerprints or, if the fingerprints are unreadable, 12262  
based on the applicant's social security number, in accordance 12263  
with ~~division (A)(12) of~~ section 109.572 of the Revised Code; 12264

(ii) Authorize the nationwide mortgage licensing system and 12265  
registry to request a criminal history background check. 12266

(b) Any fee required under division (C)(3) of section 109.572 12267  
of the Revised Code or by the nationwide mortgage licensing system 12268  
and registry shall be paid by the applicant. 12269

(2) The superintendent shall conduct a civil records check. 12270

(3) If, in order to issue a certificate of registration to an 12271  
applicant, additional investigation by the superintendent outside 12272

this state is necessary, the superintendent may require the 12273  
applicant to advance sufficient funds to pay the actual expenses 12274  
of the investigation, if it appears that these expenses will 12275  
exceed five hundred dollars. The superintendent shall provide the 12276  
applicant with an itemized statement of the actual expenses that 12277  
the applicant is required to pay. 12278

(C) The superintendent shall pay all funds advanced and 12279  
application and renewal fees and penalties the superintendent 12280  
receives pursuant to this section and section 1322.04 of the 12281  
Revised Code to the treasurer of state to the credit of the 12282  
consumer finance fund created in section 1321.21 of the Revised 12283  
Code. 12284

(D) If an application for a mortgage broker certificate of 12285  
registration does not contain all of the information required 12286  
under division (A) of this section, and if that information is not 12287  
submitted to the superintendent or to the nationwide mortgage 12288  
licensing system and registry within ninety days after the 12289  
superintendent or the nationwide mortgage licensing system and 12290  
registry requests the information in writing, including by 12291  
electronic transmission or facsimile, the superintendent may 12292  
consider the application withdrawn. 12293

(E) A mortgage broker certificate of registration and the 12294  
authority granted under that certificate is not transferable or 12295  
assignable and cannot be franchised by contract or any other 12296  
means. 12297

(F) The registration requirements of this chapter apply to 12298  
any person acting as a mortgage broker, and no person is exempt 12299  
from the requirements of this chapter on the basis of prior work 12300  
or employment as a mortgage broker. 12301

(G) The superintendent may establish relationships or enter 12302  
into contracts with the nationwide mortgage licensing system and 12303

registry, or any entities designated by it, to collect and 12304  
maintain records and process transaction fees or other fees 12305  
related to mortgage broker certificates of registration or the 12306  
persons associated with a mortgage broker. 12307

**Sec. 1322.031.** (A) An application for a license as a loan 12308  
originator shall be in writing, under oath, and in the form 12309  
prescribed by the superintendent of financial institutions. The 12310  
application shall be accompanied by a nonrefundable application 12311  
fee of one hundred fifty dollars and any additional fee required 12312  
by the nationwide mortgage licensing system and registry. 12313

(B)(1) The application shall provide evidence, acceptable to 12314  
the superintendent, that the applicant has successfully completed 12315  
at least twenty-four hours of pre-licensing instruction consisting 12316  
of all of the following: 12317

(a) Twenty hours of instruction in a course or program of 12318  
study reviewed and approved by the nationwide mortgage licensing 12319  
system and registry; 12320

(b) Four hours of instruction in a course or program of study 12321  
reviewed and approved by the superintendent concerning state 12322  
lending laws and the Ohio consumer sales practices act, Chapter 12323  
1345. of the Revised Code, as it applies to registrants and 12324  
licensees. 12325

(2) Notwithstanding division (B)(1) of this section, until 12326  
the nationwide mortgage licensing system and registry implements a 12327  
review and approval program, the application shall provide 12328  
evidence, as determined by the superintendent, that the applicant 12329  
has successfully completed at least twenty-four hours of 12330  
instruction in a course or program of study approved by the 12331  
superintendent that consists of at least all of the following: 12332

(a) Four hours of instruction concerning state and federal 12333

mortgage lending laws, which shall include no less than two hours 12334  
on this chapter; 12335

(b) Four hours of instruction concerning the Ohio consumer 12336  
sales practices act, Chapter 1345. of the Revised Code, as it 12337  
applies to registrants and licensees; 12338

(c) Four hours of instruction concerning the loan application 12339  
process; 12340

(d) Two hours of instruction concerning the underwriting 12341  
process; 12342

(e) Two hours of instruction concerning the secondary market 12343  
for mortgage loans; 12344

(f) Four hours of instruction concerning the loan closing 12345  
process; 12346

(g) Two hours of instruction covering basic mortgage 12347  
financing concepts and terms; 12348

(h) Two hours of instruction concerning the ethical 12349  
responsibilities of a registrant and a licensee, including with 12350  
respect to confidentiality, consumer counseling, and the duties 12351  
and standards of care created in section 1322.081 of the Revised 12352  
Code. 12353

(3) For purposes of division (B)(1)(a) of this section, the 12354  
review and approval of a course or program of study includes the 12355  
review and approval of the provider of the course or program of 12356  
study. 12357

(4) If an applicant held a valid loan originator license 12358  
issued by this state at any time during the immediately preceding 12359  
five-year period, the applicant shall not be required to complete 12360  
any additional pre-licensing instruction. For this purpose, any 12361  
time during which the individual is a registered loan originator 12362  
shall not be taken into account. 12363

(5) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.

(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:

(1) Evidence that the applicant passed a written test that meets the requirements described in division (B) of section 1322.051 of the Revised Code;

(2) Any further information that the superintendent requires.

(D) Upon the filing of the application and payment of the application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent of financial institutions shall investigate the applicant as set forth in division (D) of this section.

(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of the records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with ~~division (A)(12)~~ of section 109.572 of the Revised Code;

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant. 12395  
12396  
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(2) The superintendent shall conduct a civil records check. 12398

(3) If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed one hundred fifty dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 12399  
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(E)(1) In connection with applying for a loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information concerning the applicant's identity: 12407  
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12409  
12410

(a) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check; 12411  
12412  
12413  
12414  
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(b) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following: 12416  
12417  
12418  
12419

(i) An independent credit report from a consumer reporting agency; 12420  
12421

(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction. 12422  
12423

(2) In order to effectuate the purposes of divisions 12424

(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 12425  
may use the conference of state bank supervisors, or a wholly 12426  
owned subsidiary, as a channeling agent for requesting information 12427  
from and distributing information to the United States department 12428  
of justice or any other governmental agency. The superintendent 12429  
may also use the nationwide mortgage licensing system and registry 12430  
as a channeling agent for requesting information from and 12431  
distributing information to any source related to matters subject 12432  
to those divisions of this section. 12433

(F) The superintendent shall pay all funds advanced and 12434  
application and renewal fees and penalties the superintendent 12435  
receives pursuant to this section and section 1322.041 of the 12436  
Revised Code to the treasurer of state to the credit of the 12437  
consumer finance fund created in section 1321.21 of the Revised 12438  
Code. 12439

(G) If an application for a loan originator license does not 12440  
contain all of the information required under this section, and if 12441  
that information is not submitted to the superintendent or to the 12442  
nationwide mortgage licensing system and registry within ninety 12443  
days after the superintendent or the nationwide mortgage licensing 12444  
system and registry requests the information in writing, including 12445  
by electronic transmission or facsimile, the superintendent may 12446  
consider the application withdrawn. 12447

(H)(1) The business of a loan originator shall principally be 12448  
transacted at an office of the mortgage broker with whom the 12449  
licensee is employed or associated, which office is registered in 12450  
accordance with division (A) of section 1322.02 of the Revised 12451  
Code. Each original loan originator license shall be deposited 12452  
with and maintained by the mortgage broker at the mortgage 12453  
broker's main office. A copy of the license shall be maintained 12454  
and displayed at the office where the loan originator principally 12455  
transacts business. 12456

(2) If a loan originator's employment or association is 12457  
terminated for any reason, the mortgage broker shall return the 12458  
original loan originator license to the superintendent within five 12459  
business days after the termination. The licensee may request the 12460  
transfer of the license to another mortgage broker by submitting a 12461  
transfer application, along with a fifteen dollar fee and any fee 12462  
required by the national mortgage licensing system and registry, 12463  
to the superintendent or may request the superintendent in writing 12464  
to hold the license in escrow. Any licensee whose license is held 12465  
in escrow shall cease activity as a loan originator. A licensee 12466  
whose license is held in escrow shall be required to apply for 12467  
renewal annually and to comply with the annual continuing 12468  
education requirement. 12469

(3) A mortgage broker may employ or be associated with a loan 12470  
originator on a temporary basis pending the transfer of the loan 12471  
originator's license to the mortgage broker, if the mortgage 12472  
broker receives written confirmation from the superintendent that 12473  
the loan originator is licensed under sections 1322.01 to 1322.12 12474  
of the Revised Code. 12475

(4) Notwithstanding divisions (H)(1) to (3) of this section, 12476  
if a licensee is employed by or associated with a person or entity 12477  
listed in division (G)(2) of section 1322.01 of the Revised Code, 12478  
all of the following apply: 12479

(a) The licensee shall maintain and display the original loan 12480  
originator license at the office where the licensee principally 12481  
transacts business; 12482

(b) If the loan originator's employment or association is 12483  
terminated, the loan originator shall return the original loan 12484  
originator license to the superintendent within five business days 12485  
after termination. The licensee may request the transfer of the 12486  
license to a mortgage broker or another person or entity listed in 12487  
division (G)(2) of section 1322.01 of the Revised Code by 12488



submitting a transfer application, along with a fifteen-dollar fee 12489  
and any fee required by the national mortgage licensing system and 12490  
registry, to the superintendent or may request the superintendent 12491  
in writing to hold the license in escrow. A licensee whose license 12492  
is held in escrow shall cease activity as a loan originator. A 12493  
licensee whose license is held in escrow shall be required to 12494  
apply for renewal annually and to comply with the annual 12495  
continuing education requirement. 12496

(c) The licensee may seek to be employed or associated with a 12497  
mortgage broker or person or entity listed in division (G)(2) of 12498  
section 1322.01 of the Revised Code if the mortgage broker or 12499  
person or entity receives written confirmation from the 12500  
superintendent that the loan originator is licensed under sections 12501  
1322.01 to 1322.12 of the Revised Code. 12502

(I) The superintendent may establish relationships or enter 12503  
into contracts with the nationwide mortgage licensing system and 12504  
registry, or any entities designated by it, to collect and 12505  
maintain records and process transaction fees or other fees 12506  
related to loan originator licenses or the persons associated with 12507  
a licensee. 12508

(J) A loan originator license, or the authority granted under 12509  
that license, is not assignable and cannot be franchised by 12510  
contract or any other means. 12511

**Sec. 1345.05.** (A) The attorney general shall: 12512

(1) Adopt, amend, and repeal procedural rules; 12513

(2) Adopt as a rule a description of the organization of the 12514  
attorney general's office, stating the general courses and methods 12515  
of operation of the section of the office of the attorney general, 12516  
which is to administer Chapter 1345. of the Revised Code and 12517  
methods whereby the public may obtain information or make 12518

submissions or requests, including a description of all forms and 12519  
instructions used by that office; 12520

(3) Make available for public inspection all rules and all 12521  
other written statements of policy or interpretations adopted or 12522  
used by the attorney general in the discharge of the attorney 12523  
general's functions, together with all judgments, including 12524  
supporting opinions, by courts of this state that determine the 12525  
rights of the parties and concerning which appellate remedies have 12526  
been exhausted, or lost by the expiration of the time for appeal, 12527  
determining that specific acts or practices violate section 12528  
1345.02, 1345.03, or 1345.031 of the Revised Code; 12529

(4) Inform consumers and suppliers on a continuing basis of 12530  
acts or practices that violate Chapter 1345. of the Revised Code 12531  
by, among other things, publishing an informational document 12532  
describing acts and practices in connection with residential 12533  
mortgages that are unfair, deceptive, or unconscionable, and by 12534  
making that information available on the attorney general's 12535  
official web site; 12536

(5) Cooperate with state and local officials, officials of 12537  
other states, and officials of the federal government in the 12538  
administration of comparable statutes; 12539

(6) Report annually on or before the ~~first~~ thirty-first day 12540  
of January to the governor and the general assembly on the 12541  
operations of the attorney general in respect to Chapter 1345. of 12542  
the Revised Code, and on the acts or practices occurring in this 12543  
state that violate such chapter. The report shall include a 12544  
statement of investigatory and enforcement procedures and 12545  
policies, of the number of investigations and enforcement 12546  
proceedings instituted and of their disposition, and of other 12547  
activities of the state and of other persons to promote the 12548  
purposes of Chapter 1345. of the Revised Code. 12549

(7) In carrying out official duties, the attorney general 12550  
shall not disclose publicly the identity of suppliers investigated 12551  
or the facts developed in investigations unless these matters have 12552  
become a matter of public record in enforcement proceedings, in 12553  
public hearings conducted pursuant to division (B)(1) of this 12554  
section, or the suppliers investigated have consented in writing 12555  
to public disclosure. 12556

(B) The attorney general may: 12557

(1) Conduct research, make inquiries, hold public hearings, 12558  
and publish studies relating to consumer transactions; 12559

(2) Adopt, amend, and repeal substantive rules defining with 12560  
reasonable specificity acts or practices that violate sections 12561  
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 12562  
amending, or repealing substantive rules defining acts or 12563  
practices that violate section 1345.02 of the Revised Code, due 12564  
consideration and great weight shall be given to federal trade 12565  
commission orders, trade regulation rules and guides, and the 12566  
federal courts' interpretations of subsection 45(a)(1) of the 12567  
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 12568  
41, as amended. 12569

In adopting, amending, or repealing such rules concerning a 12570  
consumer transaction in connection with a residential mortgage, 12571  
the attorney general shall consult with the superintendent of 12572  
financial institutions and shall give due consideration to state 12573  
and federal statutes, regulations, administrative agency 12574  
interpretations, and case law. 12575

(C) In the conduct of public hearings authorized by this 12576  
section, the attorney general may administer oaths, subpoena 12577  
witnesses, adduce evidence, and require the production of relevant 12578  
material. Upon failure of a person without lawful excuse to obey a 12579  
subpoena or to produce relevant matter, the attorney general may 12580

apply to a court of common pleas for an order compelling 12581  
compliance. 12582

(D) The attorney general may request that an individual who 12583  
refuses to testify or to produce relevant material on the ground 12584  
that the testimony or matter may incriminate the individual be 12585  
ordered by the court to provide the testimony or matter. With the 12586  
exception of a prosecution for perjury and an action for damages 12587  
under section 1345.07 or 1345.09 of the Revised Code, an 12588  
individual who complies with a court order to provide testimony or 12589  
matter, after asserting a privilege against self incrimination to 12590  
which the individual is entitled by law, shall not be subjected to 12591  
a criminal proceeding on the basis of the testimony or matter 12592  
discovered through that testimony or matter. 12593

(E) Any person may petition the attorney general requesting 12594  
the adoption, amendment, or repeal of a rule. The attorney general 12595  
shall prescribe by rule the form for such petitions and the 12596  
procedure for their submission, consideration, and disposition. 12597  
Within sixty days of submission of a petition, the attorney 12598  
general shall either deny the petition in writing, stating the 12599  
reasons for the denial, or initiate rule-making proceedings. There 12600  
is no right to appeal from such denial of a petition. 12601

(F) All rules shall be adopted subject to Chapter 119. of the 12602  
Revised Code. 12603

(G) The informational document published in accordance with 12604  
division (A)(4) of this section shall be made available for 12605  
distribution to consumers who are applying for a mortgage loan. An 12606  
acknowledgement of receipt shall be retained by the lender, 12607  
mortgage broker, and loan officer, as applicable, subject to 12608  
review by the attorney general and the department of commerce. 12609

**Sec. 1501.04.** There is hereby created in the department of 12610  
natural resources a recreation and resources commission composed 12611

of the chairperson of the wildlife council created under section 12612  
1531.03 of the Revised Code, the chairperson of the parks and 12613  
recreation council created under section 1541.40 of the Revised 12614  
Code, the chairperson of the waterways safety council created 12615  
under section 1547.73 of the Revised Code, the chairperson of the 12616  
technical advisory council on oil and gas created under section 12617  
1509.38 of the Revised Code, the chairperson of the forestry 12618  
advisory council created under section 1503.40 of the Revised 12619  
Code, the chairperson of the Ohio soil and water conservation 12620  
commission created under section 1515.02 of the Revised Code, the 12621  
chairperson of the Ohio natural areas council created under 12622  
section 1517.03 of the Revised Code, the chairperson of the Ohio 12623  
water advisory council created under section 1521.031 of the 12624  
Revised Code, ~~the chairperson of the recycling and litter~~ 12625  
~~prevention advisory council created under section 1502.04 of the~~ 12626  
~~Revised Code,~~ the chairperson of the Ohio geology advisory council 12627  
created under section 1505.11 of the Revised Code, and five 12628  
members appointed by the governor with the advice and consent of 12629  
the senate, not more than three of whom shall belong to the same 12630  
political party. The director of natural resources shall be an ex 12631  
officio member of the commission, with a voice in its 12632  
deliberations, but without the power to vote. 12633

Terms of office of members of the commission appointed by the 12634  
governor shall be for five years, commencing on the second day of 12635  
February and ending on the first day of February. Each member 12636  
shall hold office from the date of appointment until the end of 12637  
the term for which the member was appointed. 12638

In the event of the death, removal, resignation, or 12639  
incapacity of a member of the commission, the governor, with the 12640  
advice and consent of the senate, shall appoint a successor who 12641  
shall hold office for the remainder of the term for which the 12642  
member's predecessor was appointed. Any member shall continue in 12643

office subsequent to the expiration date of the member's term 12644  
until the member's successor takes office, or until a period of 12645  
sixty days has elapsed, whichever occurs first. 12646

The governor may remove any appointed member of the 12647  
commission for misfeasance, nonfeasance, or malfeasance in office. 12648

The commission shall exercise no administrative function, but 12649  
may do any of the following: 12650

(A) Advise with and recommend to the director as to plans and 12651  
programs for the management, development, utilization, and 12652  
conservation of the natural resources of the state; 12653

(B) Advise with and recommend to the director as to methods 12654  
of coordinating the work of the divisions of the department; 12655

(C) Consider and make recommendations upon any matter that 12656  
the director may submit to it; 12657

(D) Submit to the governor biennially recommendations for 12658  
amendments to the conservation laws of the state. 12659

Each member of the commission, before entering upon the 12660  
discharge of the member's duties, shall take and subscribe to an 12661  
oath of office, which oath, in writing, shall be filed in the 12662  
office of the secretary of state. 12663

The members of the commission shall serve without 12664  
compensation, but shall be entitled to receive their actual and 12665  
necessary expenses incurred in the performance of their official 12666  
duties. 12667

The commission, by a majority vote of all its members, shall 12668  
adopt and amend bylaws. 12669

To be eligible for appointment, a person shall be a citizen 12670  
of the United States and an elector of the state and shall possess 12671  
a knowledge of and have an interest in the natural resources of 12672  
this state. 12673

The commission shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the commission provide. Notices of all meetings shall be given in such manner as the bylaws provide. The commission shall choose annually from among its members a chairperson to preside over its meetings and a secretary to keep a record of its proceedings. A majority of the members of the commission constitutes a quorum. No advice shall be given or recommendation made without a majority of the members of the commission concurring in it.

**Sec. 1503.012.** There is hereby created in the state treasury the forestry mineral royalties fund. The fund shall consist of money deposited into it under section 1509.73 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund.

Money in the fund shall be used by the division of forestry to acquire land and to pay capital costs, including equipment and repairs and renovations of facilities, that are owned by the state and administered by the division. Expenditures from the fund for those purposes shall be approved by the director of natural resources.

The director of natural resources also may request the director of budget and management to transfer money from the forestry mineral royalties fund to the parks mineral royalties fund created in section 1541.26 of the Revised Code. The director of budget and management shall transfer the money pursuant to the request if the director consents to the request. Money that is transferred to the parks mineral royalties fund shall be used for the purposes specified in section 1541.26 of the Revised Code.

**Sec. 1503.43.** (A) As used in this section:

(1) "Wilderness area" means a contiguous area of relatively undeveloped state-owned land administered by the division of forestry and consisting of not less than five thousand acres or of sufficient size as to make practicable its preservation and use in an unimpaired condition that either has retained its natural character and influence or has been substantially restored to a near natural appearance and that meets both of the following qualifications:

(a) The area is one in which humankind's past influences are largely unnoticed;

(b) The area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

(2) "Utility facility" includes, without limitation, towers, poles, pipes, sewers, tubing, conduits, conductors, cables, valves, lines, wires, manholes, and appurtenances thereto owned by a utility facility operator.

(3) "Utility facility operator" means a person or public authority that supplies any of the following materials or services by means of a utility facility:

(a) Flammable, toxic, or corrosive gas;

(b) Crude oil, petroleum products, or hazardous liquids;

(c) Coal;

(d) Electricity;

(e) Electronic, telephonic, or telegraphic communications;

(f) Television signals;

(g) Sewage disposal or drainage;

(h) Potable water;

(i) Steam or hot water.

(B) That portion of contiguous state lands located in Scioto



and Adams counties and within the Shawnee state forest and bounded 12733  
by forest road seventeen and sunshine ridge to the north, by upper 12734  
Twin Creek road to the east and northeast, by United States route 12735  
fifty-two to the south, and by lower Twin Creek road to the west 12736  
and southwest is hereby designated the Shawnee wilderness area. 12737  
Except as otherwise specifically provided by this section or by 12738  
rule adopted under this chapter, the provisions of this chapter 12739  
apply to the Shawnee wilderness area, and that area shall continue 12740  
to be a part of the Shawnee state forest. 12741

(C) The Shawnee wilderness area shall be managed to preserve 12742  
natural conditions and ensure the continuance of natural 12743  
processes. The chief of the division of forestry, with the 12744  
approval of the director of natural resources, shall administer 12745  
the Shawnee wilderness area in accordance with a management plan, 12746  
which the chief shall develop and adopt within one year after 12747  
September 14, 1988. Sixty days prior to adopting a plan, the chief 12748  
shall solicit public review and comment on a draft plan. At least 12749  
once every ten years, the chief shall conduct a review of the 12750  
plan, with public input, and revise the plan as appropriate. The 12751  
chief shall make the plan available for review by any person upon 12752  
request. 12753

(D) Notwithstanding any other authority granted to the chief 12754  
under this chapter, the chief shall include within the management 12755  
plan adopted under division (C) of this section prohibitions of 12756  
the following activities within the Shawnee wilderness area except 12757  
for the areas exempted in division (E) of this section: 12758

(1) Picking, removal, cutting, or alteration in any manner of 12759  
any vegetation unless the person first has obtained written 12760  
consent from the chief for that activity and the action is 12761  
necessary for appropriate public access, the preservation or 12762  
restoration of a plant or wildlife species, or the documentation 12763  
of scientific values; 12764

|                                                                                                                                                                                                                      |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (2) Granting of any easement or license, or sale or lease of any of the land, for any purpose. Division (D)(2) of this section does not apply to any private easement or license in existence on September 14, 1988. | 12765<br>12766<br>12767<br>12768 |
| (3) Exploration for or extraction of any coal, oil, gas, or minerals;                                                                                                                                                | 12769<br>12770                   |
| (4) Operation, construction, or installation of a utility facility above or below the surface of the land;                                                                                                           | 12771<br>12772                   |
| (5) Operation of a commercial enterprise;                                                                                                                                                                            | 12773                            |
| (6) Except as provided in division (D)(7) of this section, construction of a road upon any of the land or use of the land as a road;                                                                                 | 12774<br>12775<br>12776          |
| (7) Except as is necessary to meet emergency requirements for administration of the area:                                                                                                                            | 12777<br>12778                   |
| (a) Landing of an aircraft;                                                                                                                                                                                          | 12779                            |
| (b) Operation of a motor vehicle, motor boat, other form of mechanical transport, or motorized equipment;                                                                                                            | 12780<br>12781                   |
| (c) Construction of any building or other structure;                                                                                                                                                                 | 12782                            |
| (d) Use of the land as a temporary road.                                                                                                                                                                             | 12783                            |
| (E)(1) The following areas, which now are necessary for the administration of the Shawnee state forest and the state forest system, are not subject to the prohibitions of division (D) of this section:             | 12784<br>12785<br>12786<br>12787 |
| (a) The Buena Vista manager's residence;                                                                                                                                                                             | 12788                            |
| (b) The Buena Vista walnut seed orchard;                                                                                                                                                                             | 12789                            |
| <del>(c) The Twin Creek fire tower.</del>                                                                                                                                                                            | 12790                            |
| (2) <u>The following areas, which now are necessary for the administration of the Shawnee state forest and the state forest system, are not subject to the prohibition established in division</u>                   | 12791<br>12792<br>12793          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |
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| <u>(D)(7)(b) of this section for the purpose of trail maintenance:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12794 |
| <u>(a) The hiking trail west of upper Twin Creek road known as the wilderness loop;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12795 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12796 |
| <u>(b) Buckhorn ridge bridle trail;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12797 |
| <u>(c) Cabbage patch bridle trail.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12798 |
| <u>(3) At any time that the chief makes a determination that it is no longer necessary for the administration of the Shawnee state forest or the state forest system for an area excluded in division (E)(1) or (2) of this section to be excluded, the area shall become subject to the prohibitions of established in division (D) of this section or the prohibition established in division (D)(7)(b) of this section, as applicable.</u>                                                                                                                                                                                                                                    | 12799 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12805 |
| (F) The chief, in developing a management plan under division (C) of this section, may not prohibit any hunting, fishing, or trapping that is done in conformity with Chapters 1531. and 1533. of the Revised Code or any rules adopted under those chapters.                                                                                                                                                                                                                                                                                                                                                                                                                    | 12806 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12809 |
| <b>Sec. 1506.42.</b> The state, acting through the director of natural resources, subject to section 1506.46 of the Revised Code, may enter into agreements with counties, townships, municipal corporations, park boards, and conservancy districts, other political subdivisions, or any state departments or divisions for the purpose of constructing and maintaining projects to control erosion along the Ohio shoreline of Lake Erie and in any rivers and bays that are connected with Lake Erie and any other watercourses that flow into Lake Erie. Such projects also may be constructed on any Lake Erie island that is situated within the boundaries of the state. | 12810 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12811 |
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| The cost of such shore erosion projects that are for the benefit of public littoral property shall be prorated on the basis of two-thirds of the total cost to the state through                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12821 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 12823 |

appropriations made to the department of natural resources and 12824  
one-third of the cost to the counties, townships, municipal 12825  
corporations, park boards, conservancy districts, or other 12826  
political subdivisions. 12827

If a shore erosion emergency is declared by the governor, the 12828  
state, acting through the director, may spend whatever state funds 12829  
are available to alleviate shore erosion, without participation by 12830  
any political subdivision, regardless of whether the project will 12831  
benefit public or private littoral property. 12832

A board of county commissioners, acting for the county over 12833  
which it has jurisdiction, may enter into and carry out agreements 12834  
with the director for the construction and maintenance of projects 12835  
to control shore erosion. In providing the funds for the county's 12836  
proportionate share of the cost of constructing and maintaining 12837  
the projects referred to in this section, the board shall be 12838  
governed by and may issue and refund bonds in accordance with 12839  
Chapter 133. of the Revised Code. 12840

A municipal corporation or a township, acting through the 12841  
legislative authority or the board of township trustees, may enter 12842  
into and carry out agreements with the director for the purpose of 12843  
constructing and maintaining projects to control shore erosion. In 12844  
providing the funds for the municipal corporation's or township's 12845  
proportionate share of the cost of constructing and maintaining 12846  
the projects referred to in this section, a municipal corporation 12847  
or township may issue and refund bonds in accordance with Chapter 12848  
133. of the Revised Code. The contract shall be executed on behalf 12849  
of the municipal corporation or township by the mayor, city 12850  
manager, or other chief executive officer who has the authority to 12851  
act for the municipal corporation or township. 12852

Conservancy districts may enter into and carry out agreements 12853  
with the director, in accordance with the intent of this section, 12854  
under the powers conferred upon conservancy districts under 12855

Chapter 6101. of the Revised Code. 12856

Park boards may enter into and carry out agreements with the 12857  
director, in accordance with the intent of this section, and issue 12858  
bonds for that purpose under the powers conferred upon park 12859  
districts under Chapter 1545. of the Revised Code. 12860

The director shall approve and supervise all projects that 12861  
are to be constructed in accordance with this section. The 12862  
director shall not proceed with the construction of any project 12863  
until all funds that are to be paid by the county, township, 12864  
municipal corporation, park board, or conservancy district, in 12865  
accordance with the terms of the agreement entered into between 12866  
the director and the county, township, municipal corporation, park 12867  
board, or conservancy district, are in the director's possession 12868  
and deposited in the shore erosion fund, which is hereby created 12869  
in the state treasury. If the director finds it to be in the best 12870  
interests of the state to construct projects as set forth in this 12871  
section by the state itself, without the financial contribution of 12872  
counties, townships, municipal corporations, park boards, or 12873  
conservancy districts, the director may construct the projects. 12874

In deciding whether to assist a county or municipal 12875  
corporation in constructing and maintaining a project under this 12876  
section, the state, acting through the director, shall consider, 12877  
among other factors, whether the county or municipal corporation 12878  
has adopted or is in the process of adopting a Lake Erie coastal 12879  
erosion area resolution or ordinance under division (D) of section 12880  
1506.07 of the Revised Code. 12881

All projects constructed by the state in conformity with 12882  
sections 1506.38 to 1506.46 of the Revised Code shall be 12883  
constructed subject to sections 153.01 to 153.20 of the Revised 12884  
Code, except that the ~~state architect and engineer~~ Ohio facilities 12885  
construction commission is not required to prepare the plans and 12886  
specifications for those projects. 12887

Sec. 1509.071. (A) When the chief of the division of oil and 12888  
gas resources management finds that an owner has failed to comply 12889  
with a final nonappealable order issued or compliance agreement 12890  
entered into under section 1509.04, the restoration requirements 12891  
of section 1509.072, plugging requirements of section 1509.12, or 12892  
permit provisions of section 1509.13 of the Revised Code, or rules 12893  
and orders relating thereto, the chief shall make a finding of 12894  
that fact and declare any surety bond filed to ensure compliance 12895  
with those sections and rules forfeited in the amount set by rule 12896  
of the chief. The chief thereupon shall certify the total 12897  
forfeiture to the attorney general, who shall proceed to collect 12898  
the amount of the forfeiture. In addition, the chief may require 12899  
an owner, operator, producer, or other person who forfeited a 12900  
surety bond to post a new surety bond in the amount of fifteen 12901  
thousand dollars for a single well, thirty thousand dollars for 12902  
two wells, or fifty thousand dollars for three or more wells. 12903

In lieu of total forfeiture, the surety or owner, at the 12904  
surety's or owner's option, may cause the well to be properly 12905  
plugged and abandoned and the area properly restored or pay to the 12906  
treasurer of state the cost of plugging and abandonment. 12907

(B) All moneys collected because of forfeitures of bonds as 12908  
provided in this section shall be deposited in the state treasury 12909  
to the credit of the oil and gas well fund created in section 12910  
1509.02 of the Revised Code. 12911

The chief annually shall spend not less than fourteen per 12912  
cent of the revenue credited to the fund during the previous 12913  
fiscal year for the following purposes: 12914

(1) In accordance with division (D) of this section, to plug 12915  
idle and orphaned wells or to restore the land surface properly as 12916  
required in section 1509.072 of the Revised Code; 12917

(2) In accordance with division (E) of this section, to 12918

correct conditions that the chief reasonably has determined are 12919  
causing imminent health or safety risks at an idle and orphaned 12920  
well or a well for which the owner cannot be contacted in order to 12921  
initiate a corrective action within a reasonable period of time as 12922  
determined by the chief. 12923

Expenditures from the fund shall be made only for lawful 12924  
purposes. In addition, expenditures from the fund shall not be 12925  
made to purchase real property or to remove a dwelling in order to 12926  
access a well. 12927

(C)(1) Upon determining that the owner of a well has failed 12928  
to properly plug and abandon it or to properly restore the land 12929  
surface at the well site in compliance with the applicable 12930  
requirements of this chapter and applicable rules adopted and 12931  
orders issued under it or that a well is an abandoned well for 12932  
which no funds are available to plug the well in accordance with 12933  
this chapter, the chief shall do all of the following: 12934

(a) Determine from the records in the office of the county 12935  
recorder of the county in which the well is located the identity 12936  
of the owner of the land on which the well is located, the 12937  
identity of the owner of the oil or gas lease under which the well 12938  
was drilled or the identity of each person owning an interest in 12939  
the lease, and the identities of the persons having legal title 12940  
to, or a lien upon, any of the equipment appurtenant to the well; 12941

(b) Mail notice to the owner of the land on which the well is 12942  
located informing the landowner that the well is to be plugged. If 12943  
the owner of the oil or gas lease under which the well was drilled 12944  
is different from the owner of the well or if any persons other 12945  
than the owner of the well own interests in the lease, the chief 12946  
also shall mail notice that the well is to be plugged to the owner 12947  
of the lease or to each person owning an interest in the lease, as 12948  
appropriate. 12949

(c) Mail notice to each person having legal title to, or a lien upon, any equipment appurtenant to the well, informing the person that the well is to be plugged and offering the person the opportunity to plug the well and restore the land surface at the well site at the person's own expense in order to avoid forfeiture of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of this section plugs the well within sixty days after the mailing of the notice required by that division, all equipment appurtenant to the well is hereby declared to be forfeited to this state without compensation and without the necessity for any action by the state for use to defray the cost of plugging and abandoning the well and restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division (B)(1) of this section shall be made in accordance with either of the following:

(1) The expenditures may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract for activities associated with the restoration or plugging of a well as determined by the chief. The activities may include excavation to uncover a well, geophysical methods to locate a buried well when clear evidence of leakage from the well exists, cleanout of wellbores to remove material from a failed plugging of a well, plugging operations, installation of vault and vent systems, including associated engineering certifications and permits, restoration of property, and repair of damage to property that is caused by such activities. Expenditures shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for costs directly attributed to the plugging of an idle and orphaned well. Agents or employees of persons contracting with the



chief for a restoration or plugging project may enter upon any 12982  
land, public or private, on which the well is located for the 12983  
purpose of performing the work. Prior to such entry, the chief 12984  
shall give to the following persons written notice of the 12985  
existence of a contract for a project to restore or plug a well, 12986  
the names of the persons with whom the contract is made, and the 12987  
date that the project will commence: the owner of the well, the 12988  
owner of the land upon which the well is located, the owner or 12989  
agents of adjoining land, and, if the well is located in the same 12990  
township as or in a township adjacent to the excavations and 12991  
workings of a mine and the owner or lessee of that mine has 12992  
provided written notice identifying those townships to the chief 12993  
at any time during the immediately preceding three years, the 12994  
owner or lessee of the mine. 12995

(2)(a) The owner of the land on which a well is located who 12996  
has received notice under division (C)(1)(b) of this section may 12997  
plug the well and be reimbursed by the division of oil and gas 12998  
resources management for the reasonable cost of plugging the well. 12999  
In order to plug the well, the landowner shall submit an 13000  
application to the chief on a form prescribed by the chief and 13001  
approved by the technical advisory council on oil and gas created 13002  
in section 1509.38 of the Revised Code. The application, at a 13003  
minimum, shall require the landowner to provide the same 13004  
information as is required to be included in the application for a 13005  
permit to plug and abandon under section 1509.13 of the Revised 13006  
Code. The application shall be accompanied by a copy of a proposed 13007  
contract to plug the well prepared by a contractor regularly 13008  
engaged in the business of plugging oil and gas wells. The 13009  
proposed contract shall require the contractor to furnish all of 13010  
the materials, equipment, work, and labor necessary to plug the 13011  
well properly and shall specify the price for doing the work, 13012  
including a credit for the equipment appurtenant to the well that 13013  
was forfeited to the state through the operation of division 13014

(C)(2) of this section. Expenditures under division (D)(2)(a) of 13015  
this section shall be consistent with the expenditures for 13016  
activities described in division (D)(1) of this section. The 13017  
application also shall be accompanied by the permit fee required 13018  
by section 1509.13 of the Revised Code unless the chief, in the 13019  
chief's discretion, waives payment of the permit fee. The 13020  
application constitutes an application for a permit to plug and 13021  
abandon the well for the purposes of section 1509.13 of the 13022  
Revised Code. 13023

(b) Within thirty days after receiving an application and 13024  
accompanying proposed contract under division (D)(2)(a) of this 13025  
section, the chief shall determine whether the plugging would 13026  
comply with the applicable requirements of this chapter and 13027  
applicable rules adopted and orders issued under it and whether 13028  
the cost of the plugging under the proposed contract is 13029  
reasonable. If the chief determines that the proposed plugging 13030  
would comply with those requirements and that the proposed cost of 13031  
the plugging is reasonable, the chief shall notify the landowner 13032  
of that determination and issue to the landowner a permit to plug 13033  
and abandon the well under section 1509.13 of the Revised Code. 13034  
Upon approval of the application and proposed contract, the chief 13035  
shall transfer ownership of the equipment appurtenant to the well 13036  
to the landowner. The chief may disapprove an application 13037  
submitted under division (D)(2)(a) of this section if the chief 13038  
determines that the proposed plugging would not comply with the 13039  
applicable requirements of this chapter and applicable rules 13040  
adopted and orders issued under it, that the cost of the plugging 13041  
under the proposed contract is unreasonable, or that the proposed 13042  
contract is not a bona fide, arm's length contract. 13043

(c) After receiving the chief's notice of the approval of the 13044  
application and permit to plug and abandon a well under division 13045  
(D)(2)(b) of this section, the landowner shall enter into the 13046

proposed contract to plug the well. 13047

(d) Upon determining that the plugging has been completed in 13048  
compliance with the applicable requirements of this chapter and 13049  
applicable rules adopted and orders issued under it, the chief 13050  
shall reimburse the landowner for the cost of the plugging as set 13051  
forth in the proposed contract approved by the chief. The 13052  
reimbursement shall be paid from the oil and gas well fund. If the 13053  
chief determines that the plugging was not completed in accordance 13054  
with the applicable requirements, the chief shall not reimburse 13055  
the landowner for the cost of the plugging, and the landowner or 13056  
the contractor, as applicable, promptly shall transfer back to 13057  
this state title to and possession of the equipment appurtenant to 13058  
the well that previously was transferred to the landowner under 13059  
division (D)(2)(b) of this section. If any such equipment was 13060  
removed from the well during the plugging and sold, the landowner 13061  
shall pay to the chief the proceeds from the sale of the 13062  
equipment, and the chief promptly shall pay the moneys so received 13063  
to the treasurer of state for deposit into the oil and gas well 13064  
fund. 13065

The chief may establish an annual limit on the number of 13066  
wells that may be plugged under division (D)(2) of this section or 13067  
an annual limit on the expenditures to be made under that 13068  
division. 13069

As used in division (D)(2) of this section, "plug" and 13070  
"plugging" include the plugging of the well and the restoration of 13071  
the land surface disturbed by the plugging. 13072

(E) Expenditures from the oil and gas well fund for the 13073  
purpose of division (B)(2) of this section may be made pursuant to 13074  
contracts entered into by the chief with persons who agree to 13075  
furnish all of the materials, equipment, work, and labor as 13076  
specified and provided in such a contract. The competitive bidding 13077  
requirements of Chapter 153. of the Revised Code do not apply if 13078

the chief reasonably determines that an emergency situation exists 13079  
requiring immediate action for the correction of the applicable 13080  
health or safety risk ~~requires immediate action~~. A contract or 13081  
purchase of materials for purposes of addressing the emergency 13082  
situation is not subject to division (B) of section 127.16 of the 13083  
Revised Code. The chief, designated representatives of the chief, 13084  
and agents or employees of persons contracting with the chief 13085  
under this division may enter upon any land, public or private, 13086  
for the purpose of performing the work. 13087

(F) Contracts entered into by the chief under this section 13088  
are not subject to ~~either~~ any of the following: 13089

(1) Chapter 4115. of the Revised Code; 13090

(2) Section 153.54 of the Revised Code, except that the 13091  
contractor shall obtain and provide to the chief as a bid guaranty 13092  
a surety bond or letter of credit in an amount equal to ten per 13093  
cent of the amount of the contract; 13094

(3) Section 4733.17 of the Revised Code. 13095

(G) The owner of land on which a well is located who has 13096  
received notice under division (C)(1)(b) of this section, in lieu 13097  
of plugging the well in accordance with division (D)(2) of this 13098  
section, may cause ownership of the well to be transferred to an 13099  
owner who is lawfully doing business in this state and who has met 13100  
the financial responsibility requirements established under 13101  
section 1509.07 of the Revised Code, subject to the approval of 13102  
the chief. The transfer of ownership also shall be subject to the 13103  
landowner's filing the appropriate forms required under section 13104  
1509.31 of the Revised Code and providing to the chief sufficient 13105  
information to demonstrate the landowner's or owner's right to 13106  
produce a formation or formations. That information may include a 13107  
deed, a lease, or other documentation of ownership or property 13108  
rights. 13109

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

(H) The chief shall issue an order that requires the owner of a well to pay the actual documented costs of a corrective action that is described in division (B)(2) of this section concerning the well. The chief shall transmit the money so recovered to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund.

(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; or any state university or college as defined in section 3345.27 of the Revised Code. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.

**Sec. 1509.36.** Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or

modifying the order. 13140

The person so appealing to the commission shall be known as 13141  
appellant and the chief shall be known as appellee. Appellant and 13142  
appellee shall be deemed to be parties to the appeal. 13143

The appeal shall be in writing and shall set forth the order 13144  
complained of and the grounds upon which the appeal is based. The 13145  
appeal shall be filed with the commission within thirty days after 13146  
the date upon which the appellant received notice by certified 13147  
mail and, for all other persons adversely affected by the order, 13148  
within thirty days after the date of the order complained of. 13149  
Notice of the filing of the appeal shall be filed with the chief 13150  
within three days after the appeal is filed with the commission. 13151

Upon the filing of the appeal the commission promptly shall 13152  
fix the time and place at which the hearing on the appeal will be 13153  
held, and shall give the appellant and the chief at least ten 13154  
days' written notice thereof by mail. The commission may postpone 13155  
or continue any hearing upon its own motion or upon application of 13156  
the appellant or of the chief. 13157

The filing of an appeal provided for in this section does not 13158  
automatically suspend or stay execution of the order appealed 13159  
from, but upon application by the appellant the commission may 13160  
suspend or stay the execution pending determination of the appeal 13161  
upon such terms as the commission considers proper. 13162

Either party to the appeal or any interested person who, 13163  
pursuant to commission rules has been granted permission to 13164  
appear, may submit such evidence as the commission considers 13165  
admissible. 13166

For the purpose of conducting a hearing on an appeal, the 13167  
commission may require the attendance of witnesses and the 13168  
production of books, records, and papers, and it may, and at the 13169  
request of any party it shall, issue subpoenas for witnesses or 13170

subpoenas duces tecum to compel the production of any books, 13171  
records, or papers, directed to the sheriffs of the counties where 13172  
the witnesses are found. The subpoenas shall be served and 13173  
returned in the same manner as subpoenas in criminal cases are 13174  
served and returned. The fees of sheriffs shall be the same as 13175  
those allowed by the court of common pleas in criminal cases. 13176  
Witnesses shall be paid the fees and mileage provided for under 13177  
section 119.094 of the Revised Code. Such fees and mileage 13178  
expenses incurred at the request of appellant shall be paid in 13179  
advance by the appellant, and the remainder of those expenses 13180  
shall be paid out of funds appropriated for the expenses of the 13181  
division of oil and gas resources management. 13182

In case of disobedience or neglect of any subpoena served on 13183  
any person, or the refusal of any witness to testify to any matter 13184  
regarding which the witness may be lawfully interrogated, the 13185  
court of common pleas of the county in which the disobedience, 13186  
neglect, or refusal occurs, or any judge thereof, on application 13187  
of the commission or any member thereof, shall compel obedience by 13188  
attachment proceedings for contempt as in the case of disobedience 13189  
of the requirements of a subpoena issued from that court or a 13190  
refusal to testify therein. Witnesses at such hearings shall 13191  
testify under oath, and any member of the commission may 13192  
administer oaths or affirmations to persons who so testify. 13193

At the request of any party to the appeal, a ~~stenographic~~ 13194  
record of the testimony and other evidence submitted shall be 13195  
taken by an official court ~~shorthand~~ reporter at the expense of 13196  
the party making the request ~~therefor~~ for the record. The record 13197  
shall include all of the testimony and other evidence and the 13198  
rulings on the admissibility thereof presented at the hearing. The 13199  
commission shall pass upon the admissibility of evidence, but any 13200  
party may at the time object to the admission of any evidence and 13201  
except to the rulings of the commission thereon, and if the 13202

commission refuses to admit evidence the party offering same may 13203  
make a proffer thereof, and such proffer shall be made a part of 13204  
the record of the hearing. 13205

If upon completion of the hearing the commission finds that 13206  
the order appealed from was lawful and reasonable, it shall make a 13207  
written order affirming the order appealed from; if the commission 13208  
finds that the order was unreasonable or unlawful, it shall make a 13209  
written order vacating the order appealed from and making the 13210  
order that it finds the chief should have made. Every order made 13211  
by the commission shall contain a written finding by the 13212  
commission of the facts upon which the order is based. 13213

Notice of the making of the order shall be given forthwith to 13214  
each party to the appeal by mailing a certified copy thereof to 13215  
each such party by certified mail. 13216

The order of the commission is final unless vacated by the 13217  
court of common pleas of Franklin county in an appeal as provided 13218  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 13219  
1509.37 of the Revised Code, providing for appeals relating to 13220  
orders by the chief or by the commission, or relating to rules 13221  
adopted by the chief, do not constitute the exclusive procedure 13222  
that any person who believes the person's rights to be unlawfully 13223  
affected by those sections or any official action taken thereunder 13224  
must pursue in order to protect and preserve those rights, nor do 13225  
those sections constitute a procedure that that person must pursue 13226  
before that person may lawfully appeal to the courts to protect 13227  
and preserve those rights. 13228

**Sec. 1533.081.** (A) As used in this section: 13229

(1) "Energy" has the same meaning as in section 1551.01 of 13230  
the Revised Code. 13231

(2) "Energy facility" means a facility at which energy is 13232



produced. 13233

(B) A person operating an energy facility whose operation may 13234  
result in the incidental taking of a wild animal shall obtain a 13235  
permit to do so from the chief of the division of wildlife under 13236  
this section. The chief shall adopt rules under section 1531.10 of 13237  
the Revised Code that are necessary to administer this section. 13238

**Sec. 1533.10.** Except as provided in this section or division 13239  
(A)(2) of section 1533.12 of the Revised Code, no person shall 13240  
hunt any wild bird or wild quadruped without a hunting license. 13241  
Each day that any person hunts within the state without procuring 13242  
such a license constitutes a separate offense. Except as otherwise 13243  
provided in this section, every applicant for a hunting license 13244  
who is a resident of the state and eighteen years of age or more 13245  
shall procure a resident hunting license or an apprentice resident 13246  
hunting license, the fee for which shall be eighteen dollars 13247  
unless the rules adopted under division (B) of section 1533.12 of 13248  
the Revised Code provide for issuance of a resident hunting 13249  
license to the applicant free of charge. Except as provided in 13250  
rules adopted under division (B)(2) of that section, each 13251  
applicant who is a resident of this state and who at the time of 13252  
application is sixty-six years of age or older shall procure a 13253  
special senior hunting license, the fee for which shall be 13254  
one-half of the regular hunting license fee. Every applicant who 13255  
is under the age of eighteen years shall procure a special youth 13256  
hunting license or an apprentice youth hunting license, the fee 13257  
for which shall be one-half of the regular hunting license fee. 13258

A resident of this state who owns lands in the state and the 13259  
owner's children of any age and grandchildren under eighteen years 13260  
of age may hunt on the lands without a hunting license. A resident 13261  
of any other state who owns real property in this state, and the 13262  
spouse and children living with the property owner, may hunt on 13263

that property without a license, provided that the state of 13264  
residence of the real property owner allows residents of this 13265  
state owning real property in that state, and the spouse and 13266  
children living with the property owner, to hunt without a 13267  
license. If the owner of land in this state is a limited liability 13268  
company or a limited liability partnership that consists of three 13269  
or fewer individual members or partners, as applicable, an 13270  
individual member or partner who is a resident of this state and 13271  
the member's or partner's children of any age and grandchildren 13272  
under eighteen years of age may hunt on the land owned by the 13273  
limited liability company or limited liability partnership without 13274  
a hunting license. In addition, if the owner of land in this state 13275  
is a trust that has a total of three or fewer trustees and 13276  
beneficiaries, an individual who is a trustee or beneficiary and 13277  
who is a resident of this state and the individual's children of 13278  
any age and grandchildren under eighteen years of age may hunt on 13279  
the land owned by the trust without a hunting license. The tenant 13280  
and children of the tenant, residing on lands in the state, may 13281  
hunt on them without a hunting license. 13282

Except as otherwise provided in division (A)(1) of section 13283  
1533.12 of the Revised Code, every applicant for a hunting license 13284  
who is a nonresident of the state and who is eighteen years of age 13285  
or older shall procure a nonresident hunting license or an 13286  
apprentice nonresident hunting license, the fee for which shall be 13287  
one hundred twenty-four dollars unless the applicant is a resident 13288  
of a state that is a party to an agreement under section 1533.91 13289  
of the Revised Code, in which case the fee shall be eighteen 13290  
dollars. Apprentice resident hunting licenses, apprentice youth 13291  
hunting licenses, and apprentice nonresident hunting licenses are 13292  
subject to the requirements established under section 1533.102 of 13293  
the Revised Code and rules adopted pursuant to it. 13294

The chief of the division of wildlife may issue a small game 13295

hunting license expiring three days from the effective date of the 13296  
license to a nonresident of the state, the fee for which shall be 13297  
thirty-nine dollars. No person shall take or possess deer, wild 13298  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 13299  
animal while possessing only a small game hunting license. A small 13300  
game hunting license or an apprentice nonresident hunting license 13301  
does not authorize the taking or possessing of ducks, geese, or 13302  
brant without having obtained, in addition to the small game 13303  
hunting license or the apprentice nonresident hunting license, a 13304  
wetlands habitat stamp as provided in section 1533.112 of the 13305  
Revised Code. A small game hunting license or an apprentice 13306  
nonresident hunting license does not authorize the taking or 13307  
possessing of deer, wild turkeys, or fur-bearing animals. A 13308  
nonresident of the state who wishes to take or possess deer, wild 13309  
turkeys, or fur-bearing animals in this state shall procure, 13310  
respectively, a deer or wild turkey permit as provided in section 13311  
1533.11 of the Revised Code or a fur taker permit as provided in 13312  
section 1533.111 of the Revised Code in addition to a nonresident 13313  
hunting license, an apprentice nonresident hunting license, a 13314  
special youth hunting license, or an apprentice youth hunting 13315  
license, as applicable, as provided in this section. 13316

No person shall procure or attempt to procure a hunting 13317  
license by fraud, deceit, misrepresentation, or any false 13318  
statement. 13319

This section does not authorize the taking and possessing of 13320  
deer or wild turkeys without first having obtained, in addition to 13321  
the hunting license required by this section, a deer or wild 13322  
turkey permit as provided in section 1533.11 of the Revised Code 13323  
or the taking and possessing of ducks, geese, or brant without 13324  
first having obtained, in addition to the hunting license required 13325  
by this section, a wetlands habitat stamp as provided in section 13326  
1533.112 of the Revised Code. 13327

This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code.

No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it.

No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

The chief, with approval of the wildlife council, shall adopt rules prescribing a hunter education and conservation course for

first-time hunting license buyers, other than buyers of apprentice 13360  
hunting licenses, and for volunteer instructors. The course shall 13361  
consist of subjects including, but not limited to, hunter safety 13362  
and health, use of hunting implements, hunting tradition and 13363  
ethics, the hunter and conservation, the law in section 1533.17 of 13364  
the Revised Code along with the penalty for its violation, 13365  
including a description of terms of imprisonment and fines that 13366  
may be imposed, and other law relating to hunting. Authorized 13367  
personnel of the division or volunteer instructors approved by the 13368  
chief shall conduct such courses with such frequency and at such 13369  
locations throughout the state as to reasonably meet the needs of 13370  
license applicants. The chief shall issue a certificate of 13371  
completion to each person who successfully completes the course 13372  
and passes an examination prescribed by the chief. 13373

**Sec. 1541.26.** There is hereby created in the state treasury 13374  
the parks mineral royalties fund. The fund shall consist of money 13375  
deposited into it under section 1509.73 of the Revised Code and 13376  
money transferred to it under section 1503.012 of the Revised 13377  
Code. Any investment proceeds earned on money in the fund shall be 13378  
credited to the fund. 13379

Money in the fund shall be used by the division of parks and 13380  
recreation to acquire land and to pay capital costs, including 13381  
equipment and repairs and renovations of facilities, that are 13382  
owned by the state and administered by the division. Expenditures 13383  
from the fund shall be approved by the director of natural 13384  
resources. 13385

**Sec. 1551.33.** (A) The director of development shall appoint 13386  
and fix the compensation of the director of the Ohio coal 13387  
development office. The director shall serve at the pleasure of 13388  
the director of development. 13389

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (B) The director of the office shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 13390                                                                         |
| (1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                             | 13391<br>13392                                                                |
| (2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;                                                                                                                                                                                                                                                                                                                                                                                                                          | 13393<br>13394<br>13395                                                       |
| (3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda;                                                                                                                                                                                                                                                                                                                                                   | 13396<br>13397<br>13398<br>13399                                              |
| (4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person;                                                                                                                                                                                                                                                                                                                          | 13400<br>13401<br>13402<br>13403                                              |
| (5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office. Any such employees shall be in the unclassified service and shall serve at the pleasure of the director of development.                                                                                                                                                                                                                                                                                          | 13404<br>13405<br>13406<br>13407<br>13408                                     |
| (6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                 | 13409<br>13410<br>13411                                                       |
| (7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is | 13412<br>13413<br>13414<br>13415<br>13416<br>13417<br>13418<br>13419<br>13420 |

environmentally sound, the director shall submit to the public 13421  
utilities commission a report recommending that the commission 13422  
allow the recovery of costs associated with the facility or 13423  
project under section 4905.304 of the Revised Code and including 13424  
the reasons for the recommendation. 13425

(8) Establish such policies, procedures, and guidelines as 13426  
are necessary to achieve the office's purposes. 13427

(C) ~~The~~ With the approval of the director of development, the 13428  
director of the office may exercise any of the powers and duties 13429  
that the director of ~~the office~~ development considers appropriate 13430  
or desirable to achieve the office's purposes, including, but not 13431  
limited to, the powers and duties enumerated in sections 1551.11, 13432  
1551.12, and 1551.15 of the Revised Code. 13433

Additionally, the director of the office may make loans to 13434  
governmental agencies or persons for projects to carry out the 13435  
office's purposes. Fees, charges, rates of interest, times of 13436  
payment of interest and principal, and other terms, conditions, 13437  
and provisions of the loans shall be such as the director of the 13438  
office determines to be appropriate and in furtherance of the 13439  
purposes for which the loans are made. The mortgage lien securing 13440  
any moneys lent by the director of the office may be subordinate 13441  
to the mortgage lien securing any moneys lent or invested by a 13442  
financial institution, but shall be superior to that securing any 13443  
moneys lent or expended by any other person. The moneys used in 13444  
making the loans shall be disbursed upon order of the director of 13445  
the office. 13446

**Sec. 1555.02.** It is hereby declared to be the public policy 13447  
of this state through the operations of the Ohio coal development 13448  
office under this chapter to contribute toward one or more of the 13449  
following: to provide for the comfort, health, safety, and general 13450  
welfare of all employees and other inhabitants of this state 13451

through research and development directed toward the discovery of 13452  
new technologies or the demonstration or application of existing 13453  
technologies to enable the conversion or use of Ohio coal as a 13454  
fuel or chemical feedstock in an environmentally acceptable manner 13455  
thereby enhancing the marketability and fostering the use of this 13456  
state's vast reserves of coal, to assist in the financing of coal 13457  
research and development and coal research and development 13458  
projects or facilities for persons doing business in this state 13459  
and educational and scientific institutions located in this state, 13460  
to create or preserve jobs and employment opportunities or improve 13461  
the economic welfare of the people of this state, or to assist and 13462  
cooperate with such persons and educational and scientific 13463  
institutions in conducting coal research and development. In 13464  
furtherance of this public policy, the Ohio coal development 13465  
office, with the advice of the technical advisory committee 13466  
created in section 1551.35 of the Revised Code and the approval of 13467  
the director of development, may make loans, guarantee loans, and 13468  
make grants to persons doing business in this state or to 13469  
educational or scientific institutions located in this state for 13470  
coal research and development projects by such persons or 13471  
educational or scientific institutions; may, with the advice of 13472  
the technical advisory committee and the approval of the director 13473  
of development, request the issuance of coal research and 13474  
development general obligations under section 151.07 of the 13475  
Revised Code to provide funds for making such loans, loan 13476  
guarantees, and grants; and may, with the advice of the technical 13477  
advisory committee and the approval of the director of 13478  
development, expend moneys credited to the coal research and 13479  
development fund created in section 1555.15 of the Revised Code 13480  
for the purpose of making such loans, loan guarantees, and grants. 13481  
Determinations by the director of the Ohio coal development office 13482  
that coal research and development or a coal research and 13483  
development facility is a coal research and development project 13484



under this chapter and is consistent with the purposes of Section 13485  
15 of Article VIII, Ohio Constitution, and this chapter shall be 13486  
conclusive as to the validity and enforceability of the coal 13487  
research and development general obligations issued to finance 13488  
such project and of the authorizations, trust agreements or 13489  
indentures, loan agreements, loan guarantee agreements, or grant 13490  
agreements, and other agreements made in connection therewith, all 13491  
in accordance with their terms. 13492

**Sec. 1555.03.** For the purposes of this chapter, the director 13493  
of the Ohio coal development office may: 13494

(A) With the advice of the technical advisory committee 13495  
created in section 1551.35 of the Revised Code and the approval of 13496  
the director of development, make loans, guarantee loans, and make 13497  
grants to persons doing business in this state or to educational 13498  
or scientific institutions located in this state for coal research 13499  
and development projects by any such person or educational or 13500  
scientific institution and adopt rules under Chapter 119. of the 13501  
Revised Code for making such loans, guarantees, and grants. 13502

(B) In making loans, loan guarantees, and grants under 13503  
division (A) of this section and section 1555.04 of the Revised 13504  
Code, the director of the office shall ensure that an adequate 13505  
portion of the total amount of those loans, loan guarantees, and 13506  
grants, as determined by the director with the advice of the 13507  
technical advisory committee, is used for conducting research on 13508  
fundamental scientific problems related to the utilization of Ohio 13509  
coal and shall ensure, to the maximum feasible extent, joint 13510  
financial participation by the federal government or other 13511  
investors or interested parties in conjunction with any such loan, 13512  
loan guarantee, or grant. The director, in each grant agreement or 13513  
contract under division (A) of this section, loan contract or 13514  
agreement under this division or section 1555.04 of the Revised 13515

Code, and contract of guarantee under section 1555.05 of the 13516  
Revised Code, shall require that the facility or project be 13517  
maintained and kept in good condition and repair by the person or 13518  
educational or scientific institution to whom the grant or loan 13519  
was made or for whom the guarantee was made. 13520

(C) From time to time, with the advice of the technical 13521  
advisory committee and the approval of the director of 13522  
development, request the issuance of coal research and development 13523  
general obligations under section 151.07 of the Revised Code, for 13524  
any of the purposes set forth in Section 15 of Article VIII, Ohio 13525  
Constitution, and subject to the limitations therein upon the 13526  
aggregate total amount of obligations that may be outstanding at 13527  
any time. 13528

(D) Include as a condition of any loan, loan guarantee, or 13529  
grant contract or agreement with any such person or educational or 13530  
scientific institution that the director of the office receive, in 13531  
addition to payments of principal and interest on any such loan or 13532  
service charges for any such guarantee, as appropriate, as 13533  
authorized by Section 15~~7~~ of Article VIII, Ohio Constitution, a 13534  
reasonable royalty or portion of the income or profits arising out 13535  
of the developments, discoveries, or inventions, including patents 13536  
or copyrights, that result in whole or in part from coal research 13537  
and development projects conducted under any such contract or 13538  
agreement, in such amounts and for such period of years as may be 13539  
negotiated and provided by the contract or agreement in advance of 13540  
the making of the grant, loan, or loan guarantee. Moneys received 13541  
by the director of the office under this section may be credited 13542  
to the coal research and development bond service fund or used to 13543  
make additional loans, loan guarantees, grants, or agreements 13544  
under this section. 13545

(E) Employ managers, superintendents, and other employees and 13546  
retain or contract with consulting engineers, financial 13547

consultants, accounting experts, architects, and such other 13548  
consultants and independent contractors as are necessary in the 13549  
judgment of the director of the office to carry out this chapter, 13550  
and fix the compensation thereof. 13551

(F) Receive and accept from any federal agency, subject to 13552  
the approval of the governor, grants for or in aid of the 13553  
construction or operation of any coal research and development 13554  
project or for coal research and development, and receive and 13555  
accept aid or contributions from any source of money, property, 13556  
labor, or other things of value, to be held, used, and applied 13557  
only for the purposes for which such grants and contributions are 13558  
made. 13559

(G) Purchase fire and extended coverage and liability 13560  
insurance for any coal research and development project, insurance 13561  
protecting the office and its officers and employees against 13562  
liability for damage to property or injury to or death of persons 13563  
arising from its operations, and any other insurance the director 13564  
of the office determines necessary or proper under this chapter. 13565  
Any moneys received by the director from the proceeds of any such 13566  
insurance with respect to a coal research and development project 13567  
and any moneys received by the director from the proceeds of any 13568  
settlement, judgment, foreclosure, or other insurance with respect 13569  
to a coal research and development project or facility shall be 13570  
credited to the coal research and development bond service fund. 13571

(H) In the exercise of the powers of the director of the 13572  
office under this chapter, call to the director's assistance, 13573  
temporarily, from time to time, any engineers, technical experts, 13574  
financial experts, and other employees in any state department, 13575  
agency, or commission, or in the Ohio state university, or other 13576  
educational institutions financed wholly or partially by this 13577  
state for purposes of assisting the director of the office with 13578  
reviewing and evaluating applications for financial assistance 13579

under this chapter, monitoring performance of coal research and 13580  
development projects receiving financial assistance under this 13581  
chapter, and reviewing and evaluating the progress and findings of 13582  
those projects. Such engineers, experts, and employees shall not 13583  
receive any additional compensation over that which they receive 13584  
from the department, agency, commission, or educational 13585  
institution by which they are employed, but they shall be 13586  
reimbursed for their actual and necessary expenses incurred while 13587  
working under the direction of the director. 13588

(I) Do all acts necessary or proper to carry out the powers 13589  
expressly granted in this chapter. 13590

**Sec. 1555.04.** (A) With respect to coal research and 13591  
development projects financed wholly or partially from a loan or 13592  
loan guarantee under this chapter, the director of the Ohio coal 13593  
development office, in addition to other powers under this 13594  
chapter, with the advice of the technical advisory committee 13595  
created in section 1551.35 of the Revised Code and the approval of 13596  
the director of development, may enter into loan agreements, 13597  
accept notes and other forms of obligation to evidence such 13598  
indebtedness and mortgages, liens, pledges, assignments, or other 13599  
security interests to secure such indebtedness, which may be prior 13600  
or subordinate to or on a parity with other indebtedness, 13601  
obligations, mortgages, pledges, assignments, other security 13602  
interests, or liens or encumbrances, and take such actions as the 13603  
director of the office considers appropriate to protect such 13604  
security and safeguard against losses, including, without 13605  
limitation, foreclosure and the bidding upon and purchase of 13606  
property upon foreclosure or other sale. 13607

(B) The authority granted by this section is cumulative and 13608  
supplementary to all other authority granted in this chapter. The 13609  
authority granted by this section does not alter or impair any 13610

similar authority granted elsewhere in this chapter with respect 13611  
to other projects. 13612

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 13613  
amounts thereof that may from time to time be prescribed by the 13614  
general assembly and to other applicable provisions of this 13615  
chapter, and subject to the one-hundred-million-dollar limitation 13616  
provided in Section 15 of Article VIII, Ohio Constitution, the 13617  
director of the Ohio coal development office, on behalf of this 13618  
state, with the advice of the technical advisory committee created 13619  
in section 1551.35 of the Revised Code and the approval of the 13620  
director of development, may enter into contracts to guarantee the 13621  
repayment or payment of the unpaid principal amount of loans made 13622  
to pay the costs of coal research and development projects. 13623

(B) The contract of guarantee may make provision for the 13624  
conditions of, time for, and manner of fulfillment of the 13625  
guarantee commitment, subrogation of this state to the rights of 13626  
the parties guaranteed and exercise of such parties' rights by the 13627  
state, giving the state the option of making payment of the 13628  
principal amount guaranteed in one or more installments and, if 13629  
deferred, to pay interest thereon from the source specified in 13630  
division (A) of this section, and any other terms or conditions 13631  
customary to such guarantees and as the director of the office may 13632  
approve, and may contain provisions for securing the guarantee in 13633  
the manner consistent with this section, covenants on behalf of 13634  
this state to issue obligations under section 1555.08 of the 13635  
Revised Code to provide moneys to fulfill such guarantees and 13636  
covenants, and covenants restricting the aggregate amount of 13637  
guarantees that may be contracted under this section and 13638  
obligations that may be issued under section 151.07 of the Revised 13639  
Code, and terms pertinent to either, to better secure the parties 13640  
guaranteed. 13641

(C) The director of the office may fix service charges for 13642  
making a guarantee. Such charges shall be payable at such times 13643  
and place and in such amounts and manner as may be prescribed by 13644  
the director. Moneys received from such charges shall be credited 13645  
to the coal research and development bond service fund. 13646

(D) Any guaranteed parties under this section, by any 13647  
suitable form of legal proceedings and except to the extent that 13648  
their rights are restricted by the guarantee documents, may 13649  
protect and enforce any rights under the laws of this state or 13650  
granted by such guarantee or guarantee documents. Such rights 13651  
include the right to compel the performance of all duties of the 13652  
office required by this section or the guarantee or guarantee 13653  
documents; and in the event of default with respect to the payment 13654  
of any guarantees, to apply to a court having jurisdiction of the 13655  
cause to appoint a receiver to receive and administer the moneys 13656  
pledged to such guarantee with full power to pay, and to provide 13657  
for payment of, such guarantee, and with such powers, subject to 13658  
the direction of the court, as are accorded receivers in general 13659  
equity cases, excluding any power to pledge or apply additional 13660  
revenues or receipts or other income or moneys of this state. Each 13661  
duty of the office and its director and employees required or 13662  
undertaken under this section or a guarantee made under this 13663  
section is hereby established as a duty of the office and of its 13664  
director and each such employee having authority to perform such 13665  
duty, specifically enjoined by the law resulting from an office, 13666  
trust, or station within the meaning of section 2731.01 of the 13667  
Revised Code. The persons who are at the time the director of the 13668  
office, or its employees, are not liable in their personal 13669  
capacities on any guarantees or contracts to make guarantees by 13670  
the director. 13671

**Sec. 1555.06.** Upon application by the director of the Ohio 13672  
coal development office with the approval of the director of 13673

development, the controlling board, from appropriations available 13674  
to the board, may provide funds for surveys or studies by the 13675  
office of any proposed coal research and development project 13676  
subject to repayment by the office from funds available to it, 13677  
within the time fixed by the board. Funds to be repaid shall be 13678  
charged by the office to the appropriate coal research and 13679  
development project and the amount thereof shall be a cost of the 13680  
project. This section does not abrogate the authority of the 13681  
controlling board to otherwise provide funds for use by the office 13682  
in the exercise of the powers granted to it by this chapter. 13683

**Sec. 1571.14.** Any person claiming to be aggrieved or 13684  
adversely affected by an order of the chief of the division of oil 13685  
and gas resources management made as provided in section 1571.10 13686  
or 1571.16 of the Revised Code may appeal to the director of 13687  
natural resources for an order vacating or modifying such order. 13688  
Upon receipt of the appeal, the director shall appoint an 13689  
individual who has knowledge of the laws and rules regarding the 13690  
underground storage of gas and who shall act as a hearing officer 13691  
in accordance with Chapter 119. of the Revised Code in hearing the 13692  
appeal. 13693

The person appealing to the director shall be known as 13694  
appellant and the chief shall be known as appellee. The appellant 13695  
and the appellee shall be deemed parties to the appeal. 13696

The appeal shall be in writing and shall set forth the order 13697  
complained of and the grounds upon which the appeal is based. The 13698  
appeal shall be filed with the director within thirty days after 13699  
the date upon which appellant received notice by registered mail 13700  
of the making of the order complained of, as required by section 13701  
1571.10 of the Revised Code. Notice of the filing of such appeal 13702  
shall be delivered by appellant to the chief within three days 13703  
after the appeal is filed with the director. 13704

Within seven days after receipt of the notice of appeal the chief shall prepare and certify to the director at the expense of appellant a complete transcript of the proceedings out of which the appeal arises, including a transcript of the testimony submitted to the chief.

Upon the filing of the appeal the director shall fix the time and place at which the hearing on the appeal will be held, and shall give appellant and the chief at least ten days' written notice thereof by mail. The director may postpone or continue any hearing upon the director's own motion or upon application of appellant or of the chief.

The filing of an appeal provided for in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the appellant the director may suspend or stay such execution pending determination of the appeal upon such terms as the director deems proper.

The hearing officer appointed by the director shall hear the appeal de novo, and either party to the appeal may submit such evidence as the hearing officer deems admissible.

For the purpose of conducting a hearing on an appeal, the hearing officer may require the attendance of witnesses and the production of books, records, and papers, and may, and at the request of any party shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where such witnesses are found, which subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fee and mileage expenses incurred at the request of appellant shall be paid in advance by



appellant, and the remainder of such expenses shall be paid out of 13737  
funds appropriated for the expenses of the division of oil and gas 13738  
resources management. 13739

In case of disobedience or neglect of any subpoena served on 13740  
any person, or the refusal of any witness to testify to any matter 13741  
regarding which the witness may be lawfully interrogated, the 13742  
court of common pleas of the county in which such disobedience, 13743  
neglect, or refusal occurs, or any judge thereof, on application 13744  
of the director, shall compel obedience by attachment proceedings 13745  
for contempt as in the case of disobedience of the requirements of 13746  
a subpoena issued from such court or a refusal to testify therein. 13747  
Witnesses at such hearings shall testify under oath, and the 13748  
hearing officer may administer oaths or affirmations to persons 13749  
who so testify. 13750

At the request of any party to the appeal, a ~~stenographic~~ 13751  
record of the testimony and other evidence submitted shall be 13752  
taken by an official court ~~shorthand~~ reporter at the expense of 13753  
the party making the request ~~therefor~~ for the record. The record 13754  
shall include all of the testimony and other evidence and the 13755  
rulings on the admissibility thereof presented at the hearing. The 13756  
hearing officer shall pass upon the admissibility of evidence, but 13757  
any party may at the time object to the admission of any evidence 13758  
and except to the ruling of the hearing officer thereon, and if 13759  
the hearing officer refuses to admit evidence, the party offering 13760  
same may make a proffer thereof, and such proffer shall be made a 13761  
part of the record of such hearing. 13762

If upon completion of the hearing the hearing officer finds 13763  
that the order appealed from was lawful and reasonable, the 13764  
hearing officer shall make a written order affirming the order 13765  
appealed from. If the hearing officer finds that such order was 13766  
unreasonable or unlawful, the hearing officer shall make a written 13767  
order vacating the order appealed from and making the order that 13768

it finds the chief should have made. Every order made by the 13769  
hearing officer shall contain a written finding by the hearing 13770  
officer of the facts upon which the order is based. Notice of the 13771  
making of such order shall be given forthwith to each party to the 13772  
appeal by mailing a certified copy thereof to each such party by 13773  
registered mail. 13774

**Sec. 1707.08.** (A) The transactions enumerated in section 13775  
1707.06 of the Revised Code may be consummated on compliance with 13776  
this section and section 1707.11 of the Revised Code. 13777

(B) A description, verified either by the oath of the 13778  
individual filing it or of any individual having knowledge of the 13779  
facts, shall be filed with the division of securities by the 13780  
issuer, or by a majority of the incorporators of the issuer prior 13781  
to election of officers if it is an incorporated issuer, or by a 13782  
licensed dealer, which description shall be on forms prescribed by 13783  
the division and shall set forth: 13784

(1) The name of the issuer; 13785

(2) A brief description of the securities; 13786

(3) The amount of the securities to be offered after the 13787  
filing of the description for sale in this state and, if all the 13788  
securities are not to be offered by the person filing the 13789  
description, then the respective amounts to be offered by others, 13790  
so far as those amounts are known, and the names and addresses of 13791  
the other offerors; 13792

(4) A brief statement of the facts which show that the 13793  
securities are the subject matter of a transaction enumerated in 13794  
section 1707.06 of the Revised Code; 13795

(5) The price at which the securities are to be offered for 13796  
sale. 13797

(C) The individual who executes the application for 13798

registration by description on behalf of the applicant shall state 13799  
the individual's relationship to the applicant and certify all of 13800  
the following: 13801

(1) The individual has executed the application on behalf of 13802  
the applicant. 13803

(2) The individual is fully authorized to execute and file 13804  
the application on behalf of the applicant. 13805

(3) The individual is familiar with the applicant's 13806  
application. 13807

(4) To the best of the individual's knowledge, information, 13808  
and belief, the statements made in the application are true, and 13809  
the documents submitted with the application are true copies of 13810  
the original documents. 13811

(D) A registration by description is effective seven business 13812  
days after the division receives the description on applicable 13813  
forms, together with a any filing fee ~~of fifty dollars~~ required 13814  
under this division, if no proceeding is pending under section 13815  
1707.13 or 1707.131 of the Revised Code. However, the division may 13816  
permit an earlier effective date by rule or by issuing a 13817  
certificate of acknowledgment for the registration by description. 13818

For an offering that exceeds fifty thousand dollars, a filing 13819  
fee of fifty dollars shall be submitted with the registration by 13820  
description. 13821

(E) In order to correct errors or omissions, a registration 13822  
by description may be amended by the person that originally filed 13823  
it, by the filing, in the same manner as in the case of an 13824  
original registration by description, of an amended registration 13825  
by description or of an amendment of the original registration by 13826  
description. 13827

(F) When transactions in any securities enumerated in section 13828

1707.06 of the Revised Code have been registered and the fees 13829  
prescribed by this section have been paid, the transactions may be 13830  
consummated so long as the registration remains in full force. 13831

**Sec. 1707.391.** When any securities have been sold in reliance 13832  
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 13833  
Revised Code, section 1707.08 of the Revised Code, or any other 13834  
section of this chapter that the division of securities may 13835  
specify by rule, but such reliance was improper because the 13836  
required filings were not timely or properly made due to excusable 13837  
neglect, upon the effective date of an application made to the 13838  
division and payment of ~~the required~~ any applicable fee, if 13839  
required and not already paid, ~~plus~~ and upon payment of a penalty 13840  
fee equal to the greater of the required fee or one hundred 13841  
dollars, the sale of the securities shall be deemed exempt, 13842  
qualified, or registered, as though timely and properly filed. The 13843  
application shall become effective upon the expiration of fourteen 13844  
days after the date of the filing in question if prior thereto the 13845  
division did not give notice to the applicant that the application 13846  
was denied based on a finding of lack of excusable neglect. The 13847  
division shall promptly adopt and promulgate rules establishing 13848  
provisions defining excusable neglect and otherwise establishing 13849  
reasonable standards for determining excusable neglect. 13850

The effectiveness of an application under this section does 13851  
not relieve anyone who has, other than for excusable neglect, 13852  
violated sections 1707.01 to 1707.45 of the Revised Code, or any 13853  
previous law in force at the time of sale, from prosecution 13854  
thereunder. 13855

**Sec. 1733.47.** Whenever the approval of the superintendent of 13856  
credit unions is required under this chapter, or under an order or 13857  
supervisory action issued or taken under this chapter, for a 13858  
person to serve as an organizer, incorporator, director, or 13859

executive officer of a credit union, or to otherwise participate 13860  
in the management of a credit union, the superintendent shall 13861  
request the superintendent of the bureau of criminal 13862  
identification and investigation, or a vendor approved by the 13863  
bureau, to conduct a criminal records check based on the person's 13864  
fingerprints in accordance with ~~division (A)(14)~~ of section 13865  
109.572 of the Revised Code. The superintendent of credit unions 13866  
shall request that criminal record information from the federal 13867  
bureau of investigation be obtained as part of the criminal 13868  
records check. Any fee required under division (C)(3) of section 13869  
109.572 of the Revised Code shall be paid by the person who is the 13870  
subject of the request. 13871

**Sec. 1751.01.** As used in this chapter: 13872

(A)(1) "Basic health care services" means the following 13873  
services when medically necessary: 13874

(a) Physician's services, except when such services are 13875  
supplemental under division (B) of this section; 13876

(b) Inpatient hospital services; 13877

(c) Outpatient medical services; 13878

(d) Emergency health services; 13879

(e) Urgent care services; 13880

(f) Diagnostic laboratory services and diagnostic and 13881  
therapeutic radiologic services; 13882

(g) Diagnostic and treatment services, other than 13883  
prescription drug services, for biologically based mental 13884  
illnesses; 13885

(h) Preventive health care services, including, but not 13886  
limited to, voluntary family planning services, infertility 13887  
services, periodic physical examinations, prenatal obstetrical 13888

care, and well-child care; 13889

(i) Routine patient care for patients enrolled in an eligible 13890  
cancer clinical trial pursuant to section 3923.80 of the Revised 13891  
Code. 13892

"Basic health care services" does not include experimental 13893  
procedures. 13894

Except as provided by divisions (A)(2) and (3) of this 13895  
section in connection with the offering of coverage for diagnostic 13896  
and treatment services for biologically based mental illnesses, a 13897  
health insuring corporation shall not offer coverage for a health 13898  
care service, defined as a basic health care service by this 13899  
division, unless it offers coverage for all listed basic health 13900  
care services. However, this requirement does not apply to the 13901  
coverage of beneficiaries enrolled in medicare pursuant to a 13902  
medicare contract, or to the coverage of beneficiaries enrolled in 13903  
the federal employee health benefits program pursuant to 5 13904  
U.S.C.A. 8905, or to the coverage of medicaid recipients, or to 13905  
the coverage of beneficiaries under any federal health care 13906  
program regulated by a federal regulatory body, or to the coverage 13907  
of beneficiaries under any contract covering officers or employees 13908  
of the state that has been entered into by the department of 13909  
administrative services. 13910

(2) A health insuring corporation may offer coverage for 13911  
diagnostic and treatment services for biologically based mental 13912  
illnesses without offering coverage for all other basic health 13913  
care services. A health insuring corporation may offer coverage 13914  
for diagnostic and treatment services for biologically based 13915  
mental illnesses alone or in combination with one or more 13916  
supplemental health care services. However, a health insuring 13917  
corporation that offers coverage for any other basic health care 13918  
service shall offer coverage for diagnostic and treatment services 13919  
for biologically based mental illnesses in combination with the 13920

offer of coverage for all other listed basic health care services. 13921

(3) A health insuring corporation that offers coverage for 13922  
basic health care services is not required to offer coverage for 13923  
diagnostic and treatment services for biologically based mental 13924  
illnesses in combination with the offer of coverage for all other 13925  
listed basic health care services if all of the following apply: 13926

(a) The health insuring corporation submits documentation 13927  
certified by an independent member of the American academy of 13928  
actuaries to the superintendent of insurance showing that incurred 13929  
claims for diagnostic and treatment services for biologically 13930  
based mental illnesses for a period of at least six months 13931  
independently caused the health insuring corporation's costs for 13932  
claims and administrative expenses for the coverage of basic 13933  
health care services to increase by more than one per cent per 13934  
year. 13935

(b) The health insuring corporation submits a signed letter 13936  
from an independent member of the American academy of actuaries to 13937  
the superintendent of insurance opining that the increase in costs 13938  
described in division (A)(3)(a) of this section could reasonably 13939  
justify an increase of more than one per cent in the annual 13940  
premiums or rates charged by the health insuring corporation for 13941  
the coverage of basic health care services. 13942

(c) The superintendent of insurance makes the following 13943  
determinations from the documentation and opinion submitted 13944  
pursuant to divisions (A)(3)(a) and (b) of this section: 13945

(i) Incurred claims for diagnostic and treatment services for 13946  
biologically based mental illnesses for a period of at least six 13947  
months independently caused the health insuring corporation's 13948  
costs for claims and administrative expenses for the coverage of 13949  
basic health care services to increase by more than one per cent 13950  
per year. 13951

(ii) The increase in costs reasonably justifies an increase 13952  
of more than one per cent in the annual premiums or rates charged 13953  
by the health insuring corporation for the coverage of basic 13954  
health care services. 13955

Any determination made by the superintendent under this 13956  
division is subject to Chapter 119. of the Revised Code. 13957

(B)(1) "Supplemental health care services" means any health 13958  
care services other than basic health care services that a health 13959  
insuring corporation may offer, alone or in combination with 13960  
either basic health care services or other supplemental health 13961  
care services, and includes: 13962

(a) Services of facilities for intermediate or long-term 13963  
care, or both; 13964

(b) Dental care services; 13965

(c) Vision care and optometric services including lenses and 13966  
frames; 13967

(d) Podiatric care or foot care services; 13968

(e) Mental health services, excluding diagnostic and 13969  
treatment services for biologically based mental illnesses; 13970

(f) Short-term outpatient evaluative and crisis-intervention 13971  
mental health services; 13972

(g) Medical or psychological treatment and referral services 13973  
for alcohol and drug abuse or addiction; 13974

(h) Home health services; 13975

(i) Prescription drug services; 13976

(j) Nursing services; 13977

(k) Services of a dietitian licensed under Chapter 4759. of 13978  
the Revised Code; 13979

(l) Physical therapy services; 13980



|                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (m) Chiropractic services;                                                                                                                                                                                                                                                                                                                                                                             | 13981                                                       |
| (n) Any other category of services approved by the superintendent of insurance.                                                                                                                                                                                                                                                                                                                        | 13982<br>13983                                              |
| (2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.                                                                                                                  | 13984<br>13985<br>13986<br>13987<br>13988                   |
| (C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.                                                                                                                        | 13989<br>13990<br>13991<br>13992<br>13993                   |
| (D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association. | 13994<br>13995<br>13996<br>13997<br>13998<br>13999<br>14000 |
| (E) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.                                                                                                                                                                                                                                                                                               | 14001<br>14002                                              |
| (F) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.                                                                                                                                                                                                                                       | 14003<br>14004<br>14005                                     |
| (G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.                                                                                                                                                                                                                                                         | 14006<br>14007<br>14008                                     |
| (H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another                                                                                                                                                                                                                                                                           | 14009<br>14010                                              |

state. 14011

(I) "Emergency health services" means those health care 14012  
services that must be available on a seven-days-per-week, 14013  
twenty-four-hours-per-day basis in order to prevent jeopardy to an 14014  
enrollee's health status that would occur if such services were 14015  
not received as soon as possible, and includes, where appropriate, 14016  
provisions for transportation and indemnity payments or service 14017  
agreements for out-of-area coverage. 14018

(J) "Enrollee" means any natural person who is entitled to 14019  
receive health care benefits provided by a health insuring 14020  
corporation. 14021

(K) "Evidence of coverage" means any certificate, agreement, 14022  
policy, or contract issued to a subscriber that sets out the 14023  
coverage and other rights to which such person is entitled under a 14024  
health care plan. 14025

(L) "Health care facility" means any facility, except a 14026  
health care practitioner's office, that provides preventive, 14027  
diagnostic, therapeutic, acute convalescent, rehabilitation, 14028  
mental health, mental retardation, intermediate care, or skilled 14029  
nursing services. 14030

(M) "Health care services" means basic, supplemental, and 14031  
specialty health care services. 14032

(N) "Health delivery network" means any group of providers or 14033  
health care facilities, or both, or any representative thereof, 14034  
that have entered into an agreement to offer health care services 14035  
in a panel rather than on an individual basis. 14036

(O) "Health insuring corporation" means a corporation, as 14037  
defined in division (H) of this section, that, pursuant to a 14038  
policy, contract, certificate, or agreement, pays for, reimburses, 14039  
or provides, delivers, arranges for, or otherwise makes available, 14040  
basic health care services, supplemental health care services, or 14041

specialty health care services, or a combination of basic health 14042  
care services and either supplemental health care services or 14043  
specialty health care services, through either an open panel plan 14044  
or a closed panel plan. 14045

"Health insuring corporation" does not include a limited 14046  
liability company formed pursuant to Chapter 1705. of the Revised 14047  
Code, an insurer licensed under Title XXXIX of the Revised Code if 14048  
that insurer offers only open panel plans under which all 14049  
providers and health care facilities participating receive their 14050  
compensation directly from the insurer, a corporation formed by or 14051  
on behalf of a political subdivision or a department, office, or 14052  
institution of the state, or a public entity formed by or on 14053  
behalf of a board of county commissioners, a county board of 14054  
developmental disabilities, an alcohol and drug addiction services 14055  
board, a board of alcohol, drug addiction, and mental health 14056  
services, or a community mental health board, as those terms are 14057  
used in Chapters 340. and 5126. of the Revised Code. Except as 14058  
provided by division (D) of section 1751.02 of the Revised Code, 14059  
or as otherwise provided by law, no board, commission, agency, or 14060  
other entity under the control of a political subdivision may 14061  
accept insurance risk in providing for health care services. 14062  
However, nothing in this division shall be construed as 14063  
prohibiting such entities from purchasing the services of a health 14064  
insuring corporation or a third-party administrator licensed under 14065  
Chapter 3959. of the Revised Code. 14066

(P) "Intermediary organization" means a health delivery 14067  
network or other entity that contracts with licensed health 14068  
insuring corporations or self-insured employers, or both, to 14069  
provide health care services, and that enters into contractual 14070  
arrangements with other entities for the provision of health care 14071  
services for the purpose of fulfilling the terms of its contracts 14072  
with the health insuring corporations and self-insured employers. 14073

(Q) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

(R) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(S) "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

(T) "Medicare" means the program established under Title XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 1395, as amended.

(U)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers.

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section 1751.11 of the Revised Code and a policy and certificate filing under section 3923.02 of the Revised Code.

(V) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following:

(1) Maintaining a department or service of osteopathic

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| <u>medicine or a committee on the utilization of osteopathic</u>                 | 14105 |
| <u>principles and methods, under the supervision of an osteopathic</u>           | 14106 |
| <u>physician;</u>                                                                | 14107 |
| <u>(2) Maintaining an active medical staff, the majority of</u>                  | 14108 |
| <u>which is comprised of osteopathic physicians;</u>                             | 14109 |
| <u>(3) Maintaining a medical staff executive committee that has</u>              | 14110 |
| <u>osteopathic physicians as a majority of its members.</u>                      | 14111 |
| <u>(W)</u> "Panel" means a group of providers or health care                     | 14112 |
| facilities that have joined together to deliver health care                      | 14113 |
| services through a contractual arrangement with a health insuring                | 14114 |
| corporation, employer group, or other payor.                                     | 14115 |
| <del>(W)</del> <u>(X)</u> "Person" has the same meaning as in section 1.59 of    | 14116 |
| the Revised Code, and, unless the context otherwise requires,                    | 14117 |
| includes any insurance company holding a certificate of authority                | 14118 |
| under Title XXXIX of the Revised Code, any subsidiary and                        | 14119 |
| affiliate of an insurance company, and any government agency.                    | 14120 |
| <del>(X)</del> <u>(Y)</u> "Premium rate" means any set fee regularly paid by a   | 14121 |
| subscriber to a health insuring corporation. A "premium rate" does               | 14122 |
| not include a one-time membership fee, an annual administrative                  | 14123 |
| fee, or a nominal access fee, paid to a managed health care system               | 14124 |
| under which the recipient of health care services remains solely                 | 14125 |
| responsible for any charges accessed for those services by the                   | 14126 |
| provider or health care facility.                                                | 14127 |
| <del>(Y)</del> <u>(Z)</u> "Primary care provider" means a provider that is       | 14128 |
| designated by a health insuring corporation to supervise,                        | 14129 |
| coordinate, or provide initial care or continuing care to an                     | 14130 |
| enrollee, and that may be required by the health insuring                        | 14131 |
| corporation to initiate a referral for specialty care and to                     | 14132 |
| maintain supervision of the health care services rendered to the                 | 14133 |
| enrollee.                                                                        | 14134 |
| <del>(Z)</del> <u>(AA)</u> "Provider" means any natural person or partnership of | 14135 |

natural persons who are licensed, certified, accredited, or 14136  
otherwise authorized in this state to furnish health care 14137  
services, or any professional association organized under Chapter 14138  
1785. of the Revised Code, provided that nothing in this chapter 14139  
or other provisions of law shall be construed to preclude a health 14140  
insuring corporation, health care practitioner, or organized 14141  
health care group associated with a health insuring corporation 14142  
from employing certified nurse practitioners, certified nurse 14143  
anesthetists, clinical nurse specialists, certified nurse 14144  
midwives, dietitians, physician assistants, dental assistants, 14145  
dental hygienists, optometric technicians, or other allied health 14146  
personnel who are licensed, certified, accredited, or otherwise 14147  
authorized in this state to furnish health care services. 14148

~~(AA)~~(BB) "Provider sponsored organization" means a 14149  
corporation, as defined in division (H) of this section, that is 14150  
at least eighty per cent owned or controlled by one or more 14151  
hospitals, as defined in section 3727.01 of the Revised Code, or 14152  
one or more physicians licensed to practice medicine or surgery or 14153  
osteopathic medicine and surgery under Chapter 4731. of the 14154  
Revised Code, or any combination of such physicians and hospitals. 14155  
Such control is presumed to exist if at least eighty per cent of 14156  
the voting rights or governance rights of a provider sponsored 14157  
organization are directly or indirectly owned, controlled, or 14158  
otherwise held by any combination of the physicians and hospitals 14159  
described in this division. 14160

~~(BB)~~(CC) "Solicitation document" means the written materials 14161  
provided to prospective subscribers or enrollees, or both, and 14162  
used for advertising and marketing to induce enrollment in the 14163  
health care plans of a health insuring corporation. 14164

~~(CC)~~(DD) "Subscriber" means a person who is responsible for 14165  
making payments to a health insuring corporation for participation 14166  
in a health care plan, or an enrollee whose employment or other 14167

status is the basis of eligibility for enrollment in a health 14168  
insuring corporation. 14169

~~(DD)~~(EE) "Urgent care services" means those health care 14170  
services that are appropriately provided for an unforeseen 14171  
condition of a kind that usually requires medical attention 14172  
without delay but that does not pose a threat to the life, limb, 14173  
or permanent health of the injured or ill person, and may include 14174  
such health care services provided out of the health insuring 14175  
corporation's approved service area pursuant to indemnity payments 14176  
or service agreements. 14177

**Sec. 1751.02.** (A) Notwithstanding any law in this state to 14178  
the contrary, any corporation, as defined in section 1751.01 of 14179  
the Revised Code, may apply to the superintendent of insurance for 14180  
a certificate of authority to establish and operate a health 14181  
insuring corporation. If the corporation applying for a 14182  
certificate of authority is a foreign corporation domiciled in a 14183  
state without laws similar to those of this chapter, the 14184  
corporation must form a domestic corporation to apply for, obtain, 14185  
and maintain a certificate of authority under this chapter. 14186

(B) No person shall establish, operate, or perform the 14187  
services of a health insuring corporation in this state without 14188  
obtaining a certificate of authority under this chapter. 14189

(C) Except as provided by division (D) of this section, no 14190  
political subdivision or department, office, or institution of 14191  
this state, or corporation formed by or on behalf of any political 14192  
subdivision or department, office, or institution of this state, 14193  
shall establish, operate, or perform the services of a health 14194  
insuring corporation. Nothing in this section shall be construed 14195  
to preclude a board of county commissioners, a county board of 14196  
developmental disabilities, an alcohol and drug addiction services 14197  
board, a board of alcohol, drug addiction, and mental health 14198

services, or a community mental health board, or a public entity 14199  
formed by or on behalf of any of these boards, from using managed 14200  
care techniques in carrying out the board's or public entity's 14201  
duties pursuant to the requirements of Chapters 307., 329., 340., 14202  
and 5126. of the Revised Code. However, no such board or public 14203  
entity may operate so as to compete in the private sector with 14204  
health insuring corporations holding certificates of authority 14205  
under this chapter. 14206

(D) A corporation formed by or on behalf of a publicly owned, 14207  
operated, or funded hospital or health care facility may apply to 14208  
the superintendent for a certificate of authority under division 14209  
(A) of this section to establish and operate a health insuring 14210  
corporation. 14211

(E) A health insuring corporation shall operate in this state 14212  
in compliance with this chapter and Chapter 1753. of the Revised 14213  
Code, ~~and with sections 3702.51 to 3702.62 of the Revised Code,~~ 14214  
and shall operate in conformity with its filings with the 14215  
superintendent under this chapter, including filings made pursuant 14216  
to sections 1751.03, 1751.11, 1751.12, and 1751.31 of the Revised 14217  
Code. 14218

(F) An insurer licensed under Title XXXIX of the Revised Code 14219  
need not obtain a certificate of authority as a health insuring 14220  
corporation to offer an open panel plan as long as the providers 14221  
and health care facilities participating in the open panel plan 14222  
receive their compensation directly from the insurer. If the 14223  
providers and health care facilities participating in the open 14224  
panel plan receive their compensation from any person other than 14225  
the insurer, or if the insurer offers a closed panel plan, the 14226  
insurer must obtain a certificate of authority as a health 14227  
insuring corporation. 14228

(G) An intermediary organization need not obtain a 14229  
certificate of authority as a health insuring corporation, 14230



regardless of the method of reimbursement to the intermediary 14231  
organization, as long as a health insuring corporation or a 14232  
self-insured employer maintains the ultimate responsibility to 14233  
assure delivery of all health care services required by the 14234  
contract between the health insuring corporation and the 14235  
subscriber and the laws of this state or between the self-insured 14236  
employer and its employees. 14237

Nothing in this section shall be construed to require any 14238  
health care facility, provider, health delivery network, or 14239  
intermediary organization that contracts with a health insuring 14240  
corporation or self-insured employer, regardless of the method of 14241  
reimbursement to the health care facility, provider, health 14242  
delivery network, or intermediary organization, to obtain a 14243  
certificate of authority as a health insuring corporation under 14244  
this chapter, unless otherwise provided, in the case of contracts 14245  
with a self-insured employer, by operation of the "Employee 14246  
Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C.A. 14247  
1001, as amended. 14248

(H) Any health delivery network doing business in this state, 14249  
including any health delivery network that is functioning as an 14250  
intermediary organization doing business in this state, that is 14251  
not required to obtain a certificate of authority under this 14252  
chapter shall certify to the superintendent annually, not later 14253  
than the first day of July, and shall provide a statement signed 14254  
by the highest ranking official which includes the following 14255  
information: 14256

(1) The health delivery network's full name and the address 14257  
of its principal place of business; 14258

(2) A statement that the health delivery network is not 14259  
required to obtain a certificate of authority under this chapter 14260  
to conduct its business. 14261

(I) The superintendent shall not issue a certificate of authority to a health insuring corporation that is a provider sponsored organization unless all health care plans to be offered by the health insuring corporation provide basic health care services. Substantially all of the physicians and hospitals with ownership or control of the provider sponsored organization, as defined in section 1751.01 of the Revised Code, shall also be participating providers for the provision of basic health care services for health care plans offered by the provider sponsored organization. If a health insuring corporation that is a provider sponsored organization offers health care plans that do not provide basic health care services, the health insuring corporation shall be deemed, for purposes of section 1751.35 of the Revised Code, to have failed to substantially comply with this chapter.

Except as specifically provided in this division and in division (A) of section 1751.28 of the Revised Code, the provisions of this chapter shall apply to all health insuring corporations that are provider sponsored organizations in the same manner that these provisions apply to all health insuring corporations that are not provider sponsored organizations.

(J) Nothing in this section shall be construed to apply to any multiple employer welfare arrangement operating pursuant to Chapter 1739. of the Revised Code.

(K) Any person who violates division (B) of this section, and any health delivery network that fails to comply with division (H) of this section, is subject to the penalties set forth in section 1751.45 of the Revised Code.

**Sec. 1751.13.** (A)(1)(a) A health insuring corporation shall, either directly or indirectly, enter into contracts for the provision of health care services with a sufficient number and

types of providers and health care facilities to ensure that all 14293  
covered health care services will be accessible to enrollees from 14294  
a contracted provider or health care facility. 14295

(b) A health insuring corporation shall not refuse to 14296  
contract with a physician for the provision of health care 14297  
services or refuse to recognize a physician as a specialist on the 14298  
basis that the physician attended an educational program or a 14299  
residency program approved or certified by the American 14300  
osteopathic association. A health insuring corporation shall not 14301  
refuse to contract with a health care facility for the provision 14302  
of health care services on the basis that the health care facility 14303  
is certified or accredited by the American osteopathic association 14304  
or that the health care facility is an osteopathic hospital ~~as~~ 14305  
~~defined in section 3702.51 of the Revised Code.~~ 14306

(c) Nothing in division (A)(1)(b) of this section shall be 14307  
construed to require a health insuring corporation to make a 14308  
benefit payment under a closed panel plan to a physician or health 14309  
care facility with which the health insuring corporation does not 14310  
have a contract, provided that none of the bases set forth in that 14311  
division are used as a reason for failing to make a benefit 14312  
payment. 14313

(2) When a health insuring corporation is unable to provide a 14314  
covered health care service from a contracted provider or health 14315  
care facility, the health insuring corporation must provide that 14316  
health care service from a noncontracted provider or health care 14317  
facility consistent with the terms of the enrollee's policy, 14318  
contract, certificate, or agreement. The health insuring 14319  
corporation shall either ensure that the health care service be 14320  
provided at no greater cost to the enrollee than if the enrollee 14321  
had obtained the health care service from a contracted provider or 14322  
health care facility, or make other arrangements acceptable to the 14323  
superintendent of insurance. 14324

(3) Nothing in this section shall prohibit a health insuring corporation from entering into contracts with out-of-state providers or health care facilities that are licensed, certified, accredited, or otherwise authorized in that state.

(B)(1) A health insuring corporation shall, either directly or indirectly, enter into contracts with all providers and health care facilities through which health care services are provided to its enrollees.

(2) A health insuring corporation, upon written request, shall assist its contracted providers in finding stop-loss or reinsurance carriers.

(C) A health insuring corporation shall file an annual certificate with the superintendent certifying that all provider contracts and contracts with health care facilities through which health care services are being provided contain the following:

(1) A description of the method by which the provider or health care facility will be notified of the specific health care services for which the provider or health care facility will be responsible, including any limitations or conditions on such services;

(2) The specific hold harmless provision specifying protection of enrollees set forth as follows:

"[Provider/Health Care Facility] agrees that in no event, including but not limited to nonpayment by the health insuring corporation, insolvency of the health insuring corporation, or breach of this agreement, shall [Provider/Health Care Facility] bill, charge, collect a deposit from, seek remuneration or reimbursement from, or have any recourse against, a subscriber, enrollee, person to whom health care services have been provided, or person acting on behalf of the covered enrollee, for health care services provided pursuant to this agreement. This does not

prohibit [Provider/Health Care Facility] from collecting 14356  
co-insurance, deductibles, or copayments as specifically provided 14357  
in the evidence of coverage, or fees for uncovered health care 14358  
services delivered on a fee-for-service basis to persons 14359  
referenced above, nor from any recourse against the health 14360  
insuring corporation or its successor." 14361

(3) Provisions requiring the provider or health care facility 14362  
to continue to provide covered health care services to enrollees 14363  
in the event of the health insuring corporation's insolvency or 14364  
discontinuance of operations. The provisions shall require the 14365  
provider or health care facility to continue to provide covered 14366  
health care services to enrollees as needed to complete any 14367  
medically necessary procedures commenced but unfinished at the 14368  
time of the health insuring corporation's insolvency or 14369  
discontinuance of operations. The completion of a medically 14370  
necessary procedure shall include the rendering of all covered 14371  
health care services that constitute medically necessary follow-up 14372  
care for that procedure. If an enrollee is receiving necessary 14373  
inpatient care at a hospital, the provisions may limit the 14374  
required provision of covered health care services relating to 14375  
that inpatient care in accordance with division (D)(3) of section 14376  
1751.11 of the Revised Code, and may also limit such required 14377  
provision of covered health care services to the period ending 14378  
thirty days after the health insuring corporation's insolvency or 14379  
discontinuance of operations. 14380

The provisions required by division (C)(3) of this section 14381  
shall not require any provider or health care facility to continue 14382  
to provide any covered health care service after the occurrence of 14383  
any of the following: 14384

(a) The end of the thirty-day period following the entry of a 14385  
liquidation order under Chapter 3903. of the Revised Code; 14386

(b) The end of the enrollee's period of coverage for a 14387

|                                                                    |       |
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| contractual prepayment or premium;                                 | 14388 |
| (c) The enrollee obtains equivalent coverage with another          | 14389 |
| health insuring corporation or insurer, or the enrollee's employer | 14390 |
| obtains such coverage for the enrollee;                            | 14391 |
| (d) The enrollee or the enrollee's employer terminates             | 14392 |
| coverage under the contract;                                       | 14393 |
| (e) A liquidator effects a transfer of the health insuring         | 14394 |
| corporation's obligations under the contract under division (A)(8) | 14395 |
| of section 3903.21 of the Revised Code.                            | 14396 |
| (4) A provision clearly stating the rights and                     | 14397 |
| responsibilities of the health insuring corporation, and of the    | 14398 |
| contracted providers and health care facilities, with respect to   | 14399 |
| administrative policies and programs, including, but not limited   | 14400 |
| to, payments systems, utilization review, quality assurance,       | 14401 |
| assessment, and improvement programs, credentialing,               | 14402 |
| confidentiality requirements, and any applicable federal or state  | 14403 |
| programs;                                                          | 14404 |
| (5) A provision regarding the availability and                     | 14405 |
| confidentiality of those health records maintained by providers    | 14406 |
| and health care facilities to monitor and evaluate the quality of  | 14407 |
| care, to conduct evaluations and audits, and to determine on a     | 14408 |
| concurrent or retrospective basis the necessity of and             | 14409 |
| appropriateness of health care services provided to enrollees. The | 14410 |
| provision shall include terms requiring the provider or health     | 14411 |
| care facility to make these health records available to            | 14412 |
| appropriate state and federal authorities involved in assessing    | 14413 |
| the quality of care or in investigating the grievances or          | 14414 |
| complaints of enrollees, and requiring the provider or health care | 14415 |
| facility to comply with applicable state and federal laws related  | 14416 |
| to the confidentiality of medical or health records.               | 14417 |
| (6) A provision that states that contractual rights and            | 14418 |

responsibilities may not be assigned or delegated by the provider 14419  
or health care facility without the prior written consent of the 14420  
health insuring corporation; 14421

(7) A provision requiring the provider or health care 14422  
facility to maintain adequate professional liability and 14423  
malpractice insurance. The provision shall also require the 14424  
provider or health care facility to notify the health insuring 14425  
corporation not more than ten days after the provider's or health 14426  
care facility's receipt of notice of any reduction or cancellation 14427  
of such coverage. 14428

(8) A provision requiring the provider or health care 14429  
facility to observe, protect, and promote the rights of enrollees 14430  
as patients; 14431

(9) A provision requiring the provider or health care 14432  
facility to provide health care services without discrimination on 14433  
the basis of a patient's participation in the health care plan, 14434  
age, sex, ethnicity, religion, sexual preference, health status, 14435  
or disability, and without regard to the source of payments made 14436  
for health care services rendered to a patient. This requirement 14437  
shall not apply to circumstances when the provider or health care 14438  
facility appropriately does not render services due to limitations 14439  
arising from the provider's or health care facility's lack of 14440  
training, experience, or skill, or due to licensing restrictions. 14441

(10) A provision containing the specifics of any obligation 14442  
on the primary care provider to provide, or to arrange for the 14443  
provision of, covered health care services twenty-four hours per 14444  
day, seven days per week; 14445

(11) A provision setting forth procedures for the resolution 14446  
of disputes arising out of the contract; 14447

(12) A provision stating that the hold harmless provision 14448  
required by division (C)(2) of this section shall survive the 14449

termination of the contract with respect to services covered and 14450  
provided under the contract during the time the contract was in 14451  
effect, regardless of the reason for the termination, including 14452  
the insolvency of the health insuring corporation; 14453

(13) A provision requiring those terms that are used in the 14454  
contract and that are defined by this chapter, be used in the 14455  
contract in a manner consistent with those definitions. 14456

This division does not apply to the coverage of beneficiaries 14457  
enrolled in medicare pursuant to a medicare risk contract or 14458  
medicare cost contract, or to the coverage of beneficiaries 14459  
enrolled in the federal employee health benefits program pursuant 14460  
to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or 14461  
to the coverage of beneficiaries under any federal health care 14462  
program regulated by a federal regulatory body, or to the coverage 14463  
of beneficiaries under any contract covering officers or employees 14464  
of the state that has been entered into by the department of 14465  
administrative services. 14466

(D)(1) No health insuring corporation contract with a 14467  
provider or health care facility shall contain any of the 14468  
following: 14469

(a) A provision that directly or indirectly offers an 14470  
inducement to the provider or health care facility to reduce or 14471  
limit medically necessary health care services to a covered 14472  
enrollee; 14473

(b) A provision that penalizes a provider or health care 14474  
facility that assists an enrollee to seek a reconsideration of the 14475  
health insuring corporation's decision to deny or limit benefits 14476  
to the enrollee; 14477

(c) A provision that limits or otherwise restricts the 14478  
provider's or health care facility's ethical and legal 14479  
responsibility to fully advise enrollees about their medical 14480



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| condition and about medically appropriate treatment options;                                                                                                                                                                                                                                                                                                                                                                                                                  | 14481                                                                |
| (d) A provision that penalizes a provider or health care facility for principally advocating for medically necessary health care services;                                                                                                                                                                                                                                                                                                                                    | 14482<br>14483<br>14484                                              |
| (e) A provision that penalizes a provider or health care facility for providing information or testimony to a legislative or regulatory body or agency. This shall not be construed to prohibit a health insuring corporation from penalizing a provider or health care facility that provides information or testimony that is libelous or slanderous or that discloses trade secrets which the provider or health care facility has no privilege or permission to disclose. | 14485<br>14486<br>14487<br>14488<br>14489<br>14490<br>14491<br>14492 |
| (f) A provision that violates Chapter 3963. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                              | 14493<br>14494                                                       |
| (2) Nothing in this division shall be construed to prohibit a health insuring corporation from doing either of the following:                                                                                                                                                                                                                                                                                                                                                 | 14495<br>14496                                                       |
| (a) Making a determination not to reimburse or pay for a particular medical treatment or other health care service;                                                                                                                                                                                                                                                                                                                                                           | 14497<br>14498                                                       |
| (b) Enforcing reasonable peer review or utilization review protocols, or determining whether a particular provider or health care facility has complied with these protocols.                                                                                                                                                                                                                                                                                                 | 14499<br>14500<br>14501                                              |
| (E) Any contract between a health insuring corporation and an intermediary organization shall clearly specify that the health insuring corporation must approve or disapprove the participation of any provider or health care facility with which the intermediary organization contracts.                                                                                                                                                                                   | 14502<br>14503<br>14504<br>14505<br>14506                            |
| (F) If an intermediary organization that is not a health delivery network contracting solely with self-insured employers subcontracts with a provider or health care facility, the subcontract with the provider or health care facility shall do all                                                                                                                                                                                                                         | 14507<br>14508<br>14509<br>14510                                     |

of the following: 14511

(1) Contain the provisions required by divisions (C) and (G) 14512  
of this section, as made applicable to an intermediary 14513  
organization, without the inclusion of inducements or penalties 14514  
described in division (D) of this section; 14515

(2) Acknowledge that the health insuring corporation is a 14516  
third-party beneficiary to the agreement; 14517

(3) Acknowledge the health insuring corporation's role in 14518  
approving the participation of the provider or health care 14519  
facility, pursuant to division (E) of this section. 14520

(G) Any provider contract or contract with a health care 14521  
facility shall clearly specify the health insuring corporation's 14522  
statutory responsibility to monitor and oversee the offering of 14523  
covered health care services to its enrollees. 14524

(H)(1) A health insuring corporation shall maintain its 14525  
provider contracts and its contracts with health care facilities 14526  
at one or more of its places of business in this state, and shall 14527  
provide copies of these contracts to facilitate regulatory review 14528  
upon written notice by the superintendent of insurance. 14529

(2) Any contract with an intermediary organization that 14530  
accepts compensation shall include provisions requiring the 14531  
intermediary organization to provide the superintendent with 14532  
regulatory access to all books, records, financial information, 14533  
and documents related to the provision of health care services to 14534  
subscribers and enrollees under the contract. The contract shall 14535  
require the intermediary organization to maintain such books, 14536  
records, financial information, and documents at its principal 14537  
place of business in this state and to preserve them for at least 14538  
three years in a manner that facilitates regulatory review. 14539

(I)(1) A health insuring corporation shall notify its 14540  
affected enrollees of the termination of a contract for the 14541

provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract.

(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or a dependent covered under the subscriber's health care coverage, has received health care services from the primary care physician within the previous twelve months or if the subscriber or dependent has selected the physician as the subscriber's or dependent's primary care physician within the previous twelve months.

(b) Notice shall be given to subscribers of the termination of a contract with a hospital if the subscriber, or a dependent covered under the subscriber's health care coverage, has received health care services from that hospital within the previous twelve months.

(2) The health insuring corporation shall pay, in accordance with the terms of the contract, for all covered health care services rendered to an enrollee by a primary care physician or hospital between the date of the termination of the contract and five days after the notification of the contract termination is mailed to a subscriber at the subscriber's last known address.

(J) Divisions (A) and (B) of this section do not apply to any health insuring corporation that, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1740. of the Revised Code.

(K) Nothing in this section shall restrict the governing body of a hospital from exercising the authority granted it pursuant to section 3701.351 of the Revised Code.

**Sec. 1761.26.** Whenever the approval of the superintendent of

credit unions is required under this chapter, or under an order or 14572  
supervisory action issued or taken under this chapter, for a 14573  
person to serve as an organizer, incorporator, director, or 14574  
executive officer of a credit union share guaranty corporation, or 14575  
to otherwise participate in the management of such a corporation, 14576  
the superintendent shall request the superintendent of the bureau 14577  
of criminal identification and investigation, or a vendor approved 14578  
by the bureau, to conduct a criminal records check based on the 14579  
person's fingerprints in accordance with ~~division (A)(14) of~~ 14580  
section 109.572 of the Revised Code. The superintendent of credit 14581  
unions shall request that criminal record information from the 14582  
federal bureau of investigation be obtained as part of the 14583  
criminal records check. Any fee required under division (C)(3) of 14584  
section 109.572 of the Revised Code shall be paid by the person 14585  
who is the subject of the request. 14586

**Sec. 1901.18.** (A) Except as otherwise provided in this 14587  
division or section 1901.181 of the Revised Code, subject to the 14588  
monetary jurisdiction of municipal courts as set forth in section 14589  
1901.17 of the Revised Code, a municipal court has original 14590  
jurisdiction within its territory in all of the following actions 14591  
or proceedings and to perform all of the following functions: 14592

(1) In any civil action, of whatever nature or remedy, of 14593  
which judges of county courts have jurisdiction; 14594

(2) In any action or proceeding at law for the recovery of 14595  
money or personal property of which the court of common pleas has 14596  
jurisdiction; 14597

(3) In any action at law based on contract, to determine, 14598  
preserve, and enforce all legal and equitable rights involved in 14599  
the contract, to decree an accounting, reformation, or 14600  
cancellation of the contract, and to hear and determine all legal 14601

and equitable remedies necessary or proper for a complete 14602  
determination of the rights of the parties to the contract; 14603

(4) In any action or proceeding for the sale of personal 14604  
property under chattel mortgage, lien, encumbrance, or other 14605  
charge, for the foreclosure and marshalling of liens on personal 14606  
property of that nature, and for the rendering of personal 14607  
judgment in the action or proceeding; 14608

(5) In any action or proceeding to enforce the collection of 14609  
its own judgments or the judgments rendered by any court within 14610  
the territory to which the municipal court has succeeded, and to 14611  
subject the interest of a judgment debtor in personal property to 14612  
satisfy judgments enforceable by the municipal court; 14613

(6) In any action or proceeding in the nature of 14614  
interpleader; 14615

(7) In any action of replevin; 14616

(8) In any action of forcible entry and detainer; 14617

(9) In any action concerning the issuance and enforcement of 14618  
temporary protection orders pursuant to section 2919.26 of the 14619  
Revised Code or protection orders pursuant to section 2903.213 of 14620  
the Revised Code or the enforcement of protection orders issued by 14621  
courts of another state, as defined in section 2919.27 of the 14622  
Revised Code; 14623

(10) If the municipal court has a housing or environmental 14624  
division, in any action over which the division is given 14625  
jurisdiction by section 1901.181 of the Revised Code, provided 14626  
that, except as specified in division (B) of that section, no 14627  
judge of the court other than the judge of the division shall hear 14628  
or determine any action over which the division has jurisdiction; 14629

(11) In any action brought pursuant to division (I) of 14630  
section ~~3733.11~~ 4781.40 of the Revised Code, if the residential 14631

premises that are the subject of the action are located within the territorial jurisdiction of the court;

(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;

(13) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog.

(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party.

(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars and the real property is situated within the territory, and, in those actions, the court may proceed to foreclose all liens and all vested and contingent rights and may proceed to render judgments and make findings and orders between the parties in the same manner and to the same extent as in similar actions in the court of common pleas.

(3) In all actions for the recovery of real property situated

within the territory to the same extent as courts of common pleas 14663  
have jurisdiction; 14664

(4) In all actions for injunction to prevent or terminate 14665  
violations of the ordinances and regulations of the city of 14666  
Cleveland enacted or promulgated under the police power of the 14667  
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 14668  
Constitution, over which the court of common pleas has or may have 14669  
jurisdiction, and, in those actions, the court may proceed to 14670  
render judgments and make findings and orders in the same manner 14671  
and to the same extent as in similar actions in the court of 14672  
common pleas. 14673

**Sec. 1909.11.** A county court judge has jurisdiction in any 14674  
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 14675  
of the Revised Code if the residential premises that are the 14676  
subject of the action are located within the territorial 14677  
jurisdiction of the judge's county court district. 14678

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 14679  
county or municipal court or a court of common pleas, within the 14680  
judge's proper area of jurisdiction, may inquire about persons who 14681  
make unlawful and forcible entry into lands or tenements and 14682  
detain them, and about persons who make a lawful and peaceable 14683  
entry into lands or tenements and hold them unlawfully and by 14684  
force. If, upon the inquiry, it is found that an unlawful and 14685  
forcible entry has been made and the lands or tenements are 14686  
detained, or that, after a lawful entry, lands or tenements are 14687  
held unlawfully and by force, a judge shall cause the plaintiff in 14688  
an action under this chapter to have restitution of the lands or 14689  
tenements. 14690

(B) An action shall be brought under this chapter within two 14691  
years after the cause of action accrues. 14692

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| (C) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 14693                                                                |
| (1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park, to the exclusion of others, except that as used in division (A)(6) of section 1923.02 and section 1923.051 of the Revised Code, "tenant" includes a manufactured home park resident.                                                                                                                                                  | 14694<br>14695<br>14696<br>14697<br>14698<br>14699                   |
| (2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.                                                                                                                                                                                            | 14700<br>14701<br>14702<br>14703<br>14704                            |
| (3) "Resident" has the same meaning as in section <del>3733.01</del> <u>4781.01</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                 | 14705<br>14706                                                       |
| (4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section <del>3733.01</del> <u>4781.01</u> of the Revised Code.                                                                                                                                                                                                                 | 14707<br>14708<br>14709<br>14710<br>14711                            |
| (5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code. | 14712<br>14713<br>14714<br>14715<br>14716<br>14717<br>14718<br>14719 |
| (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                               | 14720<br>14721                                                       |
| (7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                    | 14722<br>14723                                                       |



(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 14724  
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(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code. 14727  
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(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. 14729  
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(11) "Manufactured home park" has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land. 14731  
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(12) "Park operator" has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter ~~3733.~~ 4781. of the Revised Code. 14738  
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(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter. 14746  
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(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code. 14749  
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**Sec. 1923.02.** (A) Proceedings under this chapter may be had as follows: 14751  
14752

(1) Against tenants or manufactured home park residents 14753

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| holding over their terms;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 14754                                                                |
| (2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;                                                                                                                                                                                                                                                                                                                                      | 14755<br>14756<br>14757                                              |
| (3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;                                                                                                                                                                                                                                                                                                  | 14758<br>14759<br>14760<br>14761                                     |
| (4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;                                                                                                                                                                                                                                 | 14762<br>14763<br>14764<br>14765<br>14766                            |
| (5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;                                                                                                                                                                                                                                                                                                                                                                            | 14767<br>14768<br>14769                                              |
| (6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:                                                                                                                                                                                                                                 | 14770<br>14771<br>14772<br>14773<br>14774                            |
| (a) A tenant fails to vacate residential premises within three days after both of the following occur:                                                                                                                                                                                                                                                                                                                                                                                                                   | 14775<br>14776                                                       |
| (i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is | 14777<br>14778<br>14779<br>14780<br>14781<br>14782<br>14783<br>14784 |

connected with the premises, whether or not the tenant or other 14785  
person has been charged with, has pleaded guilty to or been 14786  
convicted of, or has been determined to be a delinquent child for 14787  
an act that, if committed by an adult, would be a violation as 14788  
described in this division. For purposes of this division, a 14789  
landlord has "actual knowledge of or has reasonable cause to 14790  
believe" that a tenant, any person in the tenant's household, or 14791  
any person on the premises with the consent of the tenant 14792  
previously has or presently is engaged in a violation as described 14793  
in this division if a search warrant was issued pursuant to 14794  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 14795  
affidavit presented to obtain the warrant named or described the 14796  
tenant or person as the individual to be searched and particularly 14797  
described the tenant's premises as the place to be searched, named 14798  
or described one or more controlled substances to be searched for 14799  
and seized, stated substantially the offense under Chapter 2925. 14800  
or 3719. of the Revised Code or the substantially similar 14801  
municipal ordinance that occurred in, is occurring in, or 14802  
otherwise was or is connected with the tenant's premises, and 14803  
states the factual basis for the affiant's belief that the 14804  
controlled substances are located on the tenant's premises; the 14805  
warrant was properly executed by a law enforcement officer and any 14806  
controlled substance described in the affidavit was found by that 14807  
officer during the search and seizure; and, subsequent to the 14808  
search and seizure, the landlord was informed by that or another 14809  
law enforcement officer of the fact that the tenant or person has 14810  
or presently is engaged in a violation as described in this 14811  
division and it occurred in, is occurring in, or otherwise was or 14812  
is connected with the tenant's premises. 14813

(ii) The landlord gives the tenant the notice required by 14814  
division (C) of section 5321.17 of the Revised Code. 14815

(b) The court determines, by a preponderance of the evidence, 14816

that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in division (A)(6)(a)(i) of this section.

(7) In cases arising out of Chapter 5313. of the Revised Code. In those cases, the court has the authority to declare a forfeiture of the vendee's rights under a land installment contract and to grant any other claims arising out of the contract.

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the ~~public health council~~ manufactured homes commission, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section ~~3733.13~~ 4781.45 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or

otherwise has been absent from the manufactured home park for a 14848  
period of thirty consecutive days prior to the commencement of an 14849  
action under this division and whose manufactured home or mobile 14850  
home, or recreational vehicle that is parked in the manufactured 14851  
home park, has been left unoccupied for that thirty-day period, 14852  
without notice to the park operator and without payment of rent 14853  
due under the rental agreement with the park operator; 14854

(13) Against occupants of self-service storage facilities, as 14855  
defined in division (A) of section 5322.01 of the Revised Code, 14856  
who have breached the terms of a rental agreement or violated 14857  
section 5322.04 of the Revised Code; 14858

(14) Against any resident or occupant who, pursuant to a 14859  
rental agreement, resides in or occupies residential premises 14860  
located within one thousand feet of any school premises or 14861  
preschool or child day-care center premises and to whom both of 14862  
the following apply: 14863

(a) The resident's or occupant's name appears on the state 14864  
registry of sex offenders and child-victim offenders maintained 14865  
under section 2950.13 of the Revised Code. 14866

(b) The state registry of sex offenders and child-victim 14867  
offenders indicates that the resident or occupant was convicted of 14868  
or pleaded guilty to a sexually oriented offense or a child-victim 14869  
oriented offense in a criminal prosecution and was not sentenced 14870  
to a serious youthful offender dispositional sentence for that 14871  
offense. 14872

(15) Against any tenant who permits any person to occupy 14873  
residential premises located within one thousand feet of any 14874  
school premises or preschool or child day-care center premises if 14875  
both of the following apply to the person: 14876

(a) The person's name appears on the state registry of sex 14877  
offenders and child-victim offenders maintained under section 14878

2950.13 of the Revised Code. 14879

(b) The state registry of sex offenders and child-victim 14880  
offenders indicates that the person was convicted of or pleaded 14881  
guilty to a sexually oriented offense or a child-victim oriented 14882  
offense in a criminal prosecution and was not sentenced to a 14883  
serious youthful offender dispositional sentence for that offense. 14884

(B) If a tenant or manufactured home park resident holding 14885  
under an oral tenancy is in default in the payment of rent, the 14886  
tenant or resident forfeits the right of occupancy, and the 14887  
landlord may, at the landlord's option, terminate the tenancy by 14888  
notifying the tenant or resident, as provided in section 1923.04 14889  
of the Revised Code, to leave the premises, for the restitution of 14890  
which an action may then be brought under this chapter. 14891

(C)(1) If a tenant or any other person with the tenant's 14892  
permission resides in or occupies residential premises that are 14893  
located within one thousand feet of any school premises and is a 14894  
resident or occupant of the type described in division (A)(14) of 14895  
this section or a person of the type described in division (A)(15) 14896  
of this section, the landlord for those residential premises, upon 14897  
discovery that the tenant or other person is a resident, occupant, 14898  
or person of that nature, may terminate the rental agreement or 14899  
tenancy for those residential premises by notifying the tenant and 14900  
all other occupants, as provided in section 1923.04 of the Revised 14901  
Code, to leave the premises. 14902

(2) If a landlord is authorized to terminate a rental 14903  
agreement or tenancy pursuant to division (C)(1) of this section 14904  
but does not so terminate the rental agreement or tenancy, the 14905  
landlord is not liable in a tort or other civil action in damages 14906  
for any injury, death, or loss to person or property that 14907  
allegedly result from that decision. 14908

(D) This chapter does not apply to a student tenant as 14909

defined by division (H) of section 5321.01 of the Revised Code 14910  
when the college or university proceeds to terminate a rental 14911  
agreement pursuant to section 5321.031 of the Revised Code. 14912

**Sec. 1923.061.** (A) Any defense in an action under this 14913  
chapter may be asserted at trial. 14914

(B) In an action for possession of residential premises based 14915  
upon nonpayment of the rent or in an action for rent when the 14916  
tenant or manufactured home park resident is in possession, the 14917  
tenant or resident may counterclaim for any amount ~~he~~ the tenant  
or resident may recover under the rental agreement or under 14918  
Chapter ~~3733.~~ 4781. or 5321. of the Revised Code. In that event, 14919  
the court from time to time may order the tenant or resident to 14920  
pay into court all or part of the past due rent and rent becoming 14921  
due during the pendency of the action. After trial and judgment, 14922  
the party to whom a net judgment is owed shall be paid first from 14923  
the money paid into court, and any balance shall be satisfied as 14924  
any other judgment. If no rent remains due after application of 14925  
this division, judgment shall be entered for the tenant or 14926  
resident in the action for possession. If the tenant or resident 14927  
has paid into court an amount greater than that necessary to 14928  
satisfy a judgment obtained by the landlord, the balance shall be 14929  
returned by the court to the tenant or resident. 14930  
14931

**Sec. 1923.15.** During any proceeding involving residential 14932  
premises under this chapter, the court may order an appropriate 14933  
governmental agency to inspect the residential premises. If the 14934  
agency determines and the court finds conditions which constitute 14935  
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 14936  
Code, and if the premises have been vacated or are to be restored 14937  
to the landlord, the court may issue an order forbidding the 14938  
re-rental of the property until such conditions are corrected. If 14939  
the agency determines and the court finds such conditions, and if 14940

the court finds that the tenant or manufactured home park resident 14941  
may remain in possession, the court may order such conditions 14942  
corrected. If such conditions have been caused by the tenant or 14943  
resident, the court may award damages to the landlord equal to the 14944  
reasonable cost of correcting such conditions. 14945

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 14946  
entity that appoints or employs any person responsible for a 14947  
child's care in out-of-home care shall request the superintendent 14948  
of BCII to conduct a criminal records check with respect to any 14949  
person who is under final consideration for appointment or 14950  
employment as a person responsible for a child's care in 14951  
out-of-home care, except that section 3319.39 of the Revised Code 14952  
shall apply instead of this section if the out-of-home care entity 14953  
is a public school, educational service center, or chartered 14954  
nonpublic school. 14955

(2) At the times specified in this division, the 14956  
administrative director of an agency, or attorney, who arranges an 14957  
adoption for a prospective adoptive parent shall request the 14958  
superintendent of BCII to conduct a criminal records check with 14959  
respect to that prospective adoptive parent and a criminal records 14960  
check with respect to all persons eighteen years of age or older 14961  
who reside with the prospective adoptive parent. The 14962  
administrative director or attorney shall request a criminal 14963  
records check pursuant to this division at the time of the initial 14964  
home study, every four years after the initial home study at the 14965  
time of an update, and at the time that an adoptive home study is 14966  
completed as a new home study. 14967

(3) Before a recommending agency submits a recommendation to 14968  
the department of job and family services on whether the 14969  
department should issue a certificate to a foster home under 14970  
section 5103.03 of the Revised Code, and every four years 14971



thereafter prior to a recertification under that section, the 14972  
administrative director of the agency shall request that the 14973  
superintendent of BCII conduct a criminal records check with 14974  
respect to the prospective foster caregiver and a criminal records 14975  
check with respect to all other persons eighteen years of age or 14976  
older who reside with the foster caregiver. 14977

(B)(1) If a person subject to a criminal records check under 14978  
division (A)(1) of this section does not present proof that the 14979  
person has been a resident of this state for the five-year period 14980  
immediately prior to the date upon which the criminal records 14981  
check is requested or does not provide evidence that within that 14982  
five-year period the superintendent of BCII has requested 14983  
information about the person from the federal bureau of 14984  
investigation in a criminal records check, the appointing or 14985  
hiring officer shall request that the superintendent of BCII 14986  
obtain information from the federal bureau of investigation as a 14987  
part of the criminal records check, including fingerprint-based 14988  
checks of national crime information databases as described in 42 14989  
U.S.C. 671. If a person subject to a criminal records check under 14990  
division (A)(1) of this section presents proof that the person has 14991  
been a resident of this state for that five-year period, the 14992  
appointing or hiring officer or attorney may request that the 14993  
superintendent of BCII include information from the federal bureau 14994  
of investigation in the criminal records check, including 14995  
fingerprint-based checks of national crime information databases 14996  
as described in 42 U.S.C. 671. 14997

When the administrative director of an agency, or attorney, 14998  
who arranges an adoption for a prospective parent requests, at the 14999  
time of the initial home study, a criminal records check for a 15000  
person pursuant to division (A)(2) of this section, the 15001  
administrative director or attorney shall request that the 15002  
superintendent of BCII obtain information from the federal bureau 15003

of investigation as part of the criminal records check, including 15004  
fingerprint\_based checks of national crime information databases 15005  
as described in 42 U.S.C. 671, for the person subject to the 15006  
criminal records check. In all other cases in which the 15007  
administrative director of an agency, or attorney, who arranges an 15008  
adoption for a prospective parent requests a criminal records 15009  
check for a person pursuant to division (A)(2) of this section, 15010  
the administrative director or attorney may request that the 15011  
superintendent of BCII include information from the federal bureau 15012  
of investigation in the criminal records check, including 15013  
fingerprint\_based checks of national crime information databases 15014  
as described in 42 U.S.C. 671. 15015

When the administrative director of a recommending agency 15016  
requests, before submitting a recommendation to the department of 15017  
job and family services on whether the department should issue a 15018  
certificate to a foster home under section 5103.03 of the Revised 15019  
Code, a criminal records check for a person pursuant to division 15020  
(A)(3) of this section, the administrative director shall request 15021  
that the superintendent of BCII obtain information from the 15022  
federal bureau of investigation as part of a criminal records 15023  
check, including fingerprint\_based checks of national crime 15024  
information databases as described in 42 U.S.C. 671, for the 15025  
person subject to the criminal records check. In all other cases 15026  
in which the administrative director of a recommending agency 15027  
requests a criminal records check for a person pursuant to 15028  
division (A)(3) of this section, the administrative director may 15029  
request that the superintendent of BCII include information from 15030  
the federal bureau of investigation in the criminal records check, 15031  
including fingerprint\_based checks of national crime information 15032  
databases as described in 42 U.S.C. 671. 15033

Prior to a hearing on a final decree of adoption or 15034  
interlocutory order of adoption by a probate court, the 15035

administrative director of an agency, or an attorney, who arranges 15036  
an adoption for a prospective parent shall provide to the clerk of 15037  
the probate court either of the following: 15038

(a) Any information received pursuant to a request made under 15039  
this division from the superintendent of BCII or the federal 15040  
bureau of investigation as part of the criminal records check, 15041  
including fingerprint-based checks of national crime information 15042  
databases as described in 42 U.S.C. 671, for the person subject to 15043  
the criminal records check; 15044

(b) Written notification that the person subject to a 15045  
criminal records check pursuant to this division failed upon 15046  
request to provide the information necessary to complete the form 15047  
or failed to provide impressions of the person's fingerprints as 15048  
required under division (B)(2) of this section. 15049

(2) An appointing or hiring officer, administrative director, 15050  
or attorney required by division (A) of this section to request a 15051  
criminal records check shall provide to each person subject to a 15052  
criminal records check a copy of the form prescribed pursuant to 15053  
division (C)(1) of section 109.572 of the Revised Code and a 15054  
standard impression sheet to obtain fingerprint impressions 15055  
prescribed pursuant to division (C)(2) of section 109.572 of the 15056  
Revised Code, obtain the completed form and impression sheet from 15057  
the person, and forward the completed form and impression sheet to 15058  
the superintendent of BCII at the time the criminal records check 15059  
is requested. 15060

Any person subject to a criminal records check who receives 15061  
pursuant to this division a copy of the form prescribed pursuant 15062  
to division (C)(1) of section 109.572 of the Revised Code and a 15063  
copy of an impression sheet prescribed pursuant to division (C)(2) 15064  
of that section and who is requested to complete the form and 15065  
provide a set of fingerprint impressions shall complete the form 15066  
or provide all the information necessary to complete the form and 15067

shall provide the impression sheet with the impressions of the 15068  
person's fingerprints. If a person subject to a criminal records 15069  
check, upon request, fails to provide the information necessary to 15070  
complete the form or fails to provide impressions of the person's 15071  
fingerprints, the appointing or hiring officer shall not appoint 15072  
or employ the person as a person responsible for a child's care in 15073  
out-of-home care, a probate court may not issue a final decree of 15074  
adoption or an interlocutory order of adoption making the person 15075  
an adoptive parent, and the department of job and family services 15076  
shall not issue a certificate authorizing the prospective foster 15077  
caregiver to operate a foster home. 15078

(C)(1) No appointing or hiring officer shall appoint or 15079  
employ a person as a person responsible for a child's care in 15080  
out-of-home care, the department of job and family services shall 15081  
not issue a certificate under section 5103.03 of the Revised Code 15082  
authorizing a prospective foster caregiver to operate a foster 15083  
home, and no probate court shall issue a final decree of adoption 15084  
or an interlocutory order of adoption making a person an adoptive 15085  
parent if the person or, in the case of a prospective foster 15086  
caregiver or prospective adoptive parent, any person eighteen 15087  
years of age or older who resides with the prospective foster 15088  
caregiver or prospective adoptive parent previously has been 15089  
convicted of or pleaded guilty to any of the violations described 15090  
in division (A)~~(8)~~(5) of section 109.572 of the Revised Code, 15091  
unless the person meets rehabilitation standards established in 15092  
rules adopted under division (F) of this section. 15093

(2) The appointing or hiring officer may appoint or employ a 15094  
person as a person responsible for a child's care in out-of-home 15095  
care conditionally until the criminal records check required by 15096  
this section is completed and the officer receives the results of 15097  
the criminal records check. If the results of the criminal records 15098  
check indicate that, pursuant to division (C)(1) of this section, 15099

the person subject to the criminal records check does not qualify 15100  
for appointment or employment, the officer shall release the 15101  
person from appointment or employment. 15102

(3) Prior to certification or recertification under section 15103  
5103.03 of the Revised Code, the prospective foster caregiver 15104  
subject to a criminal records check under division (A)(3) of this 15105  
section shall notify the recommending agency of the revocation of 15106  
any foster home license, certificate, or other similar 15107  
authorization in another state occurring within the five years 15108  
prior to the date of application to become a foster caregiver in 15109  
this state. The failure of a prospective foster caregiver to 15110  
notify the recommending agency of any revocation of that type in 15111  
another state that occurred within that five-year period shall be 15112  
grounds for denial of the person's foster home application or the 15113  
revocation of the person's foster home certification, whichever is 15114  
applicable. If a person has had a revocation in another state 15115  
within the five years prior to the date of the application, the 15116  
department of job and family services shall not issue a foster 15117  
home certificate to the prospective foster caregiver. 15118

(D) The appointing or hiring officer, administrative 15119  
director, or attorney shall pay to the bureau of criminal 15120  
identification and investigation the fee prescribed pursuant to 15121  
division (C)(3) of section 109.572 of the Revised Code for each 15122  
criminal records check conducted in accordance with that section 15123  
upon a request pursuant to division (A) of this section. The 15124  
officer, director, or attorney may charge the person subject to 15125  
the criminal records check a fee for the costs the officer, 15126  
director, or attorney incurs in obtaining the criminal records 15127  
check. A fee charged under this division shall not exceed the 15128  
amount of fees the officer, director, or attorney pays for the 15129  
criminal records check. If a fee is charged under this division, 15130  
the officer, director, or attorney shall notify the person who is 15131

the applicant at the time of the person's initial application for 15132  
appointment or employment, an adoption to be arranged, or a 15133  
certificate to operate a foster home of the amount of the fee and 15134  
that, unless the fee is paid, the person who is the applicant will 15135  
not be considered for appointment or employment or as an adoptive 15136  
parent or foster caregiver. 15137

(E) The report of any criminal records check conducted by the 15138  
bureau of criminal identification and investigation in accordance 15139  
with section 109.572 of the Revised Code and pursuant to a request 15140  
made under division (A) of this section is not a public record for 15141  
the purposes of section 149.43 of the Revised Code and shall not 15142  
be made available to any person other than the following: 15143

(1) The person who is the subject of the criminal records 15144  
check or the person's representative; 15145

(2) The appointing or hiring officer, administrative 15146  
director, or attorney requesting the criminal records check or the 15147  
officer's, director's, or attorney's representative; 15148

(3) The department of job and family services, a county 15149  
department of job and family services, or a public children 15150  
services agency; 15151

(4) Any court, hearing officer, or other necessary individual 15152  
involved in a case dealing with the denial of employment, a final 15153  
decree of adoption or interlocutory order of adoption, or a foster 15154  
home certificate. 15155

(F) The director of job and family services shall adopt rules 15156  
in accordance with Chapter 119. of the Revised Code to implement 15157  
this section. The rules shall include rehabilitation standards a 15158  
person who has been convicted of or pleaded guilty to an offense 15159  
listed in division (A)~~(4)~~(5) of section 109.572 of the Revised 15160  
Code must meet for an appointing or hiring officer to appoint or 15161  
employ the person as a person responsible for a child's care in 15162

out-of-home care, a probate court to issue a final decree of 15163  
adoption or interlocutory order of adoption making the person an 15164  
adoptive parent, or the department to issue a certificate 15165  
authorizing the prospective foster caregiver to operate a foster 15166  
home or not revoke a foster home certificate for a violation 15167  
specified in section 5103.0328 of the Revised Code. 15168

(G) An appointing or hiring officer, administrative director, 15169  
or attorney required by division (A) of this section to request a 15170  
criminal records check shall inform each person who is the 15171  
applicant, at the time of the person's initial application for 15172  
appointment or employment, an adoption to be arranged, or a foster 15173  
home certificate, that the person subject to the criminal records 15174  
check is required to provide a set of impressions of the person's 15175  
fingerprints and that a criminal records check is required to be 15176  
conducted and satisfactorily completed in accordance with section 15177  
109.572 of the Revised Code. 15178

(H) The department of job and family services may waive the 15179  
requirement that a criminal records check based on fingerprints be 15180  
conducted for an adult resident of a prospective adoptive or 15181  
foster home or the home of a foster caregiver if the recommending 15182  
agency documents to the department's satisfaction that the adult 15183  
resident is physically unable to comply with the fingerprinting 15184  
requirement and poses no danger to foster children or adoptive 15185  
children who may be placed in the home. In such cases, the 15186  
recommending or approving agency shall request that the bureau of 15187  
criminal identification and investigation conduct a criminal 15188  
records check using the person's name and social security number. 15189

(I) As used in this section: 15190

(1) "Children's hospital" means any of the following: 15191

(a) A hospital registered under section 3701.07 of the 15192  
Revised Code that provides general pediatric medical and surgical 15193

care, and in which at least seventy-five per cent of annual 15194  
inpatient discharges for the preceding two calendar years were 15195  
individuals less than eighteen years of age; 15196

(b) A distinct portion of a hospital registered under section 15197  
3701.07 of the Revised Code that provides general pediatric 15198  
medical and surgical care, has a total of at least one hundred 15199  
fifty registered pediatric special care and pediatric acute care 15200  
beds, and in which at least seventy-five per cent of annual 15201  
inpatient discharges for the preceding two calendar years were 15202  
individuals less than eighteen years of age; 15203

(c) A distinct portion of a hospital, if the hospital is 15204  
registered under section 3701.07 of the Revised Code as a 15205  
children's hospital and the children's hospital meets all the 15206  
requirements of division (I)(1)(a) of this section. 15207

(2) "Criminal records check" has the same meaning as in 15208  
section 109.572 of the Revised Code. 15209

(3) "Person responsible for a child's care in out-of-home 15210  
care" has the same meaning as in section 2151.011 of the Revised 15211  
Code, except that it does not include a prospective employee of 15212  
the department of youth services or a person responsible for a 15213  
child's care in a hospital or medical clinic other than a 15214  
children's hospital. 15215

(4) "Person subject to a criminal records check" means the 15216  
following: 15217

(a) A person who is under final consideration for appointment 15218  
or employment as a person responsible for a child's care in 15219  
out-of-home care; 15220

(b) A prospective adoptive parent; 15221

(c) A prospective foster caregiver; 15222

(d) A person eighteen years old or older who resides with a 15223



prospective foster caregiver or a prospective adoptive parent. 15224

(5) "Recommending agency" means a public children services 15225  
agency, private child placing agency, or private noncustodial 15226  
agency to which the department of job and family services has 15227  
delegated a duty to inspect and approve foster homes. 15228

(6) "Superintendent of BCII" means the superintendent of the 15229  
bureau of criminal identification and investigation. 15230

**Sec. 2152.121.** (A) If a complaint is filed against a child 15231  
alleging that the child is a delinquent child and the case is 15232  
transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of 15233  
section 2152.12 of the Revised Code, the juvenile court that 15234  
transferred the case shall retain jurisdiction for purposes of 15235  
making disposition of the child when required under division (B) 15236  
of this section. 15237

(B) If a complaint is filed against a child alleging that the 15238  
child is a delinquent child, if the case is transferred pursuant 15239  
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of 15240  
the Revised Code, and if the child subsequently is convicted of or 15241  
pleads guilty to an offense in that case, the sentence to be 15242  
imposed or disposition to be made of the child shall be determined 15243  
as follows: 15244

(1) The court in which the child is convicted of or pleads 15245  
guilty to the offense shall determine whether, had a complaint 15246  
been filed in juvenile court alleging that the child was a 15247  
delinquent child for committing an act that would be that offense 15248  
if committed by an adult, division (A) of section 2152.12 of the 15249  
Revised Code would have required mandatory transfer of the case or 15250  
division (B) of that section would have allowed discretionary 15251  
transfer of the case. The court shall not consider the factor 15252  
specified in division (B)(3) of section 2152.12 of the Revised 15253  
Code in making its determination under this division. 15254

(2) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required mandatory transfer of the case, and division (B) of that section would not have allowed discretionary transfer of the case, the court shall transfer jurisdiction of the case back to the juvenile court that initially transferred the case, the court and all other agencies that have any record of the conviction of the child or the child's guilty plea shall expunge the conviction or guilty plea and all records of it, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have never occurred, the conviction or guilty plea shall be considered and treated for all purposes other than as provided in this section to have been a delinquent child adjudication of the child, and the juvenile court shall impose one or more traditional juvenile dispositions upon the child under sections 2152.19 and 2152.20 of the Revised Code.

(3) If the court in which the child is convicted of or pleads guilty to the offense determines under division (B)(1) of this section that, had a complaint been filed in juvenile court alleging that the child was a delinquent child for committing an act that would be that offense if committed by an adult, division (A) of section 2152.12 of the Revised Code would not have required mandatory transfer of the case but division (B) of that section would have allowed discretionary transfer of the case, the court shall determine the sentence it believes should be imposed upon the child under Chapter 2929. of the Revised Code, shall impose that sentence upon the child, and shall stay that sentence pending completion of the procedures specified in this division. Upon imposition and staying of the sentence, the court shall transfer

jurisdiction of the case back to the juvenile court that initially 15288  
transferred the case and the juvenile court shall proceed in 15289  
accordance with this division. In no case may the child waive a 15290  
right to a hearing of the type described in division (B)(3)(b) of 15291  
this section, regarding a motion filed as described in that 15292  
division by the prosecuting attorney in the case. Upon transfer of 15293  
jurisdiction of the case back to the juvenile court, both of the 15294  
following apply: 15295

(a) Except as otherwise provided in division (B)(3)(b) of 15296  
this section, the juvenile court shall impose a serious youthful 15297  
offender dispositional sentence upon the child under division 15298  
(D)(1) of section 2152.13 of the Revised Code. In imposing the 15299  
adult portion of that sentence, the juvenile court shall consider 15300  
and give preference to the sentence imposed upon the child by the 15301  
court in which the child was convicted of or pleaded guilty to the 15302  
offense. Upon imposing a serious youthful offender dispositional 15303  
sentence upon the child as described in this division, the 15304  
juvenile court shall notify the court in which the child was 15305  
convicted of or pleaded guilty to the offense, the sentence 15306  
imposed upon the child by that court shall terminate, the court 15307  
and all other agencies that have any record of the conviction of 15308  
the child shall expunge the conviction or guilty plea and all 15309  
records of it, the conviction or guilty plea shall be considered 15310  
and treated for all purposes other than as provided in this 15311  
section to have never occurred, and the conviction or guilty plea 15312  
shall be considered and treated for all purposes other than as 15313  
provided in this section to have been a delinquent child 15314  
adjudication of the child. 15315

(b) Upon the transfer, the prosecuting attorney in the case 15316  
may file a motion in the juvenile court that objects to the 15317  
imposition of a serious youthful offender dispositional sentence 15318  
upon the child and requests that the sentence imposed upon the 15319

child by the court in which the child was convicted of or pleaded 15320  
guilty to the offense be invoked. Upon the filing of a motion 15321  
under this division, the juvenile court shall hold a hearing to 15322  
determine whether the child is not amenable to care or 15323  
rehabilitation within the juvenile system and whether the safety 15324  
of the community may require that the child be subject solely to 15325  
adult sanctions. If the juvenile court at the hearing finds that 15326  
the child is not amenable to care or rehabilitation within the 15327  
juvenile system or that the safety of the community may require 15328  
that the child be subject solely to adult sanctions, the court 15329  
shall grant the motion. Absent such a finding, the juvenile court 15330  
shall deny the motion. In making its decision under this division, 15331  
the juvenile court shall consider the factors listed in division 15332  
(D) of section 2152.12 of the Revised Code as factors indicating 15333  
that the motion should be granted, shall consider the factors 15334  
listed in division (E) of that section as factors indicating that 15335  
the motion should not be granted, and shall consider whether the 15336  
applicable factors listed in division (D) of that section outweigh 15337  
the applicable factors listed in division (E) of that section. 15338

If the juvenile court grants the motion of the prosecuting 15339  
attorney under this division, the juvenile court shall transfer 15340  
jurisdiction of the case back to the court in which the child was 15341  
convicted of or pleaded guilty to the offense, and the sentence 15342  
imposed by that court shall be invoked. If the juvenile court 15343  
denies the motion of the prosecuting attorney under this section, 15344  
the juvenile court shall impose a serious youthful offender 15345  
dispositional sentence upon the child in accordance with division 15346  
(B)(3)(a) of this section. 15347

(4) If the court in which the child is convicted of or pleads 15348  
guilty to the offense determines under division (B)(1) of this 15349  
section that, had a complaint been filed in juvenile court 15350  
alleging that the child was a delinquent child for committing an 15351

act that would be that offense if committed by an adult, division 15352  
(A) of section 2152.12 of the Revised Code would have required 15353  
mandatory transfer of the case, the court shall impose sentence 15354  
upon the child under Chapter 2929. of the Revised Code. 15355

**Sec. 2152.22.** (A) When a child is committed to the legal 15356  
custody of the department of youth services under this chapter, 15357  
the juvenile court relinquishes control with respect to the child 15358  
so committed, except as provided in divisions (B), (C), (D), and 15359  
(H) of this section or in sections 2152.82 to 2152.86 of the 15360  
Revised Code. Subject to divisions (B), (C), and (D) of this 15361  
section, sections 2151.353 and 2151.412 to 2151.421 of the Revised 15362  
Code, sections 2152.82 to 2152.86 of the Revised Code, and any 15363  
other provision of law that specifies a different duration for a 15364  
dispositional order, all other dispositional orders made by the 15365  
court under this chapter shall be temporary and shall continue for 15366  
a period that is designated by the court in its order, until 15367  
terminated or modified by the court or until the child attains 15368  
twenty-one years of age. 15369

The department shall not release the child from a department 15370  
facility and as a result shall not discharge the child or order 15371  
the child's release on supervised release prior to the expiration 15372  
of the minimum period specified by the court in division (A)(1) of 15373  
section 2152.16 of the Revised Code and any term of commitment 15374  
imposed under section 2152.17 of the Revised Code or prior to the 15375  
child's attainment of twenty-one years of age, except upon the 15376  
order of a court pursuant to division (B), (C), or (D) of this 15377  
section or in accordance with section 5139.54 of the Revised Code. 15378

(B)(1) The Unless the court grants judicial release under 15379  
division (D)(1)(b) of this section, the court that commits a 15380  
delinquent child to the department of youth services may grant 15381  
judicial release of the child to court supervision under this 15382

division during the first half of the prescribed minimum term for 15383  
which the child was committed to the department or, if the child 15384  
was committed to the department until the child attains twenty-one 15385  
years of age, during the first half of the prescribed period of 15386  
commitment that begins on the first day of commitment and ends on 15387  
the child's twenty-first birthday, provided any commitment imposed 15388  
under division (A), (B), (C), or (D) of section 2152.17 of the 15389  
Revised Code has ended. 15390

(2) If the department desires to release a child during a 15391  
period specified in division (B)(1) of this section, it shall 15392  
request the court that committed the child to grant a judicial 15393  
release of the child to court supervision under this division. 15394  
During whichever of those periods is applicable, the child or the 15395  
parents of the child also may request that court to grant a 15396  
judicial release of the child to court supervision. Upon receipt 15397  
of a request for a judicial release to court supervision under 15398  
this division from the department, the child, or the child's 15399  
parent, or upon its own motion, the court that committed the child 15400  
shall do one of the following: approve the release by journal 15401  
entry; schedule within thirty days after the request is received a 15402  
time for a hearing on whether the child is to be released; or 15403  
reject the request by journal entry without conducting a hearing. 15404

If the court rejects an initial request for a release under 15405  
this division by the child or the child's parent, the child or the 15406  
child's parent may make one additional request for a judicial 15407  
release to court supervision within the applicable period. The 15408  
additional request may be made no earlier than thirty days after 15409  
the filing of the prior request for a judicial release to court 15410  
supervision. Upon the filing of a second request for a judicial 15411  
release to court supervision, the court shall either approve or 15412  
disapprove the release by journal entry or schedule within thirty 15413  
days after the request is received a time for a hearing on whether 15414

the child is to be released. 15415

(3) If a court schedules a hearing under division (B)(2) of 15416  
this section, it may order the department to deliver the child to 15417  
the court on the date set for the hearing and may order the 15418  
department to present to the court a report on the child's 15419  
progress in the institution to which the child was committed and 15420  
recommendations for conditions of supervision of the child by the 15421  
court after release. The court may conduct the hearing without the 15422  
child being present. The court shall determine at the hearing 15423  
whether the child should be granted a judicial release to court 15424  
supervision. 15425

If the court approves the release under this division, it 15426  
shall order its staff to prepare a written treatment and 15427  
rehabilitation plan for the child that may include any conditions 15428  
of the child's release that were recommended by the department and 15429  
approved by the court. The committing court shall send the 15430  
juvenile court of the county in which the child is placed a copy 15431  
of the recommended plan. The court of the county in which the 15432  
child is placed may adopt the recommended conditions set by the 15433  
committing court as an order of the court and may add any 15434  
additional consistent conditions it considers appropriate. If a 15435  
child is granted a judicial release to court supervision, the 15436  
release discharges the child from the custody of the department of 15437  
youth services. 15438

(C)(1) The Unless the court grants judicial release under 15439  
division (D)(1)(b) of this section, the court that commits a 15440  
delinquent child to the department of youth services may grant 15441  
judicial release of the child to department of youth services 15442  
supervision under this division during the second half of the 15443  
prescribed minimum term for which the child was committed to the 15444  
department or, if the child was committed to the department until 15445  
the child attains twenty-one years of age, during the second half 15446

of the prescribed period of commitment that begins on the first 15447  
day of commitment and ends on the child's twenty-first birthday, 15448  
provided any commitment imposed under division (A), (B), (C), or 15449  
(D) of section 2152.17 of the Revised Code has ended. 15450

(2) If the department desires to release a child during a 15451  
period specified in division (C)(1) of this section, it shall 15452  
request the court that committed the child to grant a judicial 15453  
release to department of youth services supervision. During 15454  
whichever of those periods is applicable, the child or the child's 15455  
parent also may request the court that committed the child to 15456  
grant a judicial release to department of youth services 15457  
supervision. Upon receipt of a request for judicial release to 15458  
department of youth services supervision, the child, or the 15459  
child's parent, or upon its own motion at any time during that 15460  
period, the court shall do one of the following: approve the 15461  
release by journal entry; schedule a time within thirty days after 15462  
receipt of the request for a hearing on whether the child is to be 15463  
released; or reject the request by journal entry without 15464  
conducting a hearing. 15465

If the court rejects an initial request for release under 15466  
this division by the child or the child's parent, the child or the 15467  
child's parent may make one or more subsequent requests for a 15468  
release within the applicable period, but may make no more than 15469  
one request during each period of ninety days that the child is in 15470  
a secure department facility after the filing of a prior request 15471  
for early release. Upon the filing of a request for release under 15472  
this division subsequent to an initial request, the court shall 15473  
either approve or disapprove the release by journal entry or 15474  
schedule a time within thirty days after receipt of the request 15475  
for a hearing on whether the child is to be released. 15476

(3) If a court schedules a hearing under division (C)(2) of 15477  
this section, it may order the department to deliver the child to 15478



the court on the date set for the hearing and shall order the 15479  
department to present to the court at that time a treatment plan 15480  
for the child's post-institutional care. The court may conduct the 15481  
hearing without the child being present. The court shall determine 15482  
at the hearing whether the child should be granted a judicial 15483  
release to department of youth services supervision. 15484

If the court approves the judicial release to department of 15485  
youth services supervision, the department shall prepare a written 15486  
treatment and rehabilitation plan for the child pursuant to 15487  
division (F) of this section that shall include the conditions of 15488  
the child's release. It shall send the committing court and the 15489  
juvenile court of the county in which the child is placed a copy 15490  
of the plan. The court of the county in which the child is placed 15491  
may adopt the conditions set by the department as an order of the 15492  
court and may add any additional consistent conditions it 15493  
considers appropriate, provided that the court may not add any 15494  
condition that decreases the level or degree of supervision 15495  
specified by the department in its plan, that substantially 15496  
increases the financial burden of supervision that will be 15497  
experienced by the department, or that alters the placement 15498  
specified by the department in its plan. If the court of the 15499  
county in which the child is placed adds to the department's plan 15500  
any additional conditions, it shall enter those additional 15501  
conditions in its journal and shall send to the department a copy 15502  
of the journal entry of the additional conditions. 15503

If the court approves the judicial release to department of 15504  
youth services supervision, the actual date on which the 15505  
department shall release the child is contingent upon the 15506  
department finding a suitable placement for the child. If the 15507  
child is to be returned to the child's home, the department shall 15508  
return the child on the date that the court schedules for the 15509  
child's release or shall bear the expense of any additional time 15510

that the child remains in a department facility. If the child is 15511  
unable to return to the child's home, the department shall 15512  
exercise reasonable diligence in finding a suitable placement for 15513  
the child, and the child shall remain in a department facility 15514  
while the department finds the suitable placement. 15515

(D)(1) Subject to division (D)(3) of this section, the court 15516  
that commits a delinquent child to the department of youth 15517  
services may grant judicial release of the child under this 15518  
division at any time after the expiration of one of the following 15519  
periods of time: 15520

(a) Except as otherwise provided in division (D)(1)(b) of 15521  
this section, if the child was committed to the department for a 15522  
prescribed minimum period and a maximum period not to exceed the 15523  
child's attainment of twenty-one years, the court may grant 15524  
judicial release of the child at any time after the expiration of 15525  
the prescribed minimum term for which the child was committed to 15526  
the department. 15527

(b) If the child was committed to the department for both one 15528  
or more definite periods under division (A), (B), (C), or (D) of 15529  
section 2152.17 of the Revised Code and a period of the type 15530  
described in division (D)(1)(a) of this section, all of the 15531  
prescribed minimum periods of commitment imposed under division 15532  
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 15533  
the prescribed period of commitment of the type described in 15534  
division (D)(1)(a) of this section shall be aggregated for 15535  
purposes of this division, and the court may grant judicial 15536  
release of the child at any time after the expiration of one year 15537  
after the child begins serving the aggregate period of commitment. 15538

(2) If a court grants a judicial release of a child under 15539  
division (D)(1) of this section, the release shall be a judicial 15540  
release to department of youth services supervision, if the 15541  
release is granted during a period described in division (C)(1) of 15542

this section, and the second and third paragraphs of division 15543  
(C)(3) of this section apply regarding the release. In all other 15544  
cases, the release shall be a judicial release to court 15545  
supervision, and the second paragraph of division (B)(3) of this 15546  
section applies regarding the release. 15547

(3) A court at the time of making the disposition of a child 15548  
shall provide notice in the order of disposition that the judge is 15549  
retaining jurisdiction over the child for the purpose of a 15550  
possible grant of judicial release of the child under division 15551  
(D)(1) of this section. The failure of a court to provide this 15552  
notice does not affect the authority of the court to grant a 15553  
judicial release under that division and does not constitute 15554  
grounds for setting aside the child's delinquent child 15555  
adjudication or disposition or for granting any post-adjudication 15556  
relief to the child. 15557

(4) The department of youth services, a child committed to 15558  
the department, or the parents of the child, during a period 15559  
specified in division (D)(1) of this section, may request the 15560  
court that committed the child to grant a judicial release of the 15561  
child under that division. Upon receipt of a request for judicial 15562  
release of a child under this division from the department, the 15563  
child, or the child's parent, or upon its own motion, the court 15564  
that committed the child shall do one of the following: 15565

(a) Approve the request by journal entry; 15566

(b) Schedule within thirty days after the request is received 15567  
a time for a hearing on whether the child is to be released; 15568

(c) Reject the request by journal entry without conducting a 15569  
hearing. 15570

If the court rejects an initial request for a release under 15571  
this division by the child or the child's parent, division (C)(2) 15572  
of this section applies regarding the making of additional 15573

requests. 15574

If the court schedules a hearing under this division to 15575  
consider the judicial release, the first paragraph of division 15576  
(B)(3) of this section applies regarding the hearing. 15577

(E) If a child is released under division (B), (C), or (D) of 15578  
this section and the court of the county in which the child is 15579  
placed has reason to believe that the child's department is not in 15580  
accordance with the conditions of the child's judicial release, 15581  
the court of the county in which the child is placed shall 15582  
schedule a time for a hearing to determine whether the child 15583  
violated any of the post-release conditions, and, if the child was 15584  
released under division (C) of this section or under division (D) 15585  
of this section under department supervision, divisions (A) to (E) 15586  
of section 5139.52 of the Revised Code apply regarding the child. 15587

If that court determines at the hearing that the child 15588  
violated any of the post-release conditions, the court, if it 15589  
determines that the violation was a serious violation, may order 15590  
the child to be returned to the department for 15591  
institutionalization, consistent with the original order of 15592  
commitment of the child, or in any case may make any other 15593  
disposition of the child authorized by law that the court 15594  
considers proper. If the court of the county in which the child is 15595  
placed orders the child to be returned to a department of youth 15596  
services institution, the time during which the child was held in 15597  
a secure department facility prior to the child's judicial release 15598  
shall be considered as time served in fulfilling the prescribed 15599  
period of institutionalization that is applicable to the child 15600  
under the child's original order of commitment. If the court 15601  
orders the child returned to a department institution, the child 15602  
shall remain in institutional care for a minimum of three months 15603  
or until the child successfully completes a revocation program of 15604  
a duration of not less than thirty days operated either by the 15605

department or by an entity with which the department has 15606  
contracted to provide a revocation program. 15607

(F) The department of youth services, prior to the release of 15608  
a child pursuant to division (C) of this section or pursuant to 15609  
division (D) of this section on department supervision, shall do 15610  
all of the following: 15611

(1) After reviewing the child's rehabilitative progress 15612  
history and medical and educational records, prepare a written 15613  
treatment and rehabilitation plan for the child that includes 15614  
conditions of the release; 15615

(2) Completely discuss the conditions of the plan prepared 15616  
pursuant to division (F)(1) of this section and the possible 15617  
penalties for violation of the plan with the child and the child's 15618  
parents, guardian, or legal custodian; 15619

(3) Have the plan prepared pursuant to division (F)(1) of 15620  
this section signed by the child, the child's parents, legal 15621  
guardian, or custodian, and any authority or person that is to 15622  
supervise, control, and provide supportive assistance to the child 15623  
at the time of the child's release pursuant to division (C) or (D) 15624  
of this section; 15625

(4) Prior to the child's release, file a copy of the 15626  
treatment plan prepared pursuant to division (F)(1) of this 15627  
section with the committing court and the juvenile court of the 15628  
county in which the child is to be placed. 15629

(G) The department of youth services shall file a written 15630  
progress report with the committing court regarding each child 15631  
released pursuant to division (C) of this section or released 15632  
pursuant to division (D) of this section on judicial release to 15633  
department supervision at least once every thirty days unless 15634  
specifically directed otherwise by the court. The report shall 15635  
indicate the treatment and rehabilitative progress of the child 15636

and the child's family, if applicable, and shall include any 15637  
suggestions for altering the program, custody, living 15638  
arrangements, or treatment. The department shall retain legal 15639  
custody of a child so released until it discharges the child or 15640  
until the custody is terminated as otherwise provided by law. 15641

(H) When a child is committed to the legal custody of the 15642  
department of youth services, the court retains jurisdiction to 15643  
perform the functions specified in section 5139.51 of the Revised 15644  
Code with respect to the granting of supervised release by the 15645  
release authority and to perform the functions specified in 15646  
section 5139.52 of the Revised Code with respect to violations of 15647  
the conditions of supervised release granted by the release 15648  
authority and to the revocation of supervised release granted by 15649  
the release authority. 15650

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 15651  
of common pleas whose terms begin on January 1, 1953, January 2, 15652  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 15653  
successors, shall have the same qualifications, exercise the same 15654  
powers and jurisdiction, and receive the same compensation as 15655  
other judges of the court of common pleas of Franklin county and 15656  
shall be elected and designated as judges of the court of common 15657  
pleas, division of domestic relations. They shall have all the 15658  
powers relating to juvenile courts, and all cases under Chapters 15659  
2151. and 2152. of the Revised Code, all parentage proceedings 15660  
under Chapter 3111. of the Revised Code over which the juvenile 15661  
court has jurisdiction, and all divorce, dissolution of marriage, 15662  
legal separation, and annulment cases shall be assigned to them. 15663  
In addition to the judge's regular duties, the judge who is senior 15664  
in point of service shall serve on the children services board and 15665  
the county advisory board and shall be the administrator of the 15666  
domestic relations division and its subdivisions and departments. 15667  
15668

(B) In Hamilton county: 15669

(1) The judge of the court of common pleas, whose term begins 15670  
on January 1, 1957, and successors, and the judge of the court of 15671  
common pleas, whose term begins on February 14, 1967, and 15672  
successors, shall be the juvenile judges as provided in Chapters 15673  
2151. and 2152. of the Revised Code, with the powers and 15674  
jurisdiction conferred by those chapters. 15675

(2) The judges of the court of common pleas whose terms begin 15676  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 15677  
successors, shall be elected and designated as judges of the court 15678  
of common pleas, division of domestic relations, and shall have 15679  
assigned to them all divorce, dissolution of marriage, legal 15680  
separation, and annulment cases coming before the court. On or 15681  
after the first day of July and before the first day of August of 15682  
1991 and each year thereafter, a majority of the judges of the 15683  
division of domestic relations shall elect one of the judges of 15684  
the division as administrative judge of that division. If a 15685  
majority of the judges of the division of domestic relations are 15686  
unable for any reason to elect an administrative judge for the 15687  
division before the first day of August, a majority of the judges 15688  
of the Hamilton county court of common pleas, as soon as possible 15689  
after that date, shall elect one of the judges of the division of 15690  
domestic relations as administrative judge of that division. The 15691  
term of the administrative judge shall begin on the earlier of the 15692  
first day of August of the year in which the administrative judge 15693  
is elected or the date on which the administrative judge is 15694  
elected by a majority of the judges of the Hamilton county court 15695  
of common pleas and shall terminate on the date on which the 15696  
administrative judge's successor is elected in the following year. 15697

In addition to the judge's regular duties, the administrative 15698  
judge of the division of domestic relations shall be the 15699  
administrator of the domestic relations division and its 15700

subdivisions and departments and shall have charge of the 15701  
employment, assignment, and supervision of the personnel of the 15702  
division engaged in handling, servicing, or investigating divorce, 15703  
dissolution of marriage, legal separation, and annulment cases, 15704  
including any referees considered necessary by the judges in the 15705  
discharge of their various duties. 15706

The administrative judge of the division of domestic 15707  
relations also shall designate the title, compensation, expense 15708  
allowances, hours, leaves of absence, and vacations of the 15709  
personnel of the division, and shall fix the duties of its 15710  
personnel. The duties of the personnel, in addition to those 15711  
provided for in other sections of the Revised Code, shall include 15712  
the handling, servicing, and investigation of divorce, dissolution 15713  
of marriage, legal separation, and annulment cases and counseling 15714  
and conciliation services that may be made available to persons 15715  
requesting them, whether or not the persons are parties to an 15716  
action pending in the division. 15717

The board of county commissioners shall appropriate the sum 15718  
of money each year as will meet all the administrative expenses of 15719  
the division of domestic relations, including reasonable expenses 15720  
of the domestic relations judges and the division counselors and 15721  
other employees designated to conduct the handling, servicing, and 15722  
investigation of divorce, dissolution of marriage, legal 15723  
separation, and annulment cases, conciliation and counseling, and 15724  
all matters relating to those cases and counseling, and the 15725  
expenses involved in the attendance of division personnel at 15726  
domestic relations and welfare conferences designated by the 15727  
division, and the further sum each year as will provide for the 15728  
adequate operation of the division of domestic relations. 15729

The compensation and expenses of all employees and the salary 15730  
and expenses of the judges shall be paid by the county treasurer 15731  
from the money appropriated for the operation of the division, 15732



upon the warrant of the county auditor, certified to by the 15733  
administrative judge of the division of domestic relations. 15734

The summonses, warrants, citations, subpoenas, and other 15735  
writs of the division may issue to a bailiff, constable, or staff 15736  
investigator of the division or to the sheriff of any county or 15737  
any marshal, constable, or police officer, and the provisions of 15738  
law relating to the subpoenaing of witnesses in other cases shall 15739  
apply insofar as they are applicable. When a summons, warrant, 15740  
citation, subpoena, or other writ is issued to an officer, other 15741  
than a bailiff, constable, or staff investigator of the division, 15742  
the expense of serving it shall be assessed as a part of the costs 15743  
in the case involved. 15744

(3) The judge of the court of common pleas of Hamilton county 15745  
whose term begins on January 3, 1997, and the successors to that 15746  
judge shall each be elected and designated as the drug court judge 15747  
of the court of common pleas of Hamilton county. The drug court 15748  
judge may accept or reject any case referred to the drug court 15749  
judge under division (B)(3) of this section. After the drug court 15750  
judge accepts a referred case, the drug court judge has full 15751  
authority over the case, including the authority to conduct 15752  
arraignment, accept pleas, enter findings and dispositions, 15753  
conduct trials, order treatment, and if treatment is not 15754  
successfully completed pronounce and enter sentence. 15755

A judge of the general division of the court of common pleas 15756  
of Hamilton county and a judge of the Hamilton county municipal 15757  
court may refer to the drug court judge any case, and any 15758  
companion cases, the judge determines meet the criteria described 15759  
under divisions (B)(3)(a) and (b) of this section. If the drug 15760  
court judge accepts referral of a referred case, the case, and any 15761  
companion cases, shall be transferred to the drug court judge. A 15762  
judge may refer a case meeting the criteria described in divisions 15763  
(B)(3)(a) and (b) of this section that involves a violation of a 15764

condition of a community control sanction to the drug court judge, 15765  
and, if the drug court judge accepts the referral, the referring 15766  
judge and the drug court judge have concurrent jurisdiction over 15767  
the case. 15768

A judge of the general division of the court of common pleas 15769  
of Hamilton county and a judge of the Hamilton county municipal 15770  
court may refer a case to the drug court judge under division 15771  
(B)(3) of this section if the judge determines that both of the 15772  
following apply: 15773

(a) One of the following applies: 15774

(i) The case involves a drug abuse offense, as defined in 15775  
section 2925.01 of the Revised Code, that is a felony of the third 15776  
or fourth degree if the offense is committed prior to July 1, 15777  
1996, a felony of the third, fourth, or fifth degree if the 15778  
offense is committed on or after July 1, 1996, or a misdemeanor. 15779

(ii) The case involves a theft offense, as defined in section 15780  
2913.01 of the Revised Code, that is a felony of the third or 15781  
fourth degree if the offense is committed prior to July 1, 1996, a 15782  
felony of the third, fourth, or fifth degree if the offense is 15783  
committed on or after July 1, 1996, or a misdemeanor, and the 15784  
defendant is drug or alcohol dependent or in danger of becoming 15785  
drug or alcohol dependent and would benefit from treatment. 15786

(b) All of the following apply: 15787

(i) The case involves an offense for which a community 15788  
control sanction may be imposed or is a case in which a mandatory 15789  
prison term or a mandatory jail term is not required to be 15790  
imposed. 15791

(ii) The defendant has no history of violent behavior. 15792

(iii) The defendant has no history of mental illness. 15793

(iv) The defendant's current or past behavior, or both, is 15794

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| drug or alcohol driven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 15795                                                                                           |
| (v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 15796<br>15797                                                                                  |
| (vi) The defendant has no acute health condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 15798                                                                                           |
| (vii) If the defendant is incarcerated, the county prosecutor approves of the referral.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 15799<br>15800                                                                                  |
| (4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge. | 15801<br>15802<br>15803<br>15804<br>15805<br>15806<br>15807<br>15808<br>15809<br>15810<br>15811 |
| (5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15812<br>15813<br>15814<br>15815                                                                |
| (C)(1) In Lorain county:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 15816                                                                                           |
| (a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January                                                                                 | 15817<br>15818<br>15819<br>15820<br>15821<br>15822<br>15823<br>15824<br>15825                   |

3, 1959, January 4, 1989, and January 2, 1999, and successors, 15826  
shall have all of the powers relating to juvenile courts, and all 15827  
cases under Chapters 2151. and 2152. of the Revised Code, all 15828  
parentage proceedings over which the juvenile court has 15829  
jurisdiction, and all divorce, dissolution of marriage, legal 15830  
separation, and annulment cases shall be assigned to them, except 15831  
cases that for some special reason are assigned to some other 15832  
judge of the court of common pleas. From February 9, 2009, through 15833  
September 28, 2009, the judge of the court of common pleas whose 15834  
term begins on February 9, 2009, shall have all the powers 15835  
relating to juvenile courts, and cases under Chapters 2151. and 15836  
2152. of the Revised Code, parentage proceedings over which the 15837  
juvenile court has jurisdiction, and divorce, dissolution of 15838  
marriage, legal separation, and annulment cases shall be assigned 15839  
to that judge, except cases that for some special reason are 15840  
assigned to some other judge of the court of common pleas. 15841

(b) From January 1, 2006, through September 28, 2009, the 15842  
judges of the court of common pleas, division of domestic 15843  
relations, in addition to the powers and jurisdiction set forth in 15844  
division (C)(1)(a) of this section, shall have jurisdiction over 15845  
matters that are within the jurisdiction of the probate court 15846  
under Chapter 2101. and other provisions of the Revised Code. 15847

(c) The judge of the court of common pleas, division of 15848  
domestic relations, whose term begins on February 9, 2009, is the 15849  
successor to the probate judge who was elected in 2002 for a term 15850  
that began on February 9, 2003. After September 28, 2009, the 15851  
judge of the court of common pleas, division of domestic 15852  
relations, whose term begins on February 9, 2009, shall be the 15853  
probate judge. 15854

(2)(a) From February 9, 2009, through September 28, 2009, 15855  
with respect to Lorain county, all references in law to the 15856  
probate court shall be construed as references to the court of 15857

common pleas, division of domestic relations, and all references 15858  
to the probate judge shall be construed as references to the 15859  
judges of the court of common pleas, division of domestic 15860  
relations. 15861

(b) From February 9, 2009, through September 28, 2009, with 15862  
respect to Lorain county, all references in law to the clerk of 15863  
the probate court shall be construed as references to the judge 15864  
who is serving pursuant to Rule 4 of the Rules of Superintendence 15865  
for the Courts of Ohio as the administrative judge of the court of 15866  
common pleas, division of domestic relations. 15867

(D) In Lucas county: 15868

(1) The judges of the court of common pleas whose terms begin 15869  
on January 1, 1955, and January 3, 1965, and successors, shall 15870  
have the same qualifications, exercise the same powers and 15871  
jurisdiction, and receive the same compensation as other judges of 15872  
the court of common pleas of Lucas county and shall be elected and 15873  
designated as judges of the court of common pleas, division of 15874  
domestic relations. All divorce, dissolution of marriage, legal 15875  
separation, and annulment cases shall be assigned to them. 15876

The judge of the division of domestic relations, senior in 15877  
point of service, shall be considered as the presiding judge of 15878  
the court of common pleas, division of domestic relations, and 15879  
shall be charged exclusively with the assignment and division of 15880  
the work of the division and the employment and supervision of all 15881  
other personnel of the domestic relations division. 15882

(2) The judges of the court of common pleas whose terms begin 15883  
on January 5, 1977, and January 2, 1991, and successors shall have 15884  
the same qualifications, exercise the same powers and 15885  
jurisdiction, and receive the same compensation as other judges of 15886  
the court of common pleas of Lucas county, shall be elected and 15887  
designated as judges of the court of common pleas, juvenile 15888

division, and shall be the juvenile judges as provided in Chapters 15889  
2151. and 2152. of the Revised Code with the powers and 15890  
jurisdictions conferred by those chapters. In addition to the 15891  
judge's regular duties, the judge of the court of common pleas, 15892  
juvenile division, senior in point of service, shall be the 15893  
administrator of the juvenile division and its subdivisions and 15894  
departments and shall have charge of the employment, assignment, 15895  
and supervision of the personnel of the division engaged in 15896  
handling, servicing, or investigating juvenile cases, including 15897  
any referees considered necessary by the judges of the division in 15898  
the discharge of their various duties. 15899

The judge of the court of common pleas, juvenile division, 15900  
senior in point of service, also shall designate the title, 15901  
compensation, expense allowance, hours, leaves of absence, and 15902  
vacation of the personnel of the division and shall fix the duties 15903  
of the personnel of the division. The duties of the personnel, in 15904  
addition to other statutory duties include the handling, 15905  
servicing, and investigation of juvenile cases and counseling and 15906  
conciliation services that may be made available to persons 15907  
requesting them, whether or not the persons are parties to an 15908  
action pending in the division. 15909

(3) If one of the judges of the court of common pleas, 15910  
division of domestic relations, or one of the judges of the 15911  
juvenile division is sick, absent, or unable to perform that 15912  
judge's judicial duties or the volume of cases pending in that 15913  
judge's division necessitates it, the duties shall be performed by 15914  
the judges of the other of those divisions. 15915

(E) In Mahoning county: 15916

(1) The judge of the court of common pleas whose term began 15917  
on January 1, 1955, and successors, shall have the same 15918  
qualifications, exercise the same powers and jurisdiction, and 15919  
receive the same compensation as other judges of the court of 15920

common pleas of Mahoning county, shall be elected and designated 15921  
as judge of the court of common pleas, division of domestic 15922  
relations, and shall be assigned all the divorce, dissolution of 15923  
marriage, legal separation, and annulment cases coming before the 15924  
court. In addition to the judge's regular duties, the judge of the 15925  
court of common pleas, division of domestic relations, shall be 15926  
the administrator of the domestic relations division and its 15927  
subdivisions and departments and shall have charge of the 15928  
employment, assignment, and supervision of the personnel of the 15929  
division engaged in handling, servicing, or investigating divorce, 15930  
dissolution of marriage, legal separation, and annulment cases, 15931  
including any referees considered necessary in the discharge of 15932  
the various duties of the judge's office. 15933

The judge also shall designate the title, compensation, 15934  
expense allowances, hours, leaves of absence, and vacations of the 15935  
personnel of the division and shall fix the duties of the 15936  
personnel of the division. The duties of the personnel, in 15937  
addition to other statutory duties, include the handling, 15938  
servicing, and investigation of divorce, dissolution of marriage, 15939  
legal separation, and annulment cases and counseling and 15940  
conciliation services that may be made available to persons 15941  
requesting them, whether or not the persons are parties to an 15942  
action pending in the division. 15943

(2) The judge of the court of common pleas whose term began 15944  
on January 2, 1969, and successors, shall have the same 15945  
qualifications, exercise the same powers and jurisdiction, and 15946  
receive the same compensation as other judges of the court of 15947  
common pleas of Mahoning county, shall be elected and designated 15948  
as judge of the court of common pleas, juvenile division, and 15949  
shall be the juvenile judge as provided in Chapters 2151. and 15950  
2152. of the Revised Code, with the powers and jurisdictions 15951  
conferred by those chapters. In addition to the judge's regular 15952

duties, the judge of the court of common pleas, juvenile division, 15953  
shall be the administrator of the juvenile division and its 15954  
subdivisions and departments and shall have charge of the 15955  
employment, assignment, and supervision of the personnel of the 15956  
division engaged in handling, servicing, or investigating juvenile 15957  
cases, including any referees considered necessary by the judge in 15958  
the discharge of the judge's various duties. 15959

The judge also shall designate the title, compensation, 15960  
expense allowances, hours, leaves of absence, and vacation of the 15961  
personnel of the division and shall fix the duties of the 15962  
personnel of the division. The duties of the personnel, in 15963  
addition to other statutory duties, include the handling, 15964  
servicing, and investigation of juvenile cases and counseling and 15965  
conciliation services that may be made available to persons 15966  
requesting them, whether or not the persons are parties to an 15967  
action pending in the division. 15968

(3) If a judge of the court of common pleas, division of 15969  
domestic relations or juvenile division, is sick, absent, or 15970  
unable to perform that judge's judicial duties, or the volume of 15971  
cases pending in that judge's division necessitates it, that 15972  
judge's duties shall be performed by another judge of the court of 15973  
common pleas. 15974

(F) In Montgomery county: 15975

(1) The judges of the court of common pleas whose terms begin 15976  
on January 2, 1953, and January 4, 1977, and successors, shall 15977  
have the same qualifications, exercise the same powers and 15978  
jurisdiction, and receive the same compensation as other judges of 15979  
the court of common pleas of Montgomery county and shall be 15980  
elected and designated as judges of the court of common pleas, 15981  
division of domestic relations. These judges shall have assigned 15982  
to them all divorce, dissolution of marriage, legal separation, 15983  
and annulment cases. 15984



The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, and 2301.18, ~~and 2301.19~~ of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence,

and vacation of the personnel of the division and shall fix their 16017  
duties. The duties of the personnel, in addition to other 16018  
statutory duties, shall include the handling, servicing, and 16019  
investigation of juvenile cases and of any counseling and 16020  
conciliation services that are available upon request to persons, 16021  
whether or not they are parties to an action pending in the 16022  
division. 16023

If one of the judges of the court of common pleas, division 16024  
of domestic relations, or one of the judges of the court of common 16025  
pleas, juvenile division, is sick, absent, or unable to perform 16026  
that judge's duties or the volume of cases pending in that judge's 16027  
division necessitates it, the duties of that judge may be 16028  
performed by the judge or judges of the other of those divisions. 16029

(G) In Richland county: 16030

(1) The judge of the court of common pleas whose term begins 16031  
on January 1, 1957, and successors, shall have the same 16032  
qualifications, exercise the same powers and jurisdiction, and 16033  
receive the same compensation as the other judges of the court of 16034  
common pleas of Richland county and shall be elected and 16035  
designated as judge of the court of common pleas, division of 16036  
domestic relations. That judge shall be assigned and hear all 16037  
divorce, dissolution of marriage, legal separation, and annulment 16038  
cases, all domestic violence cases arising under section 3113.31 16039  
of the Revised Code, and all post-decree proceedings arising from 16040  
any case pertaining to any of those matters. The division of 16041  
domestic relations has concurrent jurisdiction with the juvenile 16042  
division of the court of common pleas of Richland county to 16043  
determine the care, custody, or control of any child not a ward of 16044  
another court of this state, and to hear and determine a request 16045  
for an order for the support of any child if the request is not 16046  
ancillary to an action for divorce, dissolution of marriage, 16047  
annulment, or legal separation, a criminal or civil action 16048

involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the division of domestic relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

Except in cases that are subject to the exclusive original 16081  
jurisdiction of the juvenile court, the judge of the juvenile 16082  
division shall not have jurisdiction or the power to hear, and 16083  
shall not be assigned, any case pertaining to paternity or 16084  
parentage, the care, custody, or control of children, parenting 16085  
time or visitation, child support, or the allocation of parental 16086  
rights and responsibilities for the care of children or any 16087  
post-decree proceeding arising from any case pertaining to any of 16088  
those matters. The judge of the juvenile division shall not have 16089  
jurisdiction or the power to hear, and shall not be assigned, any 16090  
proceeding under the uniform interstate family support act 16091  
contained in Chapter 3115. of the Revised Code. 16092

In addition to the judge's regular duties, the judge of the 16093  
juvenile division shall be the administrator of the juvenile 16094  
division and its subdivisions and departments. The judge shall 16095  
have charge of the employment, assignment, and supervision of the 16096  
personnel of the juvenile division who are engaged in handling, 16097  
servicing, or investigating juvenile cases, including any 16098  
magistrates whom the judge considers necessary for the discharge 16099  
of the judge's various duties. 16100

The judge of the juvenile division also shall designate the 16101  
title, compensation, expense allowances, hours, leaves of absence, 16102  
and vacation of the personnel of the division and shall fix their 16103  
duties. The duties of the personnel, in addition to other 16104  
statutory duties, include the handling, servicing, and 16105  
investigation of juvenile cases and providing any counseling, 16106  
conciliation, and mediation services that the court makes 16107  
available to persons, whether or not the persons are parties to an 16108  
action pending in the court, who request the services. 16109

(H) In Stark county, the judges of the court of common pleas 16110  
whose terms begin on January 1, 1953, January 2, 1959, and January 16111  
1, 1993, and successors, shall have the same qualifications, 16112

exercise the same powers and jurisdiction, and receive the same 16113  
compensation as other judges of the court of common pleas of Stark 16114  
county and shall be elected and designated as judges of the court 16115  
of common pleas, division of domestic relations. They shall have 16116  
all the powers relating to juvenile courts, and all cases under 16117  
Chapters 2151. and 2152. of the Revised Code, all parentage 16118  
proceedings over which the juvenile court has jurisdiction, and 16119  
all divorce, dissolution of marriage, legal separation, and 16120  
annulment cases, except cases that are assigned to some other 16121  
judge of the court of common pleas for some special reason, shall 16122  
be assigned to the judges. 16123

The judge of the division of domestic relations, second most 16124  
senior in point of service, shall have charge of the employment 16125  
and supervision of the personnel of the division engaged in 16126  
handling, servicing, or investigating divorce, dissolution of 16127  
marriage, legal separation, and annulment cases, and necessary 16128  
referees required for the judge's respective court. 16129

The judge of the division of domestic relations, senior in 16130  
point of service, shall be charged exclusively with the 16131  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 16132  
of the Revised Code and with the assignment and division of the 16133  
work of the division and the employment and supervision of all 16134  
other personnel of the division, including, but not limited to, 16135  
that judge's necessary referees, but excepting those employees who 16136  
may be appointed by the judge second most senior in point of 16137  
service. The senior judge further shall serve in every other 16138  
position in which the statutes permit or require a juvenile judge 16139  
to serve. 16140

(I) In Summit county: 16141

(1) The judges of the court of common pleas whose terms begin 16142  
on January 4, 1967, and January 6, 1993, and successors, shall 16143  
have the same qualifications, exercise the same powers and 16144

jurisdiction, and receive the same compensation as other judges of 16145  
the court of common pleas of Summit county and shall be elected 16146  
and designated as judges of the court of common pleas, division of 16147  
domestic relations. The judges of the division of domestic 16148  
relations shall have assigned to them and hear all divorce, 16149  
dissolution of marriage, legal separation, and annulment cases 16150  
that come before the court. Except in cases that are subject to 16151  
the exclusive original jurisdiction of the juvenile court, the 16152  
judges of the division of domestic relations shall have assigned 16153  
to them and hear all cases pertaining to paternity, custody, 16154  
visitation, child support, or the allocation of parental rights 16155  
and responsibilities for the care of children and all post-decree 16156  
proceedings arising from any case pertaining to any of those 16157  
matters. The judges of the division of domestic relations shall 16158  
have assigned to them and hear all proceedings under the uniform 16159  
interstate family support act contained in Chapter 3115. of the 16160  
Revised Code. 16161

The judge of the division of domestic relations, senior in 16162  
point of service, shall be the administrator of the domestic 16163  
relations division and its subdivisions and departments and shall 16164  
have charge of the employment, assignment, and supervision of the 16165  
personnel of the division, including any necessary referees, who 16166  
are engaged in handling, servicing, or investigating divorce, 16167  
dissolution of marriage, legal separation, and annulment cases. 16168  
That judge also shall designate the title, compensation, expense 16169  
allowances, hours, leaves of absence, and vacations of the 16170  
personnel of the division and shall fix their duties. The duties 16171  
of the personnel, in addition to other statutory duties, shall 16172  
include the handling, servicing, and investigation of divorce, 16173  
dissolution of marriage, legal separation, and annulment cases and 16174  
of any counseling and conciliation services that are available 16175  
upon request to all persons, whether or not they are parties to an 16176  
action pending in the division. 16177

(2) The judge of the court of common pleas whose term begins 16178  
on January 1, 1955, and successors, shall have the same 16179  
qualifications, exercise the same powers and jurisdiction, and 16180  
receive the same compensation as other judges of the court of 16181  
common pleas of Summit county, shall be elected and designated as 16182  
judge of the court of common pleas, juvenile division, and shall 16183  
be, and have the powers and jurisdiction of, the juvenile judge as 16184  
provided in Chapters 2151. and 2152. of the Revised Code. Except 16185  
in cases that are subject to the exclusive original jurisdiction 16186  
of the juvenile court, the judge of the juvenile division shall 16187  
not have jurisdiction or the power to hear, and shall not be 16188  
assigned, any case pertaining to paternity, custody, visitation, 16189  
child support, or the allocation of parental rights and 16190  
responsibilities for the care of children or any post-decree 16191  
proceeding arising from any case pertaining to any of those 16192  
matters. The judge of the juvenile division shall not have 16193  
jurisdiction or the power to hear, and shall not be assigned, any 16194  
proceeding under the uniform interstate family support act 16195  
contained in Chapter 3115. of the Revised Code. 16196

The juvenile judge shall be the administrator of the juvenile 16197  
division and its subdivisions and departments and shall have 16198  
charge of the employment, assignment, and supervision of the 16199  
personnel of the juvenile division, including any necessary 16200  
referees, who are engaged in handling, servicing, or investigating 16201  
juvenile cases. The judge also shall designate the title, 16202  
compensation, expense allowances, hours, leaves of absence, and 16203  
vacation of the personnel of the division and shall fix their 16204  
duties. The duties of the personnel, in addition to other 16205  
statutory duties, shall include the handling, servicing, and 16206  
investigation of juvenile cases and of any counseling and 16207  
conciliation services that are available upon request to persons, 16208  
whether or not they are parties to an action pending in the 16209  
division. 16210

(J) In Trumbull county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Trumbull county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(K) In Butler county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1957, and January 4, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judges of the division of domestic relations also have concurrent jurisdiction with judges of the juvenile division of the court of common pleas of Butler county with respect to and may hear cases to determine the custody, support, or custody and support of a child who is born of issue of a marriage and who is not the ward of another court of this state, cases commenced by a party of the



marriage to obtain an order requiring support of any child when 16243  
the request for that order is not ancillary to an action for 16244  
divorce, dissolution of marriage, annulment, or legal separation, 16245  
a criminal or civil action involving an allegation of domestic 16246  
violence, an action for support under Chapter 3115. of the Revised 16247  
Code, or an action that is within the exclusive original 16248  
jurisdiction of the juvenile division of the court of common pleas 16249  
of Butler county and that involves an allegation that the child is 16250  
an abused, neglected, or dependent child, and post-decree 16251  
proceedings and matters arising from those types of cases. The 16252  
judge senior in point of service shall be charged with the 16253  
assignment and division of the work of the division and with the 16254  
employment and supervision of all other personnel of the domestic 16255  
relations division. 16256

The judge senior in point of service also shall designate the 16257  
title, compensation, expense allowances, hours, leaves of absence, 16258  
and vacations of the personnel of the division and shall fix their 16259  
duties. The duties of the personnel, in addition to other 16260  
statutory duties, shall include the handling, servicing, and 16261  
investigation of divorce, dissolution of marriage, legal 16262  
separation, and annulment cases and providing any counseling and 16263  
conciliation services that the division makes available to 16264  
persons, whether or not the persons are parties to an action 16265  
pending in the division, who request the services. 16266

(2) The judges of the court of common pleas whose terms begin 16267  
on January 3, 1987, and January 2, 2003, and successors, shall 16268  
have the same qualifications, exercise the same powers and 16269  
jurisdiction, and receive the same compensation as other judges of 16270  
the court of common pleas of Butler county, shall be elected and 16271  
designated as judges of the court of common pleas, juvenile 16272  
division, and shall be the juvenile judges as provided in Chapters 16273  
2151. and 2152. of the Revised Code, with the powers and 16274

jurisdictions conferred by those chapters. Except in cases that 16275  
are subject to the exclusive original jurisdiction of the juvenile 16276  
court, the judges of the juvenile division shall not have 16277  
jurisdiction or the power to hear and shall not be assigned, but 16278  
shall have the limited ability and authority to certify, any case 16279  
commenced by a party of a marriage to determine the custody, 16280  
support, or custody and support of a child who is born of issue of 16281  
the marriage and who is not the ward of another court of this 16282  
state when the request for the order in the case is not ancillary 16283  
to an action for divorce, dissolution of marriage, annulment, or 16284  
legal separation. The judge of the court of common pleas, juvenile 16285  
division, who is senior in point of service, shall be the 16286  
administrator of the juvenile division and its subdivisions and 16287  
departments. The judge, senior in point of service, shall have 16288  
charge of the employment, assignment, and supervision of the 16289  
personnel of the juvenile division who are engaged in handling, 16290  
servicing, or investigating juvenile cases, including any referees 16291  
whom the judge considers necessary for the discharge of the 16292  
judge's various duties. 16293

The judge, senior in point of service, also shall designate 16294  
the title, compensation, expense allowances, hours, leaves of 16295  
absence, and vacation of the personnel of the division and shall 16296  
fix their duties. The duties of the personnel, in addition to 16297  
other statutory duties, include the handling, servicing, and 16298  
investigation of juvenile cases and providing any counseling and 16299  
conciliation services that the division makes available to 16300  
persons, whether or not the persons are parties to an action 16301  
pending in the division, who request the services. 16302

(3) If a judge of the court of common pleas, division of 16303  
domestic relations or juvenile division, is sick, absent, or 16304  
unable to perform that judge's judicial duties or the volume of 16305  
cases pending in the judge's division necessitates it, the duties 16306

of that judge shall be performed by the other judges of the 16307  
domestic relations and juvenile divisions. 16308

(L)(1) In Cuyahoga county, the judges of the court of common 16309  
pleas whose terms begin on January 8, 1961, January 9, 1961, 16310  
January 18, 1975, January 19, 1975, and January 13, 1987, and 16311  
successors, shall have the same qualifications, exercise the same 16312  
powers and jurisdiction, and receive the same compensation as 16313  
other judges of the court of common pleas of Cuyahoga county and 16314  
shall be elected and designated as judges of the court of common 16315  
pleas, division of domestic relations. They shall have all the 16316  
powers relating to all divorce, dissolution of marriage, legal 16317  
separation, and annulment cases, except in cases that are assigned 16318  
to some other judge of the court of common pleas for some special 16319  
reason. 16320

(2) The administrative judge is administrator of the domestic 16321  
relations division and its subdivisions and departments and has 16322  
the following powers concerning division personnel: 16323

(a) Full charge of the employment, assignment, and 16324  
supervision; 16325

(b) Sole determination of compensation, duties, expenses, 16326  
allowances, hours, leaves, and vacations. 16327

(3) "Division personnel" include persons employed or referees 16328  
engaged in hearing, servicing, investigating, counseling, or 16329  
conciliating divorce, dissolution of marriage, legal separation 16330  
and annulment matters. 16331

(M) In Lake county: 16332

(1) The judge of the court of common pleas whose term begins 16333  
on January 2, 1961, and successors, shall have the same 16334  
qualifications, exercise the same powers and jurisdiction, and 16335  
receive the same compensation as the other judges of the court of 16336  
common pleas of Lake county and shall be elected and designated as 16337

judge of the court of common pleas, division of domestic 16338  
relations. The judge shall be assigned all the divorce, 16339  
dissolution of marriage, legal separation, and annulment cases 16340  
coming before the court, except in cases that for some special 16341  
reason are assigned to some other judge of the court of common 16342  
pleas. The judge shall be charged with the assignment and division 16343  
of the work of the division and with the employment and 16344  
supervision of all other personnel of the domestic relations 16345  
division. 16346

The judge also shall designate the title, compensation, 16347  
expense allowances, hours, leaves of absence, and vacations of the 16348  
personnel of the division and shall fix their duties. The duties 16349  
of the personnel, in addition to other statutory duties, shall 16350  
include the handling, servicing, and investigation of divorce, 16351  
dissolution of marriage, legal separation, and annulment cases and 16352  
providing any counseling and conciliation services that the 16353  
division makes available to persons, whether or not the persons 16354  
are parties to an action pending in the division, who request the 16355  
services. 16356

(2) The judge of the court of common pleas whose term begins 16357  
on January 4, 1979, and successors, shall have the same 16358  
qualifications, exercise the same powers and jurisdiction, and 16359  
receive the same compensation as other judges of the court of 16360  
common pleas of Lake county, shall be elected and designated as 16361  
judge of the court of common pleas, juvenile division, and shall 16362  
be the juvenile judge as provided in Chapters 2151. and 2152. of 16363  
the Revised Code, with the powers and jurisdictions conferred by 16364  
those chapters. The judge of the court of common pleas, juvenile 16365  
division, shall be the administrator of the juvenile division and 16366  
its subdivisions and departments. The judge shall have charge of 16367  
the employment, assignment, and supervision of the personnel of 16368  
the juvenile division who are engaged in handling, servicing, or 16369

investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties. 16370  
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The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services. 16373  
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(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions. 16382  
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(N) In Erie county: 16388

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge. 16389  
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On or after January 2, 2007, the judge of the court of common pleas who is elected in 2006 shall be the successor to the judge of the domestic relations division whose term expires on January 1, 2007, shall be designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters.

(2) The judge of the court of common pleas, general division, whose term begins on January 1, 2005, and successors, the judge of the court of common pleas, general division whose term begins on January 2, 2005, and successors, and the judge of the court of common pleas, general division, whose term begins February 9, 2009, and successors, shall have assigned to them, in addition to all matters that are within the jurisdiction of the general division of the court of common pleas, all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, and all matters that are within the jurisdiction of the probate court under Chapter 2101., and other provisions, of the Revised Code.

(0) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division 16434  
of the work of the division and with the employment and 16435  
supervision of all other personnel of the division. The judge also 16436  
shall designate the title, compensation, hours, leaves of absence, 16437  
and vacations of the personnel of the division and shall fix their 16438  
duties. The duties of the personnel of the division, in addition 16439  
to other statutory duties, shall include the handling, servicing, 16440  
and investigation of divorce, dissolution of marriage, legal 16441  
separation, and annulment cases and the provision of counseling 16442  
and conciliation services that the division considers necessary 16443  
and makes available to persons who request the services, whether 16444  
or not the persons are parties in an action pending in the 16445  
division. The compensation for the personnel shall be paid from 16446  
the overall court budget and shall be included in the 16447  
appropriations for the existing judges of the general division of 16448  
the court of common pleas. 16449

(2) The judge of the court of common pleas whose term begins 16450  
on January 1, 1995, and successors, shall have the same 16451  
qualifications, exercise the same powers and jurisdiction, and 16452  
receive the same compensation as the other judges of the court of 16453  
common pleas of Greene county, shall be elected and designated as 16454  
judge of the court of common pleas, juvenile division, and, on or 16455  
after January 1, 1995, shall be the juvenile judge as provided in 16456  
Chapters 2151. and 2152. of the Revised Code with the powers and 16457  
jurisdiction conferred by those chapters. The judge of the court 16458  
of common pleas, juvenile division, shall be the administrator of 16459  
the juvenile division and its subdivisions and departments. The 16460  
judge shall have charge of the employment, assignment, and 16461  
supervision of the personnel of the juvenile division who are 16462  
engaged in handling, servicing, or investigating juvenile cases, 16463  
including any referees whom the judge considers necessary for the 16464  
discharge of the judge's various duties. 16465

The judge also shall designate the title, compensation, 16466  
expense allowances, hours, leaves of absence, and vacation of the 16467  
personnel of the division and shall fix their duties. The duties 16468  
of the personnel, in addition to other statutory duties, include 16469  
the handling, servicing, and investigation of juvenile cases and 16470  
providing any counseling and conciliation services that the court 16471  
makes available to persons, whether or not the persons are parties 16472  
to an action pending in the court, who request the services. 16473

(3) If one of the judges of the court of common pleas, 16474  
general division, is sick, absent, or unable to perform that 16475  
judge's judicial duties or the volume of cases pending in the 16476  
general division necessitates it, the duties of that judge of the 16477  
general division shall be performed by the judge of the division 16478  
of domestic relations and the judge of the juvenile division. 16479

(P) In Portage county, the judge of the court of common 16480  
pleas, whose term begins January 2, 1987, and successors, shall 16481  
have the same qualifications, exercise the same powers and 16482  
jurisdiction, and receive the same compensation as the other 16483  
judges of the court of common pleas of Portage county and shall be 16484  
elected and designated as judge of the court of common pleas, 16485  
division of domestic relations. The judge shall be assigned all 16486  
divorce, dissolution of marriage, legal separation, and annulment 16487  
cases coming before the court, except in cases that for some 16488  
special reason are assigned to some other judge of the court of 16489  
common pleas. The judge shall be charged with the assignment and 16490  
division of the work of the division and with the employment and 16491  
supervision of all other personnel of the domestic relations 16492  
division. 16493

The judge also shall designate the title, compensation, 16494  
expense allowances, hours, leaves of absence, and vacations of the 16495  
personnel of the division and shall fix their duties. The duties 16496  
of the personnel, in addition to other statutory duties, shall 16497



include the handling, servicing, and investigation of divorce, 16498  
dissolution of marriage, legal separation, and annulment cases and 16499  
providing any counseling and conciliation services that the 16500  
division makes available to persons, whether or not the persons 16501  
are parties to an action pending in the division, who request the 16502  
services. 16503

(Q) In Clermont county, the judge of the court of common 16504  
pleas, whose term begins January 2, 1987, and successors, shall 16505  
have the same qualifications, exercise the same powers and 16506  
jurisdiction, and receive the same compensation as the other 16507  
judges of the court of common pleas of Clermont county and shall 16508  
be elected and designated as judge of the court of common pleas, 16509  
division of domestic relations. The judge shall be assigned all 16510  
divorce, dissolution of marriage, legal separation, and annulment 16511  
cases coming before the court, except in cases that for some 16512  
special reason are assigned to some other judge of the court of 16513  
common pleas. The judge shall be charged with the assignment and 16514  
division of the work of the division and with the employment and 16515  
supervision of all other personnel of the domestic relations 16516  
division. 16517

The judge also shall designate the title, compensation, 16518  
expense allowances, hours, leaves of absence, and vacations of the 16519  
personnel of the division and shall fix their duties. The duties 16520  
of the personnel, in addition to other statutory duties, shall 16521  
include the handling, servicing, and investigation of divorce, 16522  
dissolution of marriage, legal separation, and annulment cases and 16523  
providing any counseling and conciliation services that the 16524  
division makes available to persons, whether or not the persons 16525  
are parties to an action pending in the division, who request the 16526  
services. 16527

(R) In Warren county, the judge of the court of common pleas, 16528  
whose term begins January 1, 1987, and successors, shall have the 16529

same qualifications, exercise the same powers and jurisdiction, 16530  
and receive the same compensation as the other judges of the court 16531  
of common pleas of Warren county and shall be elected and 16532  
designated as judge of the court of common pleas, division of 16533  
domestic relations. The judge shall be assigned all divorce, 16534  
dissolution of marriage, legal separation, and annulment cases 16535  
coming before the court, except in cases that for some special 16536  
reason are assigned to some other judge of the court of common 16537  
pleas. The judge shall be charged with the assignment and division 16538  
of the work of the division and with the employment and 16539  
supervision of all other personnel of the domestic relations 16540  
division. 16541

The judge also shall designate the title, compensation, 16542  
expense allowances, hours, leaves of absence, and vacations of the 16543  
personnel of the division and shall fix their duties. The duties 16544  
of the personnel, in addition to other statutory duties, shall 16545  
include the handling, servicing, and investigation of divorce, 16546  
dissolution of marriage, legal separation, and annulment cases and 16547  
providing any counseling and conciliation services that the 16548  
division makes available to persons, whether or not the persons 16549  
are parties to an action pending in the division, who request the 16550  
services. 16551

(S) In Licking county, the judges of the court of common 16552  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 16553  
and successors, shall have the same qualifications, exercise the 16554  
same powers and jurisdiction, and receive the same compensation as 16555  
the other judges of the court of common pleas of Licking county 16556  
and shall be elected and designated as judges of the court of 16557  
common pleas, division of domestic relations. The judges shall be 16558  
assigned all divorce, dissolution of marriage, legal separation, 16559  
and annulment cases, all cases arising under Chapter 3111. of the 16560  
Revised Code, all proceedings involving child support, the 16561

allocation of parental rights and responsibilities for the care of 16562  
children and the designation for the children of a place of 16563  
residence and legal custodian, parenting time, and visitation, and 16564  
all post-decree proceedings and matters arising from those cases 16565  
and proceedings, except in cases that for some special reason are 16566  
assigned to another judge of the court of common pleas. The 16567  
administrative judge of the division of domestic relations shall 16568  
be charged with the assignment and division of the work of the 16569  
division and with the employment and supervision of the personnel 16570  
of the division. 16571

The administrative judge of the division of domestic 16572  
relations shall designate the title, compensation, expense 16573  
allowances, hours, leaves of absence, and vacations of the 16574  
personnel of the division and shall fix the duties of the 16575  
personnel of the division. The duties of the personnel of the 16576  
division, in addition to other statutory duties, shall include the 16577  
handling, servicing, and investigation of divorce, dissolution of 16578  
marriage, legal separation, and annulment cases, cases arising 16579  
under Chapter 3111. of the Revised Code, and proceedings involving 16580  
child support, the allocation of parental rights and 16581  
responsibilities for the care of children and the designation for 16582  
the children of a place of residence and legal custodian, 16583  
parenting time, and visitation and providing any counseling and 16584  
conciliation services that the division makes available to 16585  
persons, whether or not the persons are parties to an action 16586  
pending in the division, who request the services. 16587

(T) In Allen county, the judge of the court of common pleas, 16588  
whose term begins January 1, 1993, and successors, shall have the 16589  
same qualifications, exercise the same powers and jurisdiction, 16590  
and receive the same compensation as the other judges of the court 16591  
of common pleas of Allen county and shall be elected and 16592  
designated as judge of the court of common pleas, division of 16593

domestic relations. The judge shall be assigned all divorce, 16594  
dissolution of marriage, legal separation, and annulment cases, 16595  
all cases arising under Chapter 3111. of the Revised Code, all 16596  
proceedings involving child support, the allocation of parental 16597  
rights and responsibilities for the care of children and the 16598  
designation for the children of a place of residence and legal 16599  
custodian, parenting time, and visitation, and all post-decree 16600  
proceedings and matters arising from those cases and proceedings, 16601  
except in cases that for some special reason are assigned to 16602  
another judge of the court of common pleas. The judge shall be 16603  
charged with the assignment and division of the work of the 16604  
division and with the employment and supervision of the personnel 16605  
of the division. 16606

The judge shall designate the title, compensation, expense 16607  
allowances, hours, leaves of absence, and vacations of the 16608  
personnel of the division and shall fix the duties of the 16609  
personnel of the division. The duties of the personnel of the 16610  
division, in addition to other statutory duties, shall include the 16611  
handling, servicing, and investigation of divorce, dissolution of 16612  
marriage, legal separation, and annulment cases, cases arising 16613  
under Chapter 3111. of the Revised Code, and proceedings involving 16614  
child support, the allocation of parental rights and 16615  
responsibilities for the care of children and the designation for 16616  
the children of a place of residence and legal custodian, 16617  
parenting time, and visitation, and providing any counseling and 16618  
conciliation services that the division makes available to 16619  
persons, whether or not the persons are parties to an action 16620  
pending in the division, who request the services. 16621

(U) In Medina county, the judge of the court of common pleas 16622  
whose term begins January 1, 1995, and successors, shall have the 16623  
same qualifications, exercise the same powers and jurisdiction, 16624  
and receive the same compensation as other judges of the court of 16625

common pleas of Medina county and shall be elected and designated 16626  
as judge of the court of common pleas, division of domestic 16627  
relations. The judge shall be assigned all divorce, dissolution of 16628  
marriage, legal separation, and annulment cases, all cases arising 16629  
under Chapter 3111. of the Revised Code, all proceedings involving 16630  
child support, the allocation of parental rights and 16631  
responsibilities for the care of children and the designation for 16632  
the children of a place of residence and legal custodian, 16633  
parenting time, and visitation, and all post-decree proceedings 16634  
and matters arising from those cases and proceedings, except in 16635  
cases that for some special reason are assigned to another judge 16636  
of the court of common pleas. The judge shall be charged with the 16637  
assignment and division of the work of the division and with the 16638  
employment and supervision of the personnel of the division. 16639

The judge shall designate the title, compensation, expense 16640  
allowances, hours, leaves of absence, and vacations of the 16641  
personnel of the division and shall fix the duties of the 16642  
personnel of the division. The duties of the personnel, in 16643  
addition to other statutory duties, include the handling, 16644  
servicing, and investigation of divorce, dissolution of marriage, 16645  
legal separation, and annulment cases, cases arising under Chapter 16646  
3111. of the Revised Code, and proceedings involving child 16647  
support, the allocation of parental rights and responsibilities 16648  
for the care of children and the designation for the children of a 16649  
place of residence and legal custodian, parenting time, and 16650  
visitation, and providing counseling and conciliation services 16651  
that the division makes available to persons, whether or not the 16652  
persons are parties to an action pending in the division, who 16653  
request the services. 16654

(V) In Fairfield county, the judge of the court of common 16655  
pleas whose term begins January 2, 1995, and successors, shall 16656  
have the same qualifications, exercise the same powers and 16657

jurisdiction, and receive the same compensation as the other 16658  
judges of the court of common pleas of Fairfield county and shall 16659  
be elected and designated as judge of the court of common pleas, 16660  
division of domestic relations. The judge shall be assigned all 16661  
divorce, dissolution of marriage, legal separation, and annulment 16662  
cases, all cases arising under Chapter 3111. of the Revised Code, 16663  
all proceedings involving child support, the allocation of 16664  
parental rights and responsibilities for the care of children and 16665  
the designation for the children of a place of residence and legal 16666  
custodian, parenting time, and visitation, and all post-decree 16667  
proceedings and matters arising from those cases and proceedings, 16668  
except in cases that for some special reason are assigned to 16669  
another judge of the court of common pleas. The judge also has 16670  
concurrent jurisdiction with the probate-juvenile division of the 16671  
court of common pleas of Fairfield county with respect to and may 16672  
hear cases to determine the custody of a child, as defined in 16673  
section 2151.011 of the Revised Code, who is not the ward of 16674  
another court of this state, cases that are commenced by a parent, 16675  
guardian, or custodian of a child, as defined in section 2151.011 16676  
of the Revised Code, to obtain an order requiring a parent of the 16677  
child to pay child support for that child when the request for 16678  
that order is not ancillary to an action for divorce, dissolution 16679  
of marriage, annulment, or legal separation, a criminal or civil 16680  
action involving an allegation of domestic violence, an action for 16681  
support under Chapter 3115. of the Revised Code, or an action that 16682  
is within the exclusive original jurisdiction of the 16683  
probate-juvenile division of the court of common pleas of 16684  
Fairfield county and that involves an allegation that the child is 16685  
an abused, neglected, or dependent child, and post-decree 16686  
proceedings and matters arising from those types of cases. 16687

The judge of the domestic relations division shall be charged 16688  
with the assignment and division of the work of the division and 16689  
with the employment and supervision of the personnel of the 16690

division. 16691

The judge shall designate the title, compensation, expense 16692  
allowances, hours, leaves of absence, and vacations of the 16693  
personnel of the division and shall fix the duties of the 16694  
personnel of the division. The duties of the personnel of the 16695  
division, in addition to other statutory duties, shall include the 16696  
handling, servicing, and investigation of divorce, dissolution of 16697  
marriage, legal separation, and annulment cases, cases arising 16698  
under Chapter 3111. of the Revised Code, and proceedings involving 16699  
child support, the allocation of parental rights and 16700  
responsibilities for the care of children and the designation for 16701  
the children of a place of residence and legal custodian, 16702  
parenting time, and visitation, and providing any counseling and 16703  
conciliation services that the division makes available to 16704  
persons, regardless of whether the persons are parties to an 16705  
action pending in the division, who request the services. When the 16706  
judge hears a case to determine the custody of a child, as defined 16707  
in section 2151.011 of the Revised Code, who is not the ward of 16708  
another court of this state or a case that is commenced by a 16709  
parent, guardian, or custodian of a child, as defined in section 16710  
2151.011 of the Revised Code, to obtain an order requiring a 16711  
parent of the child to pay child support for that child when the 16712  
request for that order is not ancillary to an action for divorce, 16713  
dissolution of marriage, annulment, or legal separation, a 16714  
criminal or civil action involving an allegation of domestic 16715  
violence, an action for support under Chapter 3115. of the Revised 16716  
Code, or an action that is within the exclusive original 16717  
jurisdiction of the probate-juvenile division of the court of 16718  
common pleas of Fairfield county and that involves an allegation 16719  
that the child is an abused, neglected, or dependent child, the 16720  
duties of the personnel of the domestic relations division also 16721  
include the handling, servicing, and investigation of those types 16722  
of cases. 16723

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that



court. 16756

(X) In Scioto county, the judge of the court of common pleas 16757  
whose term begins January 2, 1995, and successors, shall have the 16758  
same qualifications, exercise the same powers and jurisdiction, 16759  
and receive the same compensation as other judges of the court of 16760  
common pleas of Scioto county and shall be elected and designated 16761  
as judge of the court of common pleas, division of domestic 16762  
relations. The judge shall be assigned all divorce, dissolution of 16763  
marriage, legal separation, and annulment cases, all cases arising 16764  
under Chapter 3111. of the Revised Code, all proceedings involving 16765  
child support, the allocation of parental rights and 16766  
responsibilities for the care of children and the designation for 16767  
the children of a place of residence and legal custodian, 16768  
parenting time, visitation, and all post-decree proceedings and 16769  
matters arising from those cases and proceedings, except in cases 16770  
that for some special reason are assigned to another judge of the 16771  
court of common pleas. The judge shall be charged with the 16772  
assignment and division of the work of the division and with the 16773  
employment and supervision of the personnel of the division. 16774

The judge shall designate the title, compensation, expense 16775  
allowances, hours, leaves of absence, and vacations of the 16776  
personnel of the division and shall fix the duties of the 16777  
personnel of the division. The duties of the personnel, in 16778  
addition to other statutory duties, include the handling, 16779  
servicing, and investigation of divorce, dissolution of marriage, 16780  
legal separation, and annulment cases, cases arising under Chapter 16781  
3111. of the Revised Code, and proceedings involving child 16782  
support, the allocation of parental rights and responsibilities 16783  
for the care of children and the designation for the children of a 16784  
place of residence and legal custodian, parenting time, and 16785  
visitation, and providing counseling and conciliation services 16786  
that the division makes available to persons, whether or not the 16787

persons are parties to an action pending in the division, who 16788  
request the services. 16789

(Y) In Auglaize county, the judge of the probate and juvenile 16790  
divisions of the Auglaize county court of common pleas also shall 16791  
be the administrative judge of the domestic relations division of 16792  
the court and shall be assigned all divorce, dissolution of 16793  
marriage, legal separation, and annulment cases coming before the 16794  
court. The judge shall have all powers as administrator of the 16795  
domestic relations division and shall have charge of the personnel 16796  
engaged in handling, servicing, or investigating divorce, 16797  
dissolution of marriage, legal separation, and annulment cases, 16798  
including any referees considered necessary for the discharge of 16799  
the judge's various duties. 16800

(Z)(1) In Marion county, the judge of the court of common 16801  
pleas whose term begins on February 9, 1999, and the successors to 16802  
that judge, shall have the same qualifications, exercise the same 16803  
powers and jurisdiction, and receive the same compensation as the 16804  
other judges of the court of common pleas of Marion county and 16805  
shall be elected and designated as judge of the court of common 16806  
pleas, domestic relations-juvenile-probate division. Except as 16807  
otherwise specified in this division, that judge, and the 16808  
successors to that judge, shall have all the powers relating to 16809  
juvenile courts, and all cases under Chapters 2151. and 2152. of 16810  
the Revised Code, all cases arising under Chapter 3111. of the 16811  
Revised Code, all divorce, dissolution of marriage, legal 16812  
separation, and annulment cases, all proceedings involving child 16813  
support, the allocation of parental rights and responsibilities 16814  
for the care of children and the designation for the children of a 16815  
place of residence and legal custodian, parenting time, and 16816  
visitation, and all post-decree proceedings and matters arising 16817  
from those cases and proceedings shall be assigned to that judge 16818  
and the successors to that judge. Except as provided in division 16819

(Z)(2) of this section and notwithstanding any other provision of 16820  
any section of the Revised Code, on and after February 9, 2003, 16821  
the judge of the court of common pleas of Marion county whose term 16822  
begins on February 9, 1999, and the successors to that judge, 16823  
shall have all the powers relating to the probate division of the 16824  
court of common pleas of Marion county in addition to the powers 16825  
previously specified in this division, and shall exercise 16826  
concurrent jurisdiction with the judge of the probate division of 16827  
that court over all matters that are within the jurisdiction of 16828  
the probate division of that court under Chapter 2101., and other 16829  
provisions, of the Revised Code in addition to the jurisdiction of 16830  
the domestic relations-juvenile-probate division of that court 16831  
otherwise specified in division (Z)(1) of this section. 16832

(2) The judge of the domestic relations-juvenile-probate 16833  
division of the court of common pleas of Marion county or the 16834  
judge of the probate division of the court of common pleas of 16835  
Marion county, whichever of those judges is senior in total length 16836  
of service on the court of common pleas of Marion county, 16837  
regardless of the division or divisions of service, shall serve as 16838  
the clerk of the probate division of the court of common pleas of 16839  
Marion county. 16840

(3) On and after February 9, 2003, all references in law to 16841  
"the probate court," "the probate judge," "the juvenile court," or 16842  
"the judge of the juvenile court" shall be construed, with respect 16843  
to Marion county, as being references to both "the probate 16844  
division" and "the domestic relations-juvenile-probate division" 16845  
and as being references to both "the judge of the probate 16846  
division" and "the judge of the domestic relations- 16847  
juvenile-probate division." On and after February 9, 2003, all 16848  
references in law to "the clerk of the probate court" shall be 16849  
construed, with respect to Marion county, as being references to 16850  
the judge who is serving pursuant to division (Z)(2) of this 16851

section as the clerk of the probate division of the court of 16852  
common pleas of Marion county. 16853

(AA) In Muskingum county, the judge of the court of common 16854  
pleas whose term begins on January 2, 2003, and successors, shall 16855  
have the same qualifications, exercise the same powers and 16856  
jurisdiction, and receive the same compensation as the other 16857  
judges of the court of common pleas of Muskingum county and shall 16858  
be elected and designated as the judge of the court of common 16859  
pleas, division of domestic relations. The judge shall be assigned 16860  
all divorce, dissolution of marriage, legal separation, and 16861  
annulment cases, all cases arising under Chapter 3111. of the 16862  
Revised Code, all proceedings involving child support, the 16863  
allocation of parental rights and responsibilities for the care of 16864  
children and the designation for the children of a place of 16865  
residence and legal custodian, parenting time, and visitation, and 16866  
all post-decree proceedings and matters arising from those cases 16867  
and proceedings, except in cases that for some special reason are 16868  
assigned to another judge of the court of common pleas. The judge 16869  
shall be charged with the assignment and division of the work of 16870  
the division and with the employment and supervision of the 16871  
personnel of the division. 16872

The judge shall designate the title, compensation, expense 16873  
allowances, hours, leaves of absence, and vacations of the 16874  
personnel of the division and shall fix the duties of the 16875  
personnel of the division. The duties of the personnel of the 16876  
division, in addition to other statutory duties, shall include the 16877  
handling, servicing, and investigation of divorce, dissolution of 16878  
marriage, legal separation, and annulment cases, cases arising 16879  
under Chapter 3111. of the Revised Code, and proceedings involving 16880  
child support, the allocation of parental rights and 16881  
responsibilities for the care of children and the designation for 16882  
the children of a place of residence and legal custodian, 16883

parenting time, and visitation and providing any counseling and 16884  
conciliation services that the division makes available to 16885  
persons, whether or not the persons are parties to an action 16886  
pending in the division, who request the services. 16887

(BB) In Henry county, the judge of the court of common pleas 16888  
whose term begins on January 1, 2005, and successors, shall have 16889  
the same qualifications, exercise the same powers and 16890  
jurisdiction, and receive the same compensation as the other judge 16891  
of the court of common pleas of Henry county and shall be elected 16892  
and designated as the judge of the court of common pleas, division 16893  
of domestic relations. The judge shall have all of the powers 16894  
relating to juvenile courts, and all cases under Chapter 2151. or 16895  
2152. of the Revised Code, all parentage proceedings arising under 16896  
Chapter 3111. of the Revised Code over which the juvenile court 16897  
has jurisdiction, all divorce, dissolution of marriage, legal 16898  
separation, and annulment cases, all proceedings involving child 16899  
support, the allocation of parental rights and responsibilities 16900  
for the care of children and the designation for the children of a 16901  
place of residence and legal custodian, parenting time, and 16902  
visitation, and all post-decree proceedings and matters arising 16903  
from those cases and proceedings shall be assigned to that judge, 16904  
except in cases that for some special reason are assigned to the 16905  
other judge of the court of common pleas. 16906

(CC)(1) In Logan county, the judge of the court of common 16907  
pleas whose term begins January 2, 2005, and the successors to 16908  
that judge, shall have the same qualifications, exercise the same 16909  
powers and jurisdiction, and receive the same compensation as the 16910  
other judges of the court of common pleas of Logan county and 16911  
shall be elected and designated as judge of the court of common 16912  
pleas, domestic relations-juvenile-probate division. Except as 16913  
otherwise specified in this division, that judge, and the 16914  
successors to that judge, shall have all the powers relating to 16915

juvenile courts, and all cases under Chapters 2151. and 2152. of 16916  
the Revised Code, all cases arising under Chapter 3111. of the 16917  
Revised Code, all divorce, dissolution of marriage, legal 16918  
separation, and annulment cases, all proceedings involving child 16919  
support, the allocation of parental rights and responsibilities 16920  
for the care of children and designation for the children of a 16921  
place of residence and legal custodian, parenting time, and 16922  
visitation, and all post-decree proceedings and matters arising 16923  
from those cases and proceedings shall be assigned to that judge 16924  
and the successors to that judge. Notwithstanding any other 16925  
provision of any section of the Revised Code, on and after January 16926  
2, 2005, the judge of the court of common pleas of Logan county 16927  
whose term begins on January 2, 2005, and the successors to that 16928  
judge, shall have all the powers relating to the probate division 16929  
of the court of common pleas of Logan county in addition to the 16930  
powers previously specified in this division and shall exercise 16931  
concurrent jurisdiction with the judge of the probate division of 16932  
that court over all matters that are within the jurisdiction of 16933  
the probate division of that court under Chapter 2101., and other 16934  
provisions, of the Revised Code in addition to the jurisdiction of 16935  
the domestic relations-juvenile-probate division of that court 16936  
otherwise specified in division (CC)(1) of this section. 16937

(2) The judge of the domestic relations-juvenile-probate 16938  
division of the court of common pleas of Logan county or the 16939  
probate judge of the court of common pleas of Logan county who is 16940  
elected as the administrative judge of the probate division of the 16941  
court of common pleas of Logan county pursuant to Rule 4 of the 16942  
Rules of Superintendence shall be the clerk of the probate 16943  
division and juvenile division of the court of common pleas of 16944  
Logan county. The clerk of the court of common pleas who is 16945  
elected pursuant to section 2303.01 of the Revised Code shall keep 16946  
all of the journals, records, books, papers, and files pertaining 16947  
to the domestic relations cases. 16948

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court" shall be construed, with respect to Logan county, as being references to the judge who is serving pursuant to division (CC)(2) of this section as the clerk of the probate division of the court of common pleas of Logan county.

(DD)(1) In Champaign county, the judge of the court of common pleas whose term begins February 9, 2003, and the judge of the court of common pleas whose term begins February 10, 2009, and the successors to those judges, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Champaign county and shall be elected and designated as judges of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, those judges, and the successors to those judges, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to those judges and the successors to those judges.

Notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2009, the judges designated by this division as judges of the court of common pleas of Champaign county, domestic relations-juvenile-probate division, and the successors to those judges, shall have all the powers relating to probate courts in addition to the powers previously specified in this division and shall exercise jurisdiction over all matters that are within the jurisdiction of probate courts under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division otherwise specified in division (DD)(1) of this section.

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic relations-juvenile-probate division" and as being references to the "judge of the domestic relations-juvenile-probate division." On and after February 9, 2009, all references in law to "the clerk of the probate court" shall be construed with respect to Champaign county as being references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, domestic relations-juvenile-probate division.

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require.



**Sec. 2301.18.** The court of common pleas shall appoint a 17014  
~~steno~~graphic reporter as the official ~~shorthand~~ reporter of ~~such~~ 17015  
the court, ~~who shall hold the appointment~~ for a term not exceeding 17016  
three years ~~from the date thereof~~, unless removed by the court, 17017  
after a good cause shown, for neglect of duty, misconduct in 17018  
office, or incompetency. ~~Such~~ The court may appoint assistant 17019  
reporters as the business of the court requires for terms not 17020  
exceeding three years under one appointment. The official 17021  
~~shorthand~~ reporter and assistant reporters shall take an oath 17022  
faithfully and impartially to discharge the duties of ~~such~~ 17023  
~~position~~ their positions. 17024

**Sec. 2301.20.** ~~Upon the trial of a~~ All civil ~~or~~ and criminal 17025  
~~action~~ actions in the court of common pleas, ~~if either party to~~ 17026  
~~the action or his attorney requests the services of a shorthand~~ 17027  
~~reporter, the trial judge shall grant the request, or may order a~~ 17028  
~~full report of the testimony or other proceedings. In either case,~~ 17029  
~~the shorthand shall be recorded.~~ The reporter shall take accurate 17030  
~~shorthand~~ notes of or electronically record the oral testimony ~~or~~ 17031  
~~other oral proceedings.~~ The notes and electronic records shall be 17032  
filed in the office of the official ~~shorthand~~ reporter and 17033  
carefully preserved for either of the following periods of time: 17034

(A) If the action is not a capital case, the notes and 17035  
electronic records shall be preserved for the period of time 17036  
specified by the court of common pleas, which period of time shall 17037  
not be longer than the period of time that the other records of 17038  
the particular action are required to be kept. 17039

(B) If the action is a capital case, the notes and electronic 17040  
records shall be preserved for the longer of ten years or until 17041  
the final disposition of the action and exhaustion of all appeals. 17042

**Sec. 2301.21.** In every case ~~reported~~ recorded as provided in 17043

section 2301.20 of the Revised Code, there shall be taxed for each 17044  
day's service of the official or assistant ~~shorthand~~ reporters a 17045  
fee of twenty-five dollars, to be collected as other costs in the 17046  
case. The fees so collected shall be paid quarterly by the clerk 17047  
of the court of common pleas in which the cases were tried into 17048  
the treasury of the county and shall be credited by the county 17049  
treasurer to the general fund. 17050

**Sec. 2301.22.** Each ~~shorthand~~ reporter shall receive ~~such the~~ 17051  
compensation ~~as that~~ the court of common pleas making the 17052  
appointment fixes. ~~Such That~~ compensation shall be in place of all 17053  
per diem compensation in ~~such those~~ courts. In case ~~such the~~ 17054  
appointment is for a term of less than one year, ~~such the~~ court 17055  
may allow a per diem compensation to be fixed by the court, plus 17056  
actual and necessary expenses incurred, for each day ~~such~~ 17057  
~~shorthand the~~ reporter is actually engaged in taking testimony or 17058  
performing other duties under the orders of ~~such the~~ court, which 17059  
allowance shall be in full payment for all services so rendered. 17060

The county auditor shall issue warrants on the county 17061  
treasurer for the payment of ~~such the~~ compensation under this 17062  
section in equal monthly installments, ~~when if~~ the compensation is 17063  
allowed annually, and ~~when~~ in case of services per diem, for the 17064  
amount of the bill approved by the court, from the general fund 17065  
upon the presentation of a certified copy of the journal entry of 17066  
appointment and compensation of ~~such shorthand the~~ reporters. 17067

**Sec. 2301.23.** When ~~shorthand~~ notes have been taken or an 17068  
electronic recording has been made in a case as provided in 17069  
section 2301.20 of the Revised Code, if the court, or either party 17070  
to the suit ~~or his attorney,~~ requests written transcripts of any 17071  
portion of ~~such notes in longhand the proceeding,~~ the ~~shorthand~~ 17072  
reporter reporting the case shall make full and accurate 17073  
transcripts of the notes ~~for the use of such court or party or~~ 17074

electronic recording. The court may direct the official ~~shorthand~~ 17075  
reporter to furnish to the court and the parties copies of 17076  
decisions rendered and charges delivered by the court in pending 17077  
cases. 17078

When the compensation for transcripts, copies of decisions, 17079  
or charges is taxed as a part of the costs, ~~such the~~ transcripts, 17080  
copies of decisions, and charges shall remain on file with the 17081  
papers of the case. 17082

**Sec. 2301.24.** The compensation of ~~shorthand~~ reporters for 17083  
making written transcripts ~~and copies~~ as provided in section 17084  
2301.23 of the Revised Code shall be fixed by ~~the judges of the~~ 17085  
court of common pleas of the county ~~wherein~~ in which the trial is 17086  
~~had held~~. Such If more than one transcript of the same testimony 17087  
or proceeding is ordered, the reporter shall make copies of the 17088  
transcript at cost pursuant to division (B)(1) of section 149.43 17089  
of the Revised Code or shall provide an electronic copy of the 17090  
transcript free of charge. The compensation shall be paid 17091  
~~forthwith~~ by the party for whose benefit a transcript is made. The 17092  
compensation for transcripts ~~of testimony~~ requested by the 17093  
prosecuting attorney ~~during trial~~ or an indigent defendant in 17094  
criminal cases or by the trial judge, in either civil or criminal 17095  
cases, and for copies of decisions and charges furnished by 17096  
direction of the court shall be paid from the county treasury, and 17097  
taxed and collected as costs. 17098

**Sec. 2301.25.** When ordered by the prosecuting attorney or the 17099  
defendant in a criminal ~~trial,~~ case or when ordered by a judge of 17100  
the court of common pleas ~~for his use,~~ in either civil or criminal 17101  
cases, the costs of transcripts ~~mentioned in section 2301.23 of~~ 17102  
~~the Revised Code,~~ shall be taxed as costs in the case, collected 17103  
as other costs, whether ~~such the~~ transcripts have been prepaid or 17104  
not, as provided by section 2301.24 of the Revised Code, ~~and~~ paid 17105

by the clerk of the court of common pleas, quarterly, into the 17106  
county treasury, and credited to the general fund. If, upon final 17107  
judgment, the costs or any part ~~thereof shall be~~ of the costs are 17108  
adjudged against a defendant in a criminal case, ~~he~~ the defendant 17109  
shall be allowed credit on the cost bill of the amount paid ~~by him~~ 17110  
for the transcript ~~he~~ the defendant ordered and, if the costs are 17111  
finally adjudged against the state, the defendant shall have ~~his~~ 17112  
the defendant's deposit refunded. ~~When more than one transcript of~~ 17113  
~~the same testimony or proceedings is ordered at the same time by~~ 17114  
~~the same party, or by the court, the compensation for making such~~ 17115  
~~additional transcript shall be one half the compensation allowed~~ 17116  
~~for the first copy, and shall be paid for in the same manner~~ 17117  
~~except that where ordered by the same party only the cost of the~~ 17118  
~~original shall be taxed as costs.~~ All ~~such~~ transcripts shall be 17119  
taken and received as prima-facie evidence of their correctness. 17120  
~~When~~ If the testimony of witnesses is taken before the grand jury 17121  
by ~~shorthand~~ reporters, they shall receive for ~~such~~ the 17122  
transcripts ~~as are ordered by the prosecuting attorney~~ the same 17123  
compensation ~~per folio~~ and be paid ~~therefor~~ in the same manner as 17124  
provided in this section and section 2301.24 of the Revised Code. 17125  
17126

**Sec. 2301.26.** ~~Shorthand reporters~~ Reporters appointed under 17127  
~~sections~~ section 2301.18 ~~and 2301.19~~ of the Revised Code, may be 17128  
appointed referees to take and report evidence in causes pending 17129  
in any of the courts of this state. In the taking of evidence as 17130  
~~such~~ referees, ~~they~~ the reporters may administer oaths to 17131  
witnesses. They shall be furnished by the board of county 17132  
commissioners with a suitable room in the courthouse, and with 17133  
~~stationery,~~ supplies and ~~other~~ equipment necessary ~~in~~ for the 17134  
proper discharge of their duties and for the preservation of their 17135  
~~stenographic notes~~ and electronic records. ~~Such~~ The notes and 17136  
electronic records shall be the property of the county and 17137

carefully preserved in the office of the ~~shorthand~~ reporters. 17138

**Sec. 2301.27.** (A)(1)(a) The court of common pleas may 17139  
establish a county department of probation. The establishment of 17140  
the department shall be entered upon the journal of the court, and 17141  
the clerk of the court of common pleas shall certify a copy of the 17142  
journal entry establishing the department to each elective officer 17143  
and board of the county. The department shall consist of a chief 17144  
probation officer and the number of other probation officers and 17145  
employees, clerks, and stenographers that is fixed from time to 17146  
time by the court. The court shall appoint those individuals, fix 17147  
their salaries, and supervise their work. 17148

(b) When appointing a chief probation officer, the court 17149  
shall do all of the following: 17150

(i) Publicly advertise the position on the court's web site, 17151  
including, but not limited to, the job description, qualifications 17152  
for the position, and the application requirements; 17153

(ii) Conduct a competitive hiring process that adheres to 17154  
state and federal equal employment opportunity laws; 17155

(iii) Review applicants who meet the posted qualifications 17156  
and comply with the application requirements. 17157

(c) The court shall not appoint as a probation officer any 17158  
person who does not possess the training, experience, and other 17159  
qualifications prescribed by the adult parole authority created by 17160  
section 5149.02 of the Revised Code. Probation officers have all 17161  
the powers of regular police officers and shall perform any duties 17162  
that are designated by the judge or judges of the court. All 17163  
positions within the department of probation shall be in the 17164  
classified service of the civil service of the county. 17165

(2) If two or more counties desire to jointly establish a 17166  
probation department for those counties, the judges of the courts 17167

of common pleas of those counties may establish a probation 17168  
department for those counties. If a probation department is 17169  
established pursuant to division (A)(2) of this section to serve 17170  
more than one county, the judges of the courts of common pleas 17171  
that established the department shall designate the county 17172  
treasurer of one of the counties served by the department as the 17173  
treasurer to whom probation fees paid under section 2951.021 of 17174  
the Revised Code are to be appropriated and transferred under 17175  
division (A)(2) of section 321.44 of the Revised Code for deposit 17176  
into the multicounty probation services fund established under 17177  
division (B) of section 321.44 of the Revised Code. 17178

The cost of the administration and operation of a probation 17179  
department established for two or more counties shall be prorated 17180  
to the respective counties on the basis of population. 17181

(3) Probation officers shall receive, in addition to their 17182  
respective salaries, their necessary and reasonable travel and 17183  
other expenses incurred in the performance of their duties. Their 17184  
salaries and expenses shall be paid monthly from the county 17185  
treasury in the manner provided for the payment of the 17186  
compensation of other appointees of the court. 17187

(4) ~~Probation~~ Adult probation officers shall be trained in 17188  
accordance with a set of minimum standards that are established by 17189  
the adult parole authority of the department of rehabilitation and 17190  
correction. 17191

(B)(1) In lieu of establishing a county department of 17192  
probation under division (A) of this section and in lieu of 17193  
entering into an agreement with the adult parole authority as 17194  
described in division (B) of section 2301.32 of the Revised Code, 17195  
the court of common pleas may request the board of county 17196  
commissioners to contract with, and upon that request the board 17197  
may contract with, any nonprofit, public or private agency, 17198  
association, or organization for the provision of probation 17199

services and supervisory services for persons placed under 17200  
community control sanctions. The contract shall specify that each 17201  
individual providing the probation services and supervisory 17202  
services shall possess the training, experience, and other 17203  
qualifications prescribed by the adult parole authority. The 17204  
individuals who provide the probation services and supervisory 17205  
services shall not be included in the classified or unclassified 17206  
civil service of the county. 17207

(2) In lieu of establishing a county department of probation 17208  
under division (A) of this section and in lieu of entering into an 17209  
agreement with the adult parole authority as described in division 17210  
(B) of section 2301.32 of the Revised Code, the courts of common 17211  
pleas of two or more adjoining counties jointly may request the 17212  
boards of county commissioners of those counties to contract with, 17213  
and upon that request the boards of county commissioners of two or 17214  
more adjoining counties jointly may contract with, any nonprofit, 17215  
public or private agency, association, or organization for the 17216  
provision of probation services and supervisory services for 17217  
persons placed under community control sanctions for those 17218  
counties. The contract shall specify that each individual 17219  
providing the probation services and supervisory services shall 17220  
possess the training, experience, and other qualifications 17221  
prescribed by the adult parole authority. The individuals who 17222  
provide the probation services and supervisory services shall not 17223  
be included in the classified or unclassified civil service of any 17224  
of those counties. 17225

(C) The chief probation officer may grant permission to a 17226  
probation officer to carry firearms when required in the discharge 17227  
of official duties if the probation officer has successfully 17228  
completed a basic firearm training program that is approved by the 17229  
executive director of the Ohio peace officer training commission. 17230  
A probation officer who has been granted permission to carry a 17231

firearm in the discharge of official duties, annually shall 17232  
successfully complete a firearms requalification program in 17233  
accordance with section 109.801 of the Revised Code. 17234

(D) As used in this section and sections 2301.28 to 2301.32 17235  
of the Revised Code, "community control sanction" has the same 17236  
meaning as in section 2929.01 of the Revised Code. 17237

**Sec. 2301.271.** (A) The adult parole authority of the 17238  
department of rehabilitation and correction shall develop minimum 17239  
standards for the training of adult probation officers as provided 17240  
by section 2301.27 of the Revised Code. The adult parole authority 17241  
shall consult and collaborate with the supreme court in developing 17242  
the standards. 17243

(B) Within six months after ~~the effective date of this~~ 17244  
~~section~~ September 30, 2011, the department of rehabilitation and 17245  
correction shall make available a copy of the minimum standards to 17246  
the following entities: 17247

(1) Every municipal court, county court, and court of common 17248  
pleas; 17249

(2) Every probation department. 17250

**Sec. 2301.571.** (A) A person who has been convicted of or 17251  
pleaded guilty to an offense and who is confined in a 17252  
community-based correctional facility or district community-based 17253  
correctional facility, ~~unless indigent~~, is financially responsible 17254  
for the payment of any medical expense or service requested by and 17255  
provided to that person. 17256

(B) ~~Notwithstanding any contrary provision of section 2929.38~~ 17257  
~~of the Revised Code, the facility governing board of a~~ 17258  
~~community based correctional facility or district community based~~ 17259  
~~correctional facility shall establish a policy that requires any~~ 17260  
~~person who is not indigent and who is confined in the correctional~~ 17261



~~facility to pay for any medical treatment or service requested by~~ 17262  
~~and provided to that person. The fee for the medical treatment or~~ 17263  
~~service shall not exceed the actual cost of the treatment or~~ 17264  
~~service provided.~~ No person confined in a community-based 17265  
correctional facility or district community-based correctional 17266  
facility shall be denied any necessary medical care because of 17267  
inability to pay for medical treatment or service. 17268

(C) ~~Any fee paid by a person under~~ Nothing in this section 17269  
~~shall be deducted from~~ cause a community-based correctional 17270  
facility or district community-based correctional facility to be 17271  
responsible for the payment of any medical or ~~dental costs that~~ 17272  
~~the person is ordered to reimburse under a financial sanction~~ 17273  
~~imposed pursuant to section 2929.28 of the Revised Code or to~~ 17274  
~~repay under a policy adopted under~~ other health care expenses 17275  
incurred in connection with an offender who is serving a term in 17276  
the facility pursuant to section 2929.37 2929.16 of the Revised 17277  
Code. 17278

**Sec. 2305.01.** Except as otherwise provided by this section or 17279  
section 2305.03 of the Revised Code, the court of common pleas has 17280  
original jurisdiction in all civil cases in which the sum or 17281  
matter in dispute exceeds the exclusive original jurisdiction of 17282  
county courts and appellate jurisdiction from the decisions of 17283  
boards of county commissioners. The court of common pleas shall 17284  
not have jurisdiction, in any tort action to which the amounts 17285  
apply, to award punitive or exemplary damages that exceed the 17286  
amounts set forth in section 2315.21 of the Revised Code. The 17287  
court of common pleas shall not have jurisdiction in any tort 17288  
action to which the limits apply to enter judgment on an award of 17289  
compensatory damages for noneconomic loss in excess of the limits 17290  
set forth in section 2315.18 of the Revised Code. 17291

The court of common pleas may on its own motion transfer for 17292

trial any action in the court to any municipal court in the county 17293  
having concurrent jurisdiction of the subject matter of, and the 17294  
parties to, the action, if the amount sought by the plaintiff does 17295  
not exceed one thousand dollars and if the judge or presiding 17296  
judge of the municipal court concurs in the proposed transfer. 17297  
Upon the issuance of an order of transfer, the clerk of courts 17298  
shall remove to the designated municipal court the entire case 17299  
file. Any untaxed portion of the common pleas deposit for court 17300  
costs shall be remitted to the municipal court by the clerk of 17301  
courts to be applied in accordance with section 1901.26 of the 17302  
Revised Code, and the costs taxed by the municipal court shall be 17303  
added to any costs taxed in the common pleas court. 17304

The court of common pleas has jurisdiction in any action 17305  
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 17306  
Revised Code if the residential premises that are the subject of 17307  
the action are located within the territorial jurisdiction of the 17308  
court. 17309

The courts of common pleas of Adams, Athens, Belmont, Brown, 17310  
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 17311  
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 17312  
beyond the north or northwest shore of the Ohio river extending to 17313  
the opposite shore line, between the extended boundary lines of 17314  
any adjacent counties or adjacent state. Each of those courts of 17315  
common pleas has concurrent jurisdiction on the Ohio river with 17316  
any adjacent court of common pleas that borders on that river and 17317  
with any court of Kentucky or of West Virginia that borders on the 17318  
Ohio river and that has jurisdiction on the Ohio river under the 17319  
law of Kentucky or the law of West Virginia, whichever is 17320  
applicable, or under federal law. 17321

**Sec. 2305.02. A** The court of common pleas in the county where 17322  
the underlying criminal action was initiated has exclusive, 17323

original jurisdiction to hear and determine ~~an~~ a civil action or 17324  
proceeding that is commenced by an individual who seeks a 17325  
determination by that court that the individual satisfies 17326  
divisions (A)(1) to ~~(4)~~(6) of section 2743.48 of the Revised Code 17327  
and that ~~seeks a determination by the court that the offense of~~ 17328  
~~which he was found guilty, including all lesser included offenses,~~ 17329  
~~either was not committed by him or was not committed by any~~ 17330  
~~person.~~ If ~~the~~ that court enters the requested determination, it 17331  
shall comply with division (B) of that section. 17332

**Sec. 2307.89.** The following apply to all tort actions for 17333  
silicosis or mixed dust disease claims brought against a premises 17334  
owner to recover damages or other relief for exposure to silica or 17335  
mixed dust on the premises owner's property: 17336

(A) A premises owner is not liable for any injury to any 17337  
individual resulting from silica or mixed dust exposure unless 17338  
that individual's alleged exposure occurred while the individual 17339  
was at the premises owner's property. 17340

(B) If exposure to silica or mixed dust is alleged to have 17341  
occurred before January 1, 1972, it is presumed that a premises 17342  
owner knew that this state had adopted safe levels of exposure for 17343  
silica or mixed dust and that products containing silica or mixed 17344  
dust were used on its property only at levels below those safe 17345  
levels of exposure. To rebut this presumption, the plaintiff must 17346  
prove by a preponderance of the evidence that the premises owner 17347  
knew or should have known that the levels of silica or mixed dust 17348  
in the immediate breathing zone of the plaintiff regularly 17349  
exceeded the threshold limit values adopted by this state and that 17350  
the premises owner allowed that condition to persist. 17351

(C)(1) A premises owner is presumed to be not liable for any 17352  
injury to any invitee who was engaged to work with, install, or 17353  
remove products containing silica or mixed dust on the premises 17354

owner's property if the invitee's employer held itself out as 17355  
qualified to perform the work. To rebut this presumption, the 17356  
plaintiff must demonstrate by a preponderance of the evidence that 17357  
the premises owner had actual knowledge of the potential dangers 17358  
of the products containing silica or mixed dust at the time of the 17359  
alleged exposure that was superior to the knowledge of both the 17360  
invitee and the invitee's employer. 17361

(2) A premises owner that hired a contractor before January 17362  
1, 1972, to perform the type of work at the premises owner's 17363  
property that the contractor was qualified to perform cannot be 17364  
liable for any injury to any individual resulting from silica or 17365  
mixed dust exposure caused by any of the contractor's employees or 17366  
agents on the premises owner's property unless the premises owner 17367  
directed the activity that resulted in the injury or gave or 17368  
denied permission for the critical acts that led to the 17369  
individual's injury. 17370

(3) If exposure to silica or mixed dust is alleged to have 17371  
occurred after January 1, 1972, a premises owner is not liable for 17372  
any injury to any individual resulting from that exposure caused 17373  
by a contractor's employee or agent on the premises owner's 17374  
property unless the plaintiff establishes the premises owner's 17375  
intentional violation of an established safety standard that was 17376  
in effect at the time of the exposure and that the alleged 17377  
violation was in the plaintiff's breathing zone and was the 17378  
proximate cause of the plaintiff's medical condition. 17379

(D) As used in this section: 17380

(1) "Threshold limit values" means the maximum allowable 17381  
concentration of silica, or other dust, set forth in regulation 17382  
247 of the "regulations for the prevention and control of diseases 17383  
resulting from exposure to toxic fumes, vapors, mists, gases, and 17384  
dusts in order to preserve and protect the public health," as 17385  
adopted by the former public health council of the department of 17386

health on January 1, 1947, and set forth by the industrial 17387  
commission of Ohio in bulletin no. 203, "specific requirements and 17388  
general safety standards of the industrial commission of Ohio for 17389  
work shops and factories, chapter XV, ventilation and exhausts," 17390  
effective January 3, 1955. 17391

(2) "Established safety standard" means that, for the years 17392  
after 1971, the concentration of silica or mixed dust in the 17393  
breathing zone of the worker does not exceed the maximum allowable 17394  
exposure limits for the eight-hour time-weighted average airborne 17395  
concentration as promulgated by the occupational safety and health 17396  
administration (OSHA) in effect at the time of the alleged 17397  
exposure. 17398

(3) "Employee" means an individual who performs labor or 17399  
provides construction services pursuant to a construction 17400  
contract, as defined in section 4123.79 of the Revised Code, or a 17401  
remodeling or repair contract, whether written or oral, if at 17402  
least ten of the following criteria apply: 17403

(a) The individual is required to comply with instructions 17404  
from the other contracting party regarding the manner or method of 17405  
performing services. 17406

(b) The individual is required by the other contracting party 17407  
to have particular training. 17408

(c) The individual's services are integrated into the regular 17409  
functioning of the other contracting party. 17410

(d) The individual is required to perform the work 17411  
personally. 17412

(e) The individual is hired, supervised, or paid by the other 17413  
contracting party. 17414

(f) A continuing relationship exists between the individual 17415  
and the other contracting party that contemplates continuing or 17416

|                                                                                                                                |                |
|--------------------------------------------------------------------------------------------------------------------------------|----------------|
| recurring work even if the work is not full time.                                                                              | 17417          |
| (g) The individual's hours of work are established by the other contracting party.                                             | 17418<br>17419 |
| (h) The individual is required to devote full time to the business of the other contracting party.                             | 17420<br>17421 |
| (i) The individual is required to perform the work on the premises of the other contracting party.                             | 17422<br>17423 |
| (j) The individual is required to follow the order of work set by the other contracting party.                                 | 17424<br>17425 |
| (k) The individual is required to make oral or written reports of progress to the other contracting party.                     | 17426<br>17427 |
| (l) The individual is paid for services on a regular basis, including hourly, weekly, or monthly.                              | 17428<br>17429 |
| (m) The individual's expenses are paid for by the other contracting party.                                                     | 17430<br>17431 |
| (n) The individual's tools and materials are furnished by the other contracting party.                                         | 17432<br>17433 |
| (o) The individual is provided with the facilities used to perform services.                                                   | 17434<br>17435 |
| (p) The individual does not realize a profit or suffer a loss as a result of the services provided.                            | 17436<br>17437 |
| (q) The individual is not performing services for a number of employers at the same time.                                      | 17438<br>17439 |
| (r) The individual does not make the same services available to the general public.                                            | 17440<br>17441 |
| (s) The other contracting party has a right to discharge the individual.                                                       | 17442<br>17443 |
| (t) The individual has the right to end the relationship with the other contracting party without incurring liability pursuant | 17444<br>17445 |

to an employment contract or agreement. 17446

**Sec. 2317.02.** The following persons shall not testify in 17447  
certain respects: 17448

(A)(1) An attorney, concerning a communication made to the 17449  
attorney by a client in that relation or the attorney's advice to 17450  
a client, except that the attorney may testify by express consent 17451  
of the client or, if the client is deceased, by the express 17452  
consent of the surviving spouse or the executor or administrator 17453  
of the estate of the deceased client. However, if the client 17454  
voluntarily testifies or is deemed by section 2151.421 of the 17455  
Revised Code to have waived any testimonial privilege under this 17456  
division, the attorney may be compelled to testify on the same 17457  
subject. 17458

The testimonial privilege established under this division 17459  
does not apply concerning a communication between a client who has 17460  
since died and the deceased client's attorney if the communication 17461  
is relevant to a dispute between parties who claim through that 17462  
deceased client, regardless of whether the claims are by testate 17463  
or intestate succession or by inter vivos transaction, and the 17464  
dispute addresses the competency of the deceased client when the 17465  
deceased client executed a document that is the basis of the 17466  
dispute or whether the deceased client was a victim of fraud, 17467  
undue influence, or duress when the deceased client executed a 17468  
document that is the basis of the dispute. 17469

(2) An attorney, concerning a communication made to the 17470  
attorney by a client in that relationship or the attorney's advice 17471  
to a client, except that if the client is an insurance company, 17472  
the attorney may be compelled to testify, subject to an in camera 17473  
inspection by a court, about communications made by the client to 17474  
the attorney or by the attorney to the client that are related to 17475  
the attorney's aiding or furthering an ongoing or future 17476

commission of bad faith by the client, if the party seeking 17477  
disclosure of the communications has made a prima\_facie showing of 17478  
bad faith, fraud, or criminal misconduct by the client. 17479

(B)(1) A physician or a dentist concerning a communication 17480  
made to the physician or dentist by a patient in that relation or 17481  
the physician's or dentist's advice to a patient, except as 17482  
otherwise provided in this division, division (B)(2), and division 17483  
(B)(3) of this section, and except that, if the patient is deemed 17484  
by section 2151.421 of the Revised Code to have waived any 17485  
testimonial privilege under this division, the physician may be 17486  
compelled to testify on the same subject. 17487

The testimonial privilege established under this division 17488  
does not apply, and a physician or dentist may testify or may be 17489  
compelled to testify, in any of the following circumstances: 17490

(a) In any civil action, in accordance with the discovery 17491  
provisions of the Rules of Civil Procedure in connection with a 17492  
civil action, or in connection with a claim under Chapter 4123. of 17493  
the Revised Code, under any of the following circumstances: 17494

(i) If the patient or the guardian or other legal 17495  
representative of the patient gives express consent; 17496

(ii) If the patient is deceased, the spouse of the patient or 17497  
the executor or administrator of the patient's estate gives 17498  
express consent; 17499

(iii) If a medical claim, dental claim, chiropractic claim, 17500  
or optometric claim, as defined in section 2305.113 of the Revised 17501  
Code, an action for wrongful death, any other type of civil 17502  
action, or a claim under Chapter 4123. of the Revised Code is 17503  
filed by the patient, the personal representative of the estate of 17504  
the patient if deceased, or the patient's guardian or other legal 17505  
representative. 17506

(b) In any civil action concerning court-ordered treatment or 17507



services received by a patient, if the court-ordered treatment or 17508  
services were ordered as part of a case plan journalized under 17509  
section 2151.412 of the Revised Code or the court-ordered 17510  
treatment or services are necessary or relevant to dependency, 17511  
neglect, or abuse or temporary or permanent custody proceedings 17512  
under Chapter 2151. of the Revised Code. 17513

(c) In any criminal action concerning any test or the results 17514  
of any test that determines the presence or concentration of 17515  
alcohol, a drug of abuse, a combination of them, a controlled 17516  
substance, or a metabolite of a controlled substance in the 17517  
patient's whole blood, blood serum or plasma, breath, urine, or 17518  
other bodily substance at any time relevant to the criminal 17519  
offense in question. 17520

(d) In any criminal action against a physician or dentist. In 17521  
such an action, the testimonial privilege established under this 17522  
division does not prohibit the admission into evidence, in 17523  
accordance with the Rules of Evidence, of a patient's medical or 17524  
dental records or other communications between a patient and the 17525  
physician or dentist that are related to the action and obtained 17526  
by subpoena, search warrant, or other lawful means. A court that 17527  
permits or compels a physician or dentist to testify in such an 17528  
action or permits the introduction into evidence of patient 17529  
records or other communications in such an action shall require 17530  
that appropriate measures be taken to ensure that the 17531  
confidentiality of any patient named or otherwise identified in 17532  
the records is maintained. Measures to ensure confidentiality that 17533  
may be taken by the court include sealing its records or deleting 17534  
specific information from its records. 17535

(e)(i) If the communication was between a patient who has 17536  
since died and the deceased patient's physician or dentist, the 17537  
communication is relevant to a dispute between parties who claim 17538  
through that deceased patient, regardless of whether the claims 17539

are by testate or intestate succession or by inter vivos 17540  
transaction, and the dispute addresses the competency of the 17541  
deceased patient when the deceased patient executed a document 17542  
that is the basis of the dispute or whether the deceased patient 17543  
was a victim of fraud, undue influence, or duress when the 17544  
deceased patient executed a document that is the basis of the 17545  
dispute. 17546

(ii) If neither the spouse of a patient nor the executor or 17547  
administrator of that patient's estate gives consent under 17548  
division (B)(1)(a)(ii) of this section, testimony or the 17549  
disclosure of the patient's medical records by a physician, 17550  
dentist, or other health care provider under division (B)(1)(e)(i) 17551  
of this section is a permitted use or disclosure of protected 17552  
health information, as defined in 45 C.F.R. 160.103, and an 17553  
authorization or opportunity to be heard shall not be required. 17554

(iii) Division (B)(1)(e)(i) of this section does not require 17555  
a mental health professional to disclose psychotherapy notes, as 17556  
defined in 45 C.F.R. 164.501. 17557

(iv) An interested person who objects to testimony or 17558  
disclosure under division (B)(1)(e)(i) of this section may seek a 17559  
protective order pursuant to Civil Rule 26. 17560

(v) A person to whom protected health information is 17561  
disclosed under division (B)(1)(e)(i) of this section shall not 17562  
use or disclose the protected health information for any purpose 17563  
other than the litigation or proceeding for which the information 17564  
was requested and shall return the protected health information to 17565  
the covered entity or destroy the protected health information, 17566  
including all copies made, at the conclusion of the litigation or 17567  
proceeding. 17568

(2)(a) If any law enforcement officer submits a written 17569  
statement to a health care provider that states that an official 17570

criminal investigation has begun regarding a specified person or 17571  
that a criminal action or proceeding has been commenced against a 17572  
specified person, that requests the provider to supply to the 17573  
officer copies of any records the provider possesses that pertain 17574  
to any test or the results of any test administered to the 17575  
specified person to determine the presence or concentration of 17576  
alcohol, a drug of abuse, a combination of them, a controlled 17577  
substance, or a metabolite of a controlled substance in the 17578  
person's whole blood, blood serum or plasma, breath, or urine at 17579  
any time relevant to the criminal offense in question, and that 17580  
conforms to section 2317.022 of the Revised Code, the provider, 17581  
except to the extent specifically prohibited by any law of this 17582  
state or of the United States, shall supply to the officer a copy 17583  
of any of the requested records the provider possesses. If the 17584  
health care provider does not possess any of the requested 17585  
records, the provider shall give the officer a written statement 17586  
that indicates that the provider does not possess any of the 17587  
requested records. 17588

(b) If a health care provider possesses any records of the 17589  
type described in division (B)(2)(a) of this section regarding the 17590  
person in question at any time relevant to the criminal offense in 17591  
question, in lieu of personally testifying as to the results of 17592  
the test in question, the custodian of the records may submit a 17593  
certified copy of the records, and, upon its submission, the 17594  
certified copy is qualified as authentic evidence and may be 17595  
admitted as evidence in accordance with the Rules of Evidence. 17596  
Division (A) of section 2317.422 of the Revised Code does not 17597  
apply to any certified copy of records submitted in accordance 17598  
with this division. Nothing in this division shall be construed to 17599  
limit the right of any party to call as a witness the person who 17600  
administered the test to which the records pertain, the person 17601  
under whose supervision the test was administered, the custodian 17602  
of the records, the person who made the records, or the person 17603

under whose supervision the records were made. 17604

(3)(a) If the testimonial privilege described in division 17605  
(B)(1) of this section does not apply as provided in division 17606  
(B)(1)(a)(iii) of this section, a physician or dentist may be 17607  
compelled to testify or to submit to discovery under the Rules of 17608  
Civil Procedure only as to a communication made to the physician 17609  
or dentist by the patient in question in that relation, or the 17610  
physician's or dentist's advice to the patient in question, that 17611  
related causally or historically to physical or mental injuries 17612  
that are relevant to issues in the medical claim, dental claim, 17613  
chiropractic claim, or optometric claim, action for wrongful 17614  
death, other civil action, or claim under Chapter 4123. of the 17615  
Revised Code. 17616

(b) If the testimonial privilege described in division (B)(1) 17617  
of this section does not apply to a physician or dentist as 17618  
provided in division (B)(1)(c) of this section, the physician or 17619  
dentist, in lieu of personally testifying as to the results of the 17620  
test in question, may submit a certified copy of those results, 17621  
and, upon its submission, the certified copy is qualified as 17622  
authentic evidence and may be admitted as evidence in accordance 17623  
with the Rules of Evidence. Division (A) of section 2317.422 of 17624  
the Revised Code does not apply to any certified copy of results 17625  
submitted in accordance with this division. Nothing in this 17626  
division shall be construed to limit the right of any party to 17627  
call as a witness the person who administered the test in 17628  
question, the person under whose supervision the test was 17629  
administered, the custodian of the results of the test, the person 17630  
who compiled the results, or the person under whose supervision 17631  
the results were compiled. 17632

(4) The testimonial privilege described in division (B)(1) of 17633  
this section is not waived when a communication is made by a 17634  
physician to a pharmacist or when there is communication between a 17635

patient and a pharmacist in furtherance of the physician-patient relation. 17636  
17637

(5)(a) As used in divisions (B)(1) to (4) of this section, 17638  
"communication" means acquiring, recording, or transmitting any 17639  
information, in any manner, concerning any facts, opinions, or 17640  
statements necessary to enable a physician or dentist to diagnose, 17641  
treat, prescribe, or act for a patient. A "communication" may 17642  
include, but is not limited to, any medical or dental, office, or 17643  
hospital communication such as a record, chart, letter, 17644  
memorandum, laboratory test and results, x-ray, photograph, 17645  
financial statement, diagnosis, or prognosis. 17646

(b) As used in division (B)(2) of this section, "health care 17647  
provider" means a hospital, ambulatory care facility, long-term 17648  
care facility, pharmacy, emergency facility, or health care 17649  
practitioner. 17650

(c) As used in division (B)(5)(b) of this section: 17651

(i) "Ambulatory care facility" means a facility that provides 17652  
medical, diagnostic, or surgical treatment to patients who do not 17653  
require hospitalization, including a dialysis center, ambulatory 17654  
surgical facility, cardiac catheterization facility, diagnostic 17655  
imaging center, extracorporeal shock wave lithotripsy center, home 17656  
health agency, inpatient hospice, birthing center, radiation 17657  
therapy center, emergency facility, and an urgent care center. 17658  
"Ambulatory health care facility" does not include the private 17659  
office of a physician or dentist, whether the office is for an 17660  
individual or group practice. 17661

(ii) "Emergency facility" means a hospital emergency 17662  
department or any other facility that provides emergency medical 17663  
services. 17664

(iii) "Health care practitioner" has the same meaning as in 17665  
section 4769.01 of the Revised Code. 17666

(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 17667  
17668

(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; ~~an adult care a residential facility, as defined in licensed under~~ section ~~5119.70~~ 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 17669  
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 17681  
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(d) As used in divisions (B)(1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 17683  
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 17686  
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(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and 17689  
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"physician" have the same meanings as in section 2305.33 of the Revised Code. 17698  
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(C)(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust. 17700  
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(2) As used in division (C) of this section: 17713

(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect. 17714  
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(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply: 17718  
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(i) The confession or confidential communication was made directly to the cleric. 17723  
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(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. 17725  
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(D) Husband or wife, concerning any communication made by one 17729  
to the other, or an act done by either in the presence of the 17730  
other, during coverture, unless the communication was made, or act 17731  
done, in the known presence or hearing of a third person competent 17732  
to be a witness; and such rule is the same if the marital relation 17733  
has ceased to exist; 17734

(E) A person who assigns a claim or interest, concerning any 17735  
matter in respect to which the person would not, if a party, be 17736  
permitted to testify; 17737

(F) A person who, if a party, would be restricted under 17738  
section 2317.03 of the Revised Code, when the property or thing is 17739  
sold or transferred by an executor, administrator, guardian, 17740  
trustee, heir, devisee, or legatee, shall be restricted in the 17741  
same manner in any action or proceeding concerning the property or 17742  
thing. 17743

(G)(1) A school guidance counselor who holds a valid educator 17744  
license from the state board of education as provided for in 17745  
section 3319.22 of the Revised Code, a person licensed under 17746  
Chapter 4757. of the Revised Code as a professional clinical 17747  
counselor, professional counselor, social worker, independent 17748  
social worker, marriage and family therapist or independent 17749  
marriage and family therapist, or registered under Chapter 4757. 17750  
of the Revised Code as a social work assistant concerning a 17751  
confidential communication received from a client in that relation 17752  
or the person's advice to a client unless any of the following 17753  
applies: 17754

(a) The communication or advice indicates clear and present 17755  
danger to the client or other persons. For the purposes of this 17756  
division, cases in which there are indications of present or past 17757  
child abuse or neglect of the client constitute a clear and 17758  
present danger. 17759



|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (b) The client gives express consent to the testimony.                                                                                                                                                                                                                                                                                                                                          | 17760                                                       |
| (c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.                                                                                                                                                                                                                                                | 17761<br>17762<br>17763                                     |
| (d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.                                                                                                                                                                                     | 17764<br>17765<br>17766<br>17767                            |
| (e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.                                                                                                                                                                                          | 17768<br>17769<br>17770<br>17771                            |
| (f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.                                                                                                                                                              | 17772<br>17773<br>17774<br>17775                            |
| (g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. | 17776<br>17777<br>17778<br>17779<br>17780<br>17781<br>17782 |
| (2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.                                                                                                    | 17783<br>17784<br>17785<br>17786<br>17787                   |
| (H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal                                                                                                                                                                                                           | 17788<br>17789<br>17790                                     |

separation, annulment, or the allocation of parental rights and 17791  
responsibilities for the care of children, in any action or 17792  
proceeding, other than a criminal, delinquency, child abuse, child 17793  
neglect, or dependent child action or proceeding, that is brought 17794  
by or against either parent who takes part in mediation in 17795  
accordance with the order and that pertains to the mediation 17796  
process, to any information discussed or presented in the 17797  
mediation process, to the allocation of parental rights and 17798  
responsibilities for the care of the parents' children, or to the 17799  
awarding of parenting time rights in relation to their children; 17800

(I) A communications assistant, acting within the scope of 17801  
the communication assistant's authority, when providing 17802  
telecommunications relay service pursuant to section 4931.06 of 17803  
the Revised Code or Title II of the "Communications Act of 1934," 17804  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 17805  
made through a telecommunications relay service. Nothing in this 17806  
section shall limit the obligation of a communications assistant 17807  
to divulge information or testify when mandated by federal law or 17808  
regulation or pursuant to subpoena in a criminal proceeding. 17809

Nothing in this section shall limit any immunity or privilege 17810  
granted under federal law or regulation. 17811

(J)(1) A chiropractor in a civil proceeding concerning a 17812  
communication made to the chiropractor by a patient in that 17813  
relation or the chiropractor's advice to a patient, except as 17814  
otherwise provided in this division. The testimonial privilege 17815  
established under this division does not apply, and a chiropractor 17816  
may testify or may be compelled to testify, in any civil action, 17817  
in accordance with the discovery provisions of the Rules of Civil 17818  
Procedure in connection with a civil action, or in connection with 17819  
a claim under Chapter 4123. of the Revised Code, under any of the 17820  
following circumstances: 17821

(a) If the patient or the guardian or other legal 17822

representative of the patient gives express consent. 17823

(b) If the patient is deceased, the spouse of the patient or 17824  
the executor or administrator of the patient's estate gives 17825  
express consent. 17826

(c) If a medical claim, dental claim, chiropractic claim, or 17827  
optometric claim, as defined in section 2305.113 of the Revised 17828  
Code, an action for wrongful death, any other type of civil 17829  
action, or a claim under Chapter 4123. of the Revised Code is 17830  
filed by the patient, the personal representative of the estate of 17831  
the patient if deceased, or the patient's guardian or other legal 17832  
representative. 17833

(2) If the testimonial privilege described in division (J)(1) 17834  
of this section does not apply as provided in division (J)(1)(c) 17835  
of this section, a chiropractor may be compelled to testify or to 17836  
submit to discovery under the Rules of Civil Procedure only as to 17837  
a communication made to the chiropractor by the patient in 17838  
question in that relation, or the chiropractor's advice to the 17839  
patient in question, that related causally or historically to 17840  
physical or mental injuries that are relevant to issues in the 17841  
medical claim, dental claim, chiropractic claim, or optometric 17842  
claim, action for wrongful death, other civil action, or claim 17843  
under Chapter 4123. of the Revised Code. 17844

(3) The testimonial privilege established under this division 17845  
does not apply, and a chiropractor may testify or be compelled to 17846  
testify, in any criminal action or administrative proceeding. 17847

(4) As used in this division, "communication" means 17848  
acquiring, recording, or transmitting any information, in any 17849  
manner, concerning any facts, opinions, or statements necessary to 17850  
enable a chiropractor to diagnose, treat, or act for a patient. A 17851  
communication may include, but is not limited to, any 17852  
chiropractic, office, or hospital communication such as a record, 17853

chart, letter, memorandum, laboratory test and results, x-ray, 17854  
photograph, financial statement, diagnosis, or prognosis. 17855

(K)(1) Except as provided under division (K)(2) of this 17856  
section, a critical incident stress management team member 17857  
concerning a communication received from an individual who 17858  
receives crisis response services from the team member, or the 17859  
team member's advice to the individual, during a debriefing 17860  
session. 17861

(2) The testimonial privilege established under division 17862  
(K)(1) of this section does not apply if any of the following are 17863  
true: 17864

(a) The communication or advice indicates clear and present 17865  
danger to the individual who receives crisis response services or 17866  
to other persons. For purposes of this division, cases in which 17867  
there are indications of present or past child abuse or neglect of 17868  
the individual constitute a clear and present danger. 17869

(b) The individual who received crisis response services 17870  
gives express consent to the testimony. 17871

(c) If the individual who received crisis response services 17872  
is deceased, the surviving spouse or the executor or administrator 17873  
of the estate of the deceased individual gives express consent. 17874

(d) The individual who received crisis response services 17875  
voluntarily testifies, in which case the team member may be 17876  
compelled to testify on the same subject. 17877

(e) The court in camera determines that the information 17878  
communicated by the individual who received crisis response 17879  
services is not germane to the relationship between the individual 17880  
and the team member. 17881

(f) The communication or advice pertains or is related to any 17882  
criminal act. 17883

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| (3) As used in division (K) of this section:                                                                                                                                                                                                                                                                                              | 17884                                              |
| (a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.                                                                                                              | 17885<br>17886<br>17887<br>17888                   |
| (b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network.                                       | 17889<br>17890<br>17891<br>17892<br>17893          |
| (c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster.                                                                                                                                                        | 17894<br>17895<br>17896                            |
| (L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional. | 17897<br>17898<br>17899<br>17900<br>17901<br>17902 |
| (2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:                                                                                                                                                                                                | 17903<br>17904<br>17905                            |
| (a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;                                                                                                                                                                                                                     | 17906<br>17907                                     |
| (b) Has education, training, and experience in all of the following:                                                                                                                                                                                                                                                                      | 17908<br>17909                                     |
| (i) Providing workplace-based services designed to address employer and employee productivity issues;                                                                                                                                                                                                                                     | 17910<br>17911                                     |
| (ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve                                                                                                                                                                                                                          | 17912<br>17913                                     |

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| personal problems that affect the employees or the employees'      | 17914 |
| performance;                                                       | 17915 |
| (iii) Identifying and resolving productivity problems              | 17916 |
| associated with an employee's concerns about any of the following  | 17917 |
| matters: health, marriage, family, finances, substance abuse or    | 17918 |
| other addiction, workplace, law, and emotional issues;             | 17919 |
| (iv) Selecting and evaluating available community resources;       | 17920 |
| (v) Making appropriate referrals;                                  | 17921 |
| (vi) Local and national employee assistance agreements;            | 17922 |
| (vii) Client confidentiality.                                      | 17923 |
| (3) Division (L)(1) of this section does not apply to any of       | 17924 |
| the following:                                                     | 17925 |
| (a) A criminal action or proceeding involving an offense           | 17926 |
| under sections 2903.01 to 2903.06 of the Revised Code if the       | 17927 |
| employee assistance professional's disclosure or testimony relates | 17928 |
| directly to the facts or immediate circumstances of the offense;   | 17929 |
| (b) A communication made by a client to an employee                | 17930 |
| assistance professional that reveals the contemplation or          | 17931 |
| commission of a crime or serious, harmful act;                     | 17932 |
| (c) A communication that is made by a client who is an             | 17933 |
| unemancipated minor or an adult adjudicated to be incompetent and  | 17934 |
| indicates that the client was the victim of a crime or abuse;      | 17935 |
| (d) A civil proceeding to determine an individual's mental         | 17936 |
| competency or a criminal action in which a plea of not guilty by   | 17937 |
| reason of insanity is entered;                                     | 17938 |
| (e) A civil or criminal malpractice action brought against         | 17939 |
| the employee assistance professional;                              | 17940 |
| (f) When the employee assistance professional has the express      | 17941 |
| consent of the client or, if the client is deceased or disabled,   | 17942 |

the client's legal representative; 17943

(g) When the testimonial privilege otherwise provided by 17944

division (L)(1) of this section is abrogated under law. 17945

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 17946

2317.41 of the Revised Code but subject to division (B) of this 17947

section, the records, or copies or photographs of the records, of 17948

a hospital, homes required to be licensed pursuant to section 17949

3721.01 of the Revised Code, and ~~adult care~~ residential facilities 17950

~~required to be~~ licensed pursuant to ~~Chapter 5119.~~ section 5119.22 17951

of the Revised Code that provides accommodations, supervision, and 17952

personal care services for three to sixteen unrelated adults, in 17953

lieu of the testimony in open court of their custodian, person who 17954

made them, or person under whose supervision they were made, may 17955

be qualified as authentic evidence if any such person endorses 17956

thereon the person's verified certification identifying such 17957

records, giving the mode and time of their preparation, and 17958

stating that they were prepared in the usual course of the 17959

business of the institution. Such records, copies, or photographs 17960

may not be qualified by certification as provided in this section 17961

unless the party intending to offer them delivers a copy of them, 17962

or of their relevant portions, to the attorney of record for each 17963

adverse party not less than five days before trial. Nothing in 17964

this section shall be construed to limit the right of any party to 17965

call the custodian, person who made such records, or person under 17966

whose supervision they were made, as a witness. 17967

(B) Division (A) of this section does not apply to any 17968

certified copy of the results of any test given to determine the 17969

presence or concentration of alcohol, a drug of abuse, a 17970

combination of them, a controlled substance, or a metabolite of a 17971

controlled substance in a patient's whole blood, blood serum or 17972

plasma, breath, or urine at any time relevant to a criminal 17973

offense that is submitted in a criminal action or proceeding in 17974  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 17975  
of the Revised Code. 17976

**Sec. 2317.56.** (A) As used in this section: 17977

(1) "Medical emergency" means a condition of a pregnant woman 17978  
that, in the reasonable judgment of the physician who is attending 17979  
the woman, creates an immediate threat of serious risk to the life 17980  
or physical health of the woman from the continuation of the 17981  
pregnancy necessitating the immediate performance or inducement of 17982  
an abortion. 17983

(2) "Medical necessity" means a medical condition of a 17984  
pregnant woman that, in the reasonable judgment of the physician 17985  
who is attending the woman, so complicates the pregnancy that it 17986  
necessitates the immediate performance or inducement of an 17987  
abortion. 17988

(3) "Probable gestational age of the embryo or fetus" means 17989  
the gestational age that, in the judgment of a physician, is, with 17990  
reasonable probability, the gestational age of the embryo or fetus 17991  
at the time that the physician informs a pregnant woman pursuant 17992  
to division (B)(1)(b) of this section. 17993

(B) Except when there is a medical emergency or medical 17994  
necessity, an abortion shall be performed or induced only if all 17995  
of the following conditions are satisfied: 17996

(1) At least twenty-four hours prior to the performance or 17997  
inducement of the abortion, a physician meets with the pregnant 17998  
woman in person in an individual, private setting and gives her an 17999  
adequate opportunity to ask questions about the abortion that will 18000  
be performed or induced. At this meeting, the physician shall 18001  
inform the pregnant woman, verbally or, if she is hearing 18002  
impaired, by other means of communication, of all of the 18003



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| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 18004                                                                |
| (a) The nature and purpose of the particular abortion procedure to be used and the medical risks associated with that procedure;                                                                                                                                                                                                                                                                                                                                                            | 18005<br>18006<br>18007                                              |
| (b) The probable gestational age of the embryo or fetus;                                                                                                                                                                                                                                                                                                                                                                                                                                    | 18008                                                                |
| (c) The medical risks associated with the pregnant woman carrying the pregnancy to term.                                                                                                                                                                                                                                                                                                                                                                                                    | 18009<br>18010                                                       |
| The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.                                                                                                                                                                                                                                  | 18011<br>18012<br>18013<br>18014                                     |
| (2) At least twenty-four hours prior to the performance or inducement of the abortion, one or more physicians or one or more agents of one or more physicians do each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:                                                                                                                                                                      | 18015<br>18016<br>18017<br>18018<br>18019                            |
| (a) Inform the pregnant woman of the name of the physician who is scheduled to perform or induce the abortion;                                                                                                                                                                                                                                                                                                                                                                              | 18020<br>18021                                                       |
| (b) Give the pregnant woman copies of the published materials described in division (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                    | 18022<br>18023                                                       |
| (c) Inform the pregnant woman that the materials given pursuant to division (B)(2)(b) of this section are <del>provided</del> <u>published</u> by the state and that they describe the embryo or fetus and list agencies that offer alternatives to abortion. The pregnant woman may choose to examine or not to examine the materials. A physician or an agent of a physician may choose to be disassociated from the materials and may choose to comment or not comment on the materials. | 18024<br>18025<br>18026<br>18027<br>18028<br>18029<br>18030<br>18031 |
| (3) Prior to the performance or inducement of the abortion, the pregnant woman signs a form consenting to the abortion and                                                                                                                                                                                                                                                                                                                                                                  | 18032<br>18033                                                       |

certifies both of the following on that form: 18034

(a) She has received the information and materials described 18035  
in divisions (B)(1) and (2) of this section, and her questions 18036  
about the abortion that will be performed or induced have been 18037  
answered in a satisfactory manner. 18038

(b) She consents to the particular abortion voluntarily, 18039  
knowingly, intelligently, and without coercion by any person, and 18040  
she is not under the influence of any drug of abuse or alcohol. 18041

(4) Prior to the performance or inducement of the abortion, 18042  
the physician who is scheduled to perform or induce the abortion 18043  
or the physician's agent receives a copy of the pregnant woman's 18044  
signed form on which she consents to the abortion and that 18045  
includes the certification required by division (B)(3) of this 18046  
section. 18047

(C) The department of health shall ~~cause to be published~~ 18048  
publish in English and in Spanish, in a typeface large enough to 18049  
be clearly legible, and in an easily comprehensible format, the 18050  
following materials on the department's web site: 18051

(1) Materials that inform the pregnant woman about family 18052  
planning information, of publicly funded agencies that are 18053  
available to assist in family planning, and of public and private 18054  
agencies and services that are available to assist her through the 18055  
pregnancy, upon childbirth, and while the child is dependent, 18056  
including, but not limited to, adoption agencies. The materials 18057  
shall be geographically indexed; include a comprehensive list of 18058  
the available agencies, a description of the services offered by 18059  
the agencies, and the telephone numbers and addresses of the 18060  
agencies; and inform the pregnant woman about available medical 18061  
assistance benefits for prenatal care, childbirth, and neonatal 18062  
care and about the support obligations of the father of a child 18063  
who is born alive. The department shall ensure that the materials 18064

described in division (C)(1) of this section are comprehensive and 18065  
do not directly or indirectly promote, exclude, or discourage the 18066  
use of any agency or service described in this division. 18067

(2) Materials that inform the pregnant woman of the probable 18068  
anatomical and physiological characteristics of the zygote, 18069  
blastocyte, embryo, or fetus at two-week gestational increments 18070  
for the first sixteen weeks of pregnancy and at four-week 18071  
gestational increments from the seventeenth week of pregnancy to 18072  
full term, including any relevant information regarding the time 18073  
at which the fetus possibly would be viable. The department shall 18074  
cause these materials to be published only after it consults with 18075  
the Ohio state medical association and the Ohio section of the 18076  
American college of obstetricians and gynecologists relative to 18077  
the probable anatomical and physiological characteristics of a 18078  
zygote, blastocyte, embryo, or fetus at the various gestational 18079  
increments. The materials shall use language that is 18080  
understandable by the average person who is not medically trained, 18081  
shall be objective and nonjudgmental, and shall include only 18082  
accurate scientific information about the zygote, blastocyte, 18083  
embryo, or fetus at the various gestational increments. If the 18084  
materials use a pictorial, photographic, or other depiction to 18085  
provide information regarding the zygote, blastocyte, embryo, or 18086  
fetus, the materials shall include, in a conspicuous manner, a 18087  
scale or other explanation that is understandable by the average 18088  
person and that can be used to determine the actual size of the 18089  
zygote, blastocyte, embryo, or fetus at a particular gestational 18090  
increment as contrasted with the depicted size of the zygote, 18091  
blastocyte, embryo, or fetus at that gestational increment. 18092

(D) Upon the submission of a request to the department of 18093  
health by any person, hospital, physician, or medical facility for 18094  
one ~~or more copies~~ copy of the materials published in accordance 18095  
with division (C) of this section, the department shall make the 18096

requested ~~number of copies~~ copy of the materials available to the 18097  
person, hospital, physician, or medical facility that requested 18098  
the ~~copies~~ copy. 18099

(E) If a medical emergency or medical necessity compels the 18100  
performance or inducement of an abortion, the physician who will 18101  
perform or induce the abortion, prior to its performance or 18102  
inducement if possible, shall inform the pregnant woman of the 18103  
medical indications supporting the physician's judgment that an 18104  
immediate abortion is necessary. Any physician who performs or 18105  
induces an abortion without the prior satisfaction of the 18106  
conditions specified in division (B) of this section because of a 18107  
medical emergency or medical necessity shall enter the reasons for 18108  
the conclusion that a medical emergency or medical necessity 18109  
exists in the medical record of the pregnant woman. 18110

(F) If the conditions specified in division (B) of this 18111  
section are satisfied, consent to an abortion shall be presumed to 18112  
be valid and effective. 18113

(G) The performance or inducement of an abortion without the 18114  
prior satisfaction of the conditions specified in division (B) of 18115  
this section does not constitute, and shall not be construed as 18116  
constituting, a violation of division (A) of section 2919.12 of 18117  
the Revised Code. The failure of a physician to satisfy the 18118  
conditions of division (B) of this section prior to performing or 18119  
inducing an abortion upon a pregnant woman may be the basis of 18120  
both of the following: 18121

(1) A civil action for compensatory and exemplary damages as 18122  
described in division (H) of this section; 18123

(2) Disciplinary action under section 4731.22 of the Revised 18124  
Code. 18125

(H)(1) Subject to divisions (H)(2) and (3) of this section, 18126  
any physician who performs or induces an abortion with actual 18127

knowledge that the conditions specified in division (B) of this 18128  
section have not been satisfied or with a heedless indifference as 18129  
to whether those conditions have been satisfied is liable in 18130  
compensatory and exemplary damages in a civil action to any 18131  
person, or the representative of the estate of any person, who 18132  
sustains injury, death, or loss to person or property as a result 18133  
of the failure to satisfy those conditions. In the civil action, 18134  
the court additionally may enter any injunctive or other equitable 18135  
relief that it considers appropriate. 18136

(2) The following shall be affirmative defenses in a civil 18137  
action authorized by division (H)(1) of this section: 18138

(a) The physician performed or induced the abortion under the 18139  
circumstances described in division (E) of this section. 18140

(b) The physician made a good faith effort to satisfy the 18141  
conditions specified in division (B) of this section. 18142

~~(c) The physician or an agent of the physician requested 18143  
copies of the materials published in accordance with division (C)  
of this section from the department of health, but the physician 18144  
was not able to give a pregnant woman copies of the materials 18145  
pursuant to division (B)(2) of this section and to obtain a 18146  
certification as described in divisions (B)(3) and (4) of this 18147  
section because the department failed to make the requested number 18148  
of copies available to the physician or agent in accordance with 18149  
division (D) of this section. 18150  
18151~~

(3) An employer or other principal is not liable in damages 18152  
in a civil action authorized by division (H)(1) of this section on 18153  
the basis of the doctrine of respondeat superior unless either of 18154  
the following applies: 18155

(a) The employer or other principal had actual knowledge or, 18156  
by the exercise of reasonable diligence, should have known that an 18157  
employee or agent performed or induced an abortion with actual 18158

knowledge that the conditions specified in division (B) of this 18159  
section had not been satisfied or with a heedless indifference as 18160  
to whether those conditions had been satisfied. 18161

(b) The employer or other principal negligently failed to 18162  
secure the compliance of an employee or agent with division (B) of 18163  
this section. 18164

(4) Notwithstanding division (E) of section 2919.12 of the 18165  
Revised Code, the civil action authorized by division (H)(1) of 18166  
this section shall be the exclusive civil remedy for persons, or 18167  
the representatives of estates of persons, who allegedly sustain 18168  
injury, death, or loss to person or property as a result of a 18169  
failure to satisfy the conditions specified in division (B) of 18170  
this section. 18171

(I) The department of job and family services shall prepare 18172  
and conduct a public information program to inform women of all 18173  
available governmental programs and agencies that provide services 18174  
or assistance for family planning, prenatal care, child care, or 18175  
alternatives to abortion. 18176

**Sec. 2319.27.** Except as section 147.08 of the Revised Code 18177  
governs the fees chargeable by a notary public for services 18178  
rendered in connection with depositions, the fees and expenses 18179  
chargeable for the taking and certifying of a deposition by a 18180  
person who is authorized to do so in this state, including, but 18181  
not limited to, a ~~shorthand~~ reporter, stenographer, or person 18182  
described in Civil Rule 28, may be established by that person 18183  
subject to the qualification specified in this section, and may be 18184  
different than the fees and expenses charged for the taking and 18185  
certifying of depositions by similar persons in other areas of 18186  
this state. Unless, prior to the taking and certifying of a 18187  
deposition, the parties who request it agree that the fees or 18188  
expenses to be charged may exceed the usual and customary fees or 18189

expenses charged in the particular community for similar services, 18190  
such a person shall not charge fees or expenses in connection with 18191  
the taking and certifying of the deposition that exceed those 18192  
usual and customary fees and expenses. 18193

The person taking and certifying a deposition may retain the 18194  
deposition until the fees and expenses that ~~he~~ the person charged 18195  
are paid. ~~He~~ The person also shall tax the costs, if any, of a 18196  
sheriff or other officer who serves any process in connection with 18197  
the taking of a deposition and the fees of the witnesses, and, if 18198  
directed by a person entitled to those costs or fees, may retain 18199  
the deposition until those costs or fees are paid. 18200

**Sec. 2501.02.** Each judge of a court of appeals shall have 18201  
been admitted to practice as an attorney at law in this state and 18202  
have, for a total of six years preceding the judge's appointment 18203  
or commencement of the judge's term, engaged in the practice of 18204  
law or served as a judge of a court of record in any jurisdiction 18205  
in the United States, or both. At least two of the years of 18206  
practice or service that qualify a judge shall have been in this 18207  
state. One judge shall be chosen in each court of appeals district 18208  
every two years, and shall hold office for six years, beginning on 18209  
the ninth day of February next after the judge's election. 18210

In addition to the original jurisdiction conferred by Section 18211  
3 of Article IV, Ohio Constitution, the court shall have 18212  
jurisdiction upon an appeal upon questions of law to review, 18213  
affirm, modify, set aside, or reverse judgments or final orders of 18214  
courts of record inferior to the court of appeals within the 18215  
district, including the finding, order, or judgment of a juvenile 18216  
court that a child is delinquent, neglected, abused, or dependent, 18217  
and upon any appeal brought by any party, including a public 18218  
children services agency, in relation to a ruling on a motion to 18219  
modify a prior dispositional order, for prejudicial error 18220

committed by such lower court. 18221

The court, on good cause shown, may issue writs of 18222  
supersedeas in any case, and all other writs, not specially 18223  
provided for or prohibited by statute, necessary to enforce the 18224  
administration of justice. 18225

**Sec. 2501.16.** (A) Each court of appeals may appoint one or 18226  
more official ~~shorthand~~ reporters, law clerks, secretaries, and 18227  
any other employees that the court considers necessary for its 18228  
efficient operation. 18229

The clerk of the court of common pleas, acting as the clerk 18230  
of the court of appeals for the county, shall perform the duties 18231  
otherwise performed and collect the fees otherwise collected by 18232  
the clerk of the court of common pleas, as set forth in section 18233  
2303.03 of the Revised Code, and shall maintain the files and 18234  
records of the court. The clerk of the court of common pleas, 18235  
acting as the clerk of the court of appeals for the county, may 18236  
refuse to accept for filing any pleading or paper submitted for 18237  
filing by a person who has been found to be a vexatious litigator 18238  
under section 2323.52 of the Revised Code and who has failed to 18239  
obtain leave from the court of appeals to proceed under that 18240  
section. The overhead expenses pertaining to the office of the 18241  
clerk of the court of common pleas that result from the clerk's 18242  
acting as clerk of the court of appeals for the county, other than 18243  
wages and salaries, shall be paid from the funds provided under 18244  
sections 2501.18 and 2501.181 of the Revised Code. 18245

Each officer and employee appointed pursuant to this section 18246  
shall take an oath of office, serve at the pleasure of the court, 18247  
and perform any duties that the court directs. Each ~~shorthand~~ 18248  
reporter shall have the powers that are vested in official 18249  
~~shorthand~~ reporters of the court of common pleas under sections 18250  
2301.18 to 2301.26 of the Revised Code. Whenever an opinion, per 18251



curiam, or report of a case has been prepared in accordance with 18252  
section 2503.20 of the Revised Code, the official ~~shorthand~~ 18253  
reporter immediately shall forward one copy of the opinion, per 18254  
curiam, or report to the reporter of the supreme court, without 18255  
expense to the reporter. 18256

(B) The court of appeals may determine that, for the 18257  
efficient operation of the court, additional funds are necessary 18258  
to acquire and pay for special projects of the court, including, 18259  
but not limited to, the acquisition of additional facilities or 18260  
the rehabilitation of existing facilities, the acquisition of 18261  
equipment, the hiring and training of staff, the employment of 18262  
magistrates, the training and education of judges, acting judges, 18263  
and magistrates, community service programs, and other related 18264  
services. Upon that determination, the court by rule may charge a 18265  
fee, in addition to all other court costs, on the filing of each 18266  
case or cause over which the court has jurisdiction. 18267

If the court of appeals offers a special program or service 18268  
in cases of a specific type, the court by rule may assess an 18269  
additional charge in a case of that type, over and above court 18270  
costs, to cover the special program or service. The court shall 18271  
adjust the special assessment periodically, but not retroactively, 18272  
so that the amount assessed in those cases does not exceed the 18273  
actual cost of providing the service or program. 18274

All moneys collected under division (B) of this section shall 18275  
be paid to the county treasurer of the county selected as the 18276  
principal seat of that court of appeals for deposit into either a 18277  
general special projects fund or a fund established for a specific 18278  
special project. Moneys from a fund of that nature shall be 18279  
disbursed upon an order of the court in an amount no greater than 18280  
the actual cost to the court of a project. If a specific fund is 18281  
terminated because of the discontinuance of a program or service 18282  
established under division (B) of this section, the court may 18283

order that moneys remaining in the fund be transferred to an 18284  
account established under this division for a similar purpose. 18285

**Sec. 2501.17.** Each officer and employee of a court of appeals 18286  
appointed under section 2501.16 of the Revised Code shall receive 18287  
the compensation that is fixed by the court of appeals and payable 18288  
from the state treasury upon the certificate of the presiding or 18289  
administrative judge of the district in which the officer or 18290  
employee serves. The additional amount of compensation that the 18291  
clerk of the court of common pleas receives for acting as the 18292  
clerk of the court of appeals in ~~his~~ the clerk's county and 18293  
assuming the duties of that office and that is equal to one-eighth 18294  
of the annual compensation that ~~he~~ the clerk receives pursuant to 18295  
sections 325.08 and 325.18 of the Revised Code for being the clerk 18296  
of the court of common pleas is payable from the state treasury 18297  
upon the certificate of the presiding or administrative judge of 18298  
the district in which the clerk serves. 18299

~~Shorthand reporters~~ Reporters may receive additional 18300  
compensation for transcripts of evidence, the fee for the 18301  
transcripts to be fixed by the judges of the court of appeals and 18302  
paid and collected in the same manner as the fees for transcripts 18303  
furnished by official ~~shorthand~~ reporters of the court of common 18304  
pleas under section 2301.24 of the Revised Code. ~~Shorthand~~ 18305  
~~reporters~~ Reporters appointed for a term of less than one year 18306  
shall receive a per diem compensation of not less than thirty 18307  
dollars per day. All ~~shorthand~~ reporters shall receive their 18308  
actual expenses for traveling when attending court in any county 18309  
other than that in which they reside, to be paid as provided by 18310  
section ~~2301.24~~ 2301.22 of the Revised Code. 18311

**Sec. 2743.01.** As used in this chapter: 18312

(A) ~~"State"~~ Subject to sections 2743.021 and 2743.022 of the 18313

Revised Code, "state" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions.

(B) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.

(C) "Claim for an award of reparations" or "claim" means a claim for an award of reparations made under sections 2743.51 to 2743.72 of the Revised Code.

(D) "Award of reparations" or "award" means an award made under sections 2743.51 to 2743.72 of the Revised Code.

(E)(1) "Public duty" includes, but is not limited to, any statutory, regulatory, or assumed duty concerning any action or omission of the state involving any of the following:

(a) Permitting, certifying, licensing, inspecting, investigating, supervising, regulating, auditing, monitoring, law enforcement, or emergency response activity;

(b) Supervising, rehabilitating, or liquidating corporations or other business entities.

(2) "Public duty" does not include any action of the state under circumstances in which a special relationship can be established between the state and an injured party as provided in division (A)(3) of section 2743.02 of the Revised Code.

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity from liability, except as provided for the office of the state

fire marshal in division (G)(1) of section 9.60 and division (B) 18344  
of section 3737.221 of the Revised Code and subject to division 18345  
(H) of this section, and consents to be sued, and have its 18346  
liability determined, in the court of claims created in this 18347  
chapter in accordance with the same rules of law applicable to 18348  
suits between private parties, except that the determination of 18349  
liability is subject to the limitations set forth in this chapter 18350  
and, in the case of state universities or colleges, in section 18351  
3345.40 of the Revised Code, except that the determination of 18352  
liability of the department of transportation is subject to 18353  
sections 2743.021 and 2743.022 of the Revised Code, and except as 18354  
provided in division (A)(2) or (3) of this section. To the extent 18355  
that the state has previously consented to be sued, this chapter 18356  
has no applicability. 18357

Except in the case of a civil action filed by the state, 18358  
filing a civil action in the court of claims results in a complete 18359  
waiver of any cause of action, based on the same act or omission, 18360  
~~which that~~ the filing party has against any officer or employee, 18361  
as defined in section 109.36 of the Revised Code. The waiver shall 18362  
be void if the court determines that the act or omission was 18363  
manifestly outside the scope of the officer's or employee's office 18364  
or employment or that the officer or employee acted with malicious 18365  
purpose, in bad faith, or in a wanton or reckless manner. 18366

(2) If a claimant proves in the court of claims that an 18367  
officer or employee, as defined in section 109.36 of the Revised 18368  
Code, would have personal liability for the officer's or 18369  
employee's acts or omissions but for the fact that the officer or 18370  
employee has personal immunity under section 9.86 of the Revised 18371  
Code, the state shall be held liable in the court of claims in any 18372  
action that is timely filed pursuant to section 2743.16 of the 18373  
Revised Code and that is based upon the acts or omissions. 18374

(3)(a) Except as provided in division (A)(3)(b) of this 18375

section, the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty, including the performance or nonperformance of a public duty that is owed by the state in relation to any action of an individual who is committed to the custody of the state.

(b) The state immunity provided in division (A)(3)(a) of this section does not apply to any action of the state under circumstances in which a special relationship can be established between the state and an injured party. A special relationship under this division is demonstrated if all of the following elements exist:

(i) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who was allegedly injured;

(ii) Knowledge on the part of the state's agents that inaction of the state could lead to harm;

(iii) Some form of direct contact between the state's agents and the injured party;

(iv) The injured party's justifiable reliance on the state's affirmative undertaking.

(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private parties, subject to the limitations set forth in this chapter. This division is also applicable to hospitals owned or operated by political subdivisions ~~which~~ that have been determined by the supreme court to be subject to suit prior to July 28, 1975.

(C) Any hospital, as defined in section 2305.113 of the Revised Code, may purchase liability insurance covering its

operations and activities and its agents, employees, nurses, 18407  
interns, residents, staff, and members of the governing board and 18408  
committees, and, whether or not such insurance is purchased, may, 18409  
to ~~such the~~ extent ~~as that~~ its governing board considers 18410  
appropriate, indemnify or agree to indemnify and hold harmless any 18411  
such person against expense, including attorney's fees, damage, 18412  
loss, or other liability arising out of, or claimed to have arisen 18413  
out of, the death, disease, or injury of any person as a result of 18414  
the negligence, malpractice, or other action or inaction of the 18415  
indemnified person while acting within the scope of the 18416  
indemnified person's duties or engaged in activities at the 18417  
request or direction, or for the benefit, of the hospital. Any 18418  
hospital electing to indemnify ~~such those~~ persons, or to agree to 18419  
so indemnify, shall reserve ~~such any~~ funds ~~as that~~ are necessary, 18420  
in the exercise of sound and prudent actuarial judgment, to cover 18421  
the potential expense, fees, damage, loss, or other liability. The 18422  
superintendent of insurance may recommend, or, if ~~such the~~ 18423  
hospital requests the superintendent to do so, the superintendent 18424  
shall recommend, a specific amount for any period that, in the 18425  
superintendent's opinion, represents such a judgment. This 18426  
authority is in addition to any authorization otherwise provided 18427  
or permitted by law. 18428

(D) Recoveries against the state shall be reduced by the 18429  
aggregate of insurance proceeds, disability award, or other 18430  
collateral recovery received by the claimant. This division does 18431  
not apply to civil actions in the court of claims against a state 18432  
university or college under the circumstances described in section 18433  
3345.40 of the Revised Code. The collateral benefits provisions of 18434  
division (B)(2) of that section apply under those circumstances. 18435

(E) The only defendant in original actions in the court of 18436  
claims is the state. The state may file a third-party complaint or 18437  
counterclaim in any civil action, except a civil action for ~~two~~ 18438

~~ten~~ thousand ~~five hundred~~ dollars or less, that is filed in the 18439  
court of claims. 18440

(F) A civil action against an officer or employee, as defined 18441  
in section 109.36 of the Revised Code, that alleges that the 18442  
officer's or employee's conduct was manifestly outside the scope 18443  
of the officer's or employee's employment or official 18444  
responsibilities, or that the officer or employee acted with 18445  
malicious purpose, in bad faith, or in a wanton or reckless manner 18446  
shall first be filed against the state in the court of claims, 18447  
~~which that~~ has exclusive, original jurisdiction to determine, 18448  
initially, whether the officer or employee is entitled to personal 18449  
immunity under section 9.86 of the Revised Code and whether the 18450  
courts of common pleas have jurisdiction over the civil action. 18451  
The officer or employee may participate in the immunity 18452  
determination proceeding before the court of claims to determine 18453  
whether the officer or employee is entitled to personal immunity 18454  
under section 9.86 of the Revised Code. 18455

The filing of a claim against an officer or employee under 18456  
this division tolls the running of the applicable statute of 18457  
limitations until the court of claims determines whether the 18458  
officer or employee is entitled to personal immunity under section 18459  
9.86 of the Revised Code. 18460

(G) ~~Whenever~~ If a claim lies against an officer or employee 18461  
who is a member of the Ohio national guard, and the officer or 18462  
employee was, at the time of the act or omission complained of, 18463  
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 18464  
U.S.C. 2671, et seq., ~~then~~ the Federal Tort Claims Act is the 18465  
exclusive remedy of the claimant and the state has no liability 18466  
under this section. 18467

(H) If an inmate of a state correctional institution has a 18468  
claim against the state for the loss of or damage to property and 18469  
the amount claimed does not exceed three hundred dollars, before 18470

commencing an action against the state in the court of claims, the 18471  
inmate shall file a claim for the loss or damage under the rules 18472  
adopted by the director of rehabilitation and correction pursuant 18473  
to this division. The inmate shall file the claim within the time 18474  
allowed for commencement of a civil action under section 2743.16 18475  
of the Revised Code. If the state admits or compromises the claim, 18476  
the director shall make payment from a fund designated by the 18477  
director for that purpose. If the state denies the claim or does 18478  
not compromise the claim at least sixty days prior to expiration 18479  
of the time allowed for commencement of a civil action based upon 18480  
the loss or damage under section 2743.16 of the Revised Code, the 18481  
inmate may commence an action in the court of claims under this 18482  
chapter to recover damages for the loss or damage. 18483

The director of rehabilitation and correction shall adopt 18484  
rules pursuant to Chapter 119. of the Revised Code to implement 18485  
this division. 18486

Sec. 2743.021. (A) As used in this section and section 18487  
2743.022 of the Revised Code: 18488

(1)(a) "Governmental function" means a function of the 18489  
department of transportation that is specified in division 18490  
(A)(1)(b) of this section or that satisfies any of the following: 18491

(i) A function that is imposed upon the state as an 18492  
obligation of sovereignty and is performed by the department of 18493  
transportation voluntarily or pursuant to legislative requirement; 18494

(ii) A function that is for the common good of all citizens 18495  
of the state; 18496

(iii) A function that promotes or preserves the public peace, 18497  
health, safety, or welfare and that involves activities that are 18498  
not engaged in or not customarily engaged in by nongovernmental 18499  
persons. 18500



|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| <u>(b) "Governmental function" includes, but is not limited to,</u>      | 18501 |
| <u>the following functions insofar as they are within the</u>            | 18502 |
| <u>jurisdiction of the department of transportation:</u>                 | 18503 |
| <u>(i) The provision or nonprovision of roadway services;</u>            | 18504 |
| <u>(ii) The regulation of the use of, and the design,</u>                | 18505 |
| <u>construction, reconstruction, repair, renovation, and maintenance</u> | 18506 |
| <u>of roads, highways, streets, avenues, alleys, sidewalks, bridges,</u> | 18507 |
| <u>culverts, aqueducts, viaducts, and public grounds;</u>                | 18508 |
| <u>(iii) Quasi-judicial, prosecutorial, and quasi-legislative</u>        | 18509 |
| <u>functions, including, but not limited to, permitting functions;</u>   | 18510 |
| <u>(iv) The design, construction, reconstruction, repair,</u>            | 18511 |
| <u>renovation, maintenance, and operation of buildings that are used</u> | 18512 |
| <u>in connection with the performance of a governmental function,</u>    | 18513 |
| <u>including, but not limited to, office buildings, garage</u>           | 18514 |
| <u>facilities, and rest areas;</u>                                       | 18515 |
| <u>(v) The enforcement or nonperformance of any law;</u>                 | 18516 |
| <u>(vi) The regulation of traffic and the erection or</u>                | 18517 |
| <u>nonerection of traffic signs, signals, or control devices;</u>        | 18518 |
| <u>(vii) The collection and disposal of solid wastes, as defined</u>     | 18519 |
| <u>in section 3734.01 of the Revised Code;</u>                           | 18520 |
| <u>(viii) The provision or nonprovision, planning or design,</u>         | 18521 |
| <u>construction, or reconstruction of a public improvement,</u>          | 18522 |
| <u>including, but not limited to, a sewer system;</u>                    | 18523 |
| <u>(ix) The provision or nonprovision of inspection services of</u>      | 18524 |
| <u>all types, including, but not limited to, inspections in</u>          | 18525 |
| <u>connection with building, zoning, sanitation, fire, plumbing, and</u> | 18526 |
| <u>electrical codes, and the taking of actions in connection with</u>    | 18527 |
| <u>those types of codes, including, but not limited to, the approval</u> | 18528 |
| <u>of plans for the construction of buildings or structures and the</u>  | 18529 |
| <u>issuance or revocation of building permits or stop work orders in</u> | 18530 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>connection with buildings or structures;</u>                           | 18531 |
| <u>(x) Flood control measures;</u>                                        | 18532 |
| <u>(xi) The issuance of revenue obligations;</u>                          | 18533 |
| <u>(xii) The design, construction, reconstruction, renovation,</u>        | 18534 |
| <u>repair, maintenance, and operation of any recreational area or</u>     | 18535 |
| <u>facility incident to a highway improvement;</u>                        | 18536 |
| <u>(xiii) A function that the general assembly requires the</u>           | 18537 |
| <u>department of transportation to perform, including, but not</u>        | 18538 |
| <u>limited to, any duties, powers, and functions that are conferred</u>   | 18539 |
| <u>by law on the department of transportation or the director, the</u>    | 18540 |
| <u>assistant directors, the deputy directors, or the divisions of the</u> | 18541 |
| <u>department under Title IV of the Revised Code.</u>                     | 18542 |
| <u>(2) "Proprietary function" means a function of the department</u>      | 18543 |
| <u>of transportation that satisfies both of the following:</u>            | 18544 |
| <u>(a) The function is not one described in division</u>                  | 18545 |
| <u>(A)(1)(a)(i) or (ii) of this section and is not one specified in</u>   | 18546 |
| <u>division (A)(1)(b) of this section;</u>                                | 18547 |
| <u>(b) The function is one that promotes or preserves the public</u>      | 18548 |
| <u>peace, health, safety, or welfare and that involves activities</u>     | 18549 |
| <u>that are customarily engaged in by nongovernmental persons.</u>        | 18550 |
| <u>(B)(1) Notwithstanding any provision in this chapter, the</u>          | 18551 |
| <u>liability of the department of transportation for damages in a</u>     | 18552 |
| <u>civil action for injury, death, or loss to person or property</u>      | 18553 |
| <u>allegedly caused by any act or omission of the department of</u>       | 18554 |
| <u>transportation or of any of its officers or employees in</u>           | 18555 |
| <u>connection with a governmental or proprietary function shall be</u>    | 18556 |
| <u>determined in accordance with this section and section 2743.022 of</u> | 18557 |
| <u>the Revised Code.</u>                                                  | 18558 |
| <u>(2) Except as provided in division (C) of this section, the</u>        | 18559 |
| <u>department of transportation is not liable in damages in a civil</u>   | 18560 |

action for injury, death, or loss to person or property allegedly 18561  
caused by any act or omission of the department of transportation 18562  
or of any of its officers or employees in connection with a 18563  
governmental or proprietary function. 18564

(C) Subject to section 2743.022 of the Revised Code, the 18565  
department of transportation is liable in damages in a civil 18566  
action for injury, death, or loss to person or property shown to 18567  
be caused by a preponderance of the evidence by any act or 18568  
omission of the department of transportation or of any of its 18569  
officers or employees in connection with a governmental or 18570  
proprietary function, as follows: 18571

(1) The department of transportation is liable for injury, 18572  
death, or loss to person or property caused by the negligent 18573  
operation of any motor vehicle by any of its officers or employees 18574  
while the officer or employee is engaged within the officer's or 18575  
employee's scope of employment and authority. 18576

(2) The department of transportation is liable for injury, 18577  
death, or loss to person or property caused by the negligent 18578  
performance of acts by any of its officers or employees with 18579  
respect to proprietary functions of the department of 18580  
transportation. 18581

(3)(a) The department of transportation is liable for injury, 18582  
death, or loss to person or property caused by its negligent 18583  
failure to keep roads or highways under the jurisdiction of the 18584  
department in repair and other negligent failure to remove 18585  
obstructions from roads or highways under the jurisdiction of the 18586  
department. 18587

(b) As used in division (C)(3)(a) of this section, "road" and 18588  
"highway" have the same meanings as in section 5501.01 of the 18589  
Revised Code but do not include berms, shoulders, rights-of-way, 18590  
or traffic control devices unless the traffic control devices are 18591

mandated by the Ohio manual of uniform traffic control devices. 18592

(4) The department of transportation is liable for injury, 18593  
death, or loss to person or property that is caused by the 18594  
negligence of any of its officers or employees and that occurs 18595  
within or on the grounds of, and is due to patent physical defects 18596  
within or on the grounds of, buildings that are used in connection 18597  
with the performance of a governmental function of the department 18598  
of transportation. 18599

(5) In addition to the circumstances described in divisions 18600  
(C)(1) to (4) of this section, the department of transportation is 18601  
liable for injury, death, or loss to person or property when civil 18602  
liability is expressly imposed upon the department of 18603  
transportation by a section of the Revised Code. Civil liability 18604  
shall not be construed to exist under another section of the 18605  
Revised Code merely because that section imposes a responsibility 18606  
or mandatory duty upon the department of transportation, because 18607  
that section provides for a criminal penalty, because of a general 18608  
authorization in that section that the department of 18609  
transportation may sue and be sued, or because that section uses 18610  
the term "shall" in a provision pertaining to the department of 18611  
transportation. 18612

**Sec. 2743.022.** (A) In a civil action brought against the 18613  
department of transportation or an officer or employee of the 18614  
department to recover damages for injury, death, or loss to person 18615  
or property allegedly caused by any act or omission in connection 18616  
with a governmental or proprietary function, the following 18617  
defenses or immunities may be asserted to establish nonliability: 18618

(1) The department is immune from liability if the officer or 18619  
employee involved was engaged in the performance of a 18620  
quasi-judicial, prosecutorial, or quasi-legislative function. 18621

(2) The department is immune from liability if the conduct of 18622

the officer or employee involved, other than negligent conduct, 18623  
that gave rise to the claim of liability was required by law or 18624  
authorized by law, or if the conduct of the officer or employee 18625  
involved that gave rise to the claim of liability was necessary or 18626  
essential to the exercise of the powers of the department or the 18627  
officer or employee. 18628

(3) The department is immune from liability if the action or 18629  
failure to act by the officer or employee involved that gave rise 18630  
to the claim of liability was within the discretion of the officer 18631  
or employee with respect to policy-making, planning, or 18632  
enforcement powers by virtue of the duties and responsibilities of 18633  
the office or position of the officer or employee. 18634

(4) The department is immune from liability if the injury, 18635  
death, or loss to person or property resulted from the exercise of 18636  
judgment or discretion in determining whether to acquire, or how 18637  
to use, equipment, supplies, materials, personnel, facilities, and 18638  
other resources unless the judgment or discretion was exercised 18639  
with malicious purpose, in bad faith, or in a wanton or reckless 18640  
manner. 18641

(5) The officer or employee of the department of 18642  
transportation is immune from liability unless one of the 18643  
following applies: 18644

(a) The officer's or employee's acts or omissions were 18645  
manifestly outside the scope of the officer's or employee's 18646  
employment or official responsibilities. 18647

(b) The officer's or employee's acts or omissions were with 18648  
malicious purpose, in bad faith, or in a wanton or reckless 18649  
manner. 18650

(c) Civil liability is expressly imposed upon the officer or 18651  
employee by a section of the Revised Code. Civil liability shall 18652  
not be construed to exist under another section of the Revised 18653

Code merely because that section imposes a responsibility or 18654  
mandatory duty upon an officer or employee, because that section 18655  
provides for a criminal penalty, because of a general 18656  
authorization in that section that an officer or employee may sue 18657  
and be sued, or because the section uses the term "shall" in a 18658  
provision pertaining to an officer or employee. 18659

(B) Any immunity or defense conferred upon an officer or 18660  
employee of the department of transportation by division (A)(5) of 18661  
this section does not affect or limit any liability of the 18662  
department of transportation for an act or omission of the officer 18663  
or employee as provided in section 2743.021 of the Revised Code. 18664

(C) An order that denies the department of transportation or 18665  
an officer or employee of the department the benefit of an alleged 18666  
immunity from liability as provided in this section or any other 18667  
provision of the law is a final order. 18668

**Sec. 2743.09.** The clerk of the court of claims shall do all 18669  
of the following: 18670

(A) Administer oaths and take and certify affidavits, 18671  
depositions, and acknowledgments of powers of attorney and other 18672  
instruments in writing; 18673

(B) Prepare the dockets, enter and record the orders, 18674  
judgments, decisions, awards, and proceedings of the court of 18675  
claims and the court of claims commissioners, and issue writs and 18676  
process; 18677

(C) Maintain an office in Franklin county in rooms provided 18678  
by the supreme court for that purpose; 18679

(D) Keep an appearance docket of civil actions, claims for an 18680  
award of reparations, and appeals from decisions of the court of 18681  
claims commissioners. The clerk may refuse to accept for filing 18682  
any pleading or paper that relates to a civil action in the court 18683

of claims and that is submitted for filing by a person who has 18684  
been found to be a vexatious litigator under section 2323.52 of 18685  
the Revised Code and who has failed to obtain leave to proceed 18686  
under that section. 18687

Upon the commencement of an action or claim, the clerk shall 18688  
assign it a number. This number shall be placed on the first page, 18689  
and every continuation page, of the appearance docket that 18690  
concerns the particular action or claim. In addition, this number 18691  
and the names of the parties shall be placed on the case file, and 18692  
every paper filed in the action or claim. 18693

At the time the action is commenced the clerk shall enter in 18694  
the appearance docket the names of the parties in full and the 18695  
names of counsel and shall index the action alphabetically by the 18696  
last name of each party. Thereafter, the clerk shall 18697  
chronologically note in the appearance docket all process issued 18698  
and returns, pleas, motions, papers filed in the action, orders, 18699  
verdicts, and judgments. The notations shall be brief but shall 18700  
show the date of filing, substance, and journal volume and page of 18701  
each order, verdict, and judgment. An action is commenced for 18702  
purposes of this division by the filing of a complaint, including 18703  
a form complaint under section 2743.10 of the Revised Code or a 18704  
petition for removal. 18705

At the time an appeal for an award of reparations is 18706  
commenced, the clerk shall enter the full names of the claimant, 18707  
the victim, and the attorneys in the appearance docket and shall 18708  
index the claim alphabetically by the last name of the claimant 18709  
and the victim. Thereafter, the clerk shall chronologically note 18710  
in the appearance docket all process issued and returns, motions, 18711  
papers filed in the claim, orders, decisions, and awards. The 18712  
notations shall be brief but shall show the date of filing, 18713  
substance, and journal volume and page of each order. 18714

(E) Keep all original papers filed in an action or claim in a 18715

separate file folder and a journal in which all orders, verdicts, 18716  
and judgments of the court and commissioners shall be recorded; 18717

(F) Charge and collect fees pursuant to section 2303.20 of 18718  
the Revised Code, keep a cashbook in which the clerk shall enter 18719  
the amounts received, make a report to the clerk of the supreme 18720  
court each quarter of the fees received during the preceding 18721  
quarter, and pay them monthly into the state treasury; 18722

(G) Appoint ~~stenographers, shorthand~~ reporters, and other 18723  
clerical personnel; 18724

(H) Under the direction of the chief justice, establish 18725  
procedures for hearing and determining appeals for an award of 18726  
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 18727  
Code. 18728

**Sec. 2743.10.** (A) Civil actions against the state for ~~two~~ ten 18729  
thousand ~~five hundred~~ dollars or less shall be determined 18730  
administratively by the clerk of the court of claims, except that 18731  
the clerk is not required to administratively determine a civil 18732  
action of that nature if the civil action was commenced by a 18733  
person who has been found to be a vexatious litigator under 18734  
section 2323.52 of the Revised Code and who has failed to obtain 18735  
leave to proceed under that section and if the clerk refused 18736  
pursuant to division (D) of section 2743.09 of the Revised Code to 18737  
accept for filing any pleading or paper that relates to the civil 18738  
action and that was submitted for filing by that person and except 18739  
that all civil actions against the state that have been removed to 18740  
the court of claims shall be heard and determined by a judge of 18741  
the court of claims. 18742

(B) Civil actions covered by division (A) of this section 18743  
shall be commenced by filing with the clerk on complaint forms 18744  
prescribed by the supreme court. The clerk shall forward copies of 18745  
the form complaint to the attorney general and the state 18746



department, board, office, commission, agency, institution, or 18747  
other instrumentality whose actions or failure to act are the 18748  
subject of complaint. The latter shall investigate the allegations 18749  
made in the form complaint and report the results of its 18750  
investigation to the clerk within sixty days of receipt of a copy 18751  
of the form complaint. The clerk shall forward a copy of the 18752  
report to the claimant and give the claimant an opportunity to 18753  
respond to the report either in writing or by appearing before the 18754  
clerk. 18755

(C) The clerk shall determine the civil action covered by 18756  
division (A) of this section and make a report of the decision, 18757  
together with findings of fact and conclusions of law, copies of 18758  
which shall be mailed to the claimant and the state 18759  
instrumentality. Except as otherwise provided in this division, 18760  
the determination shall be based upon principles of law applicable 18761  
in the court of claims, including, but not limited to, section 18762  
3345.40 of the Revised Code if a state university or college is a 18763  
defendant in the court of claims. 18764

Rules of evidence shall not be applicable in the 18765  
determination. Procedures shall be governed by rules promulgated 18766  
by the clerk, shall be informal, and shall be designed to 18767  
accommodate persons who are not skilled in the law. 18768

(D) Upon the motion of a party, the court of claims shall 18769  
review the determination of the clerk upon the clerk's report and 18770  
papers filed in the action and shall enter judgment consistent 18771  
with its findings. The judgment shall not be the subject of 18772  
further appeal. No civil action arising out of the same 18773  
transaction or set of facts may be commenced by the claimant in 18774  
the court of claims. 18775

(E) The determination of the clerk pursuant to division (C) 18776  
of this section shall be processed pursuant to section 2743.19 of 18777  
the Revised Code as if it were a judgment. 18778

Sec. 2743.48. (A) As used in this section and section 2743.49 18779  
of the Revised Code, a "wrongfully imprisoned individual" means an 18780  
individual who ~~satisfies~~ proves each of the following by clear and 18781  
convincing evidence: 18782

(1) The individual was charged with a violation of a section 18783  
of the Revised Code by an indictment or information ~~prior to, or~~ 18784  
~~on or after, September 24, 1986,~~ and the violation charged was an 18785  
aggravated felony or felony. 18786

(2) The individual was found guilty of, ~~but did not plead~~ 18787  
~~guilty to,~~ the particular charge or a lesser-included offense by 18788  
the court or jury involved, the offender did not plead guilty or 18789  
no contest to the particular charge or a lesser-included offense, 18790  
whether or not the guilty or no-contest plea was accepted and 18791  
whether or not the guilty or no-contest plea was later withdrawn, 18792  
vacated, voided by operation of law, overturned, set aside, or 18793  
otherwise invalidated by any court, by executive pardon, or by 18794  
post-conviction proceeding, and the offense of which the 18795  
individual was found guilty was an aggravated felony or felony. 18796

(3) The individual was sentenced to an indefinite or definite 18797  
term of imprisonment in a state correctional institution for the 18798  
offense of which the individual was found guilty. 18799

(4) The individual's conviction was vacated ~~or was,~~ 18800  
dismissed, or reversed on appeal, the prosecuting attorney in the 18801  
case cannot or will not seek any further appeal of right or upon 18802  
leave of court, and no criminal proceeding is pending, can be 18803  
brought, or will be brought by any prosecuting attorney, city 18804  
director of law, village solicitor, or other chief legal officer 18805  
of a municipal corporation against the individual for any act 18806  
associated with that conviction. 18807

(5) Subsequent to sentencing and during or subsequent to 18808  
imprisonment, ~~an error in procedure resulted in the individual's~~ 18809

~~release, or~~ it was determined by a the court of common pleas in 18810  
the county where the underlying criminal action was initiated that 18811  
the charged offense ~~of which the individual was found guilty,~~ 18812  
including all lesser-included offenses, either was not committed 18813  
by the individual or was not committed by any person. 18814

(6) At the time of the offense that individual was not 18815  
engaging in any other criminal conduct arising out of the incident 18816  
for which the individual was initially charged. 18817

(B)(1) ~~When a~~ A person may file a civil action to be declared 18818  
a wrongfully imprisoned individual in the court of common pleas in 18819  
the county where the underlying criminal action was initiated. 18820  
That civil action shall be separate from the underlying finding of 18821  
guilt by the court of common pleas. There is no right to a jury 18822  
trial in that action. The prosecuting attorney of that county 18823  
shall be served with a copy of the complaint and shall defend all 18824  
civil actions to determine a person to be a wrongfully imprisoned 18825  
individual under this section. Upon the filing of a civil action 18826  
to be determined a wrongfully imprisoned individual, the attorney 18827  
general shall also be served with a copy of the complaint and 18828  
shall be heard. 18829

(2) When the court of common pleas in the county where the 18830  
underlying criminal action was initiated determines, ~~on or after~~ 18831  
~~September 24, 1986,~~ in a separate civil action that a person is a 18832  
wrongfully imprisoned individual, the court shall provide the 18833  
person with a copy of this section and orally inform the person 18834  
and the person's attorney of the person's rights under this 18835  
section to commence a civil action against the state in the court 18836  
of claims because of the person's wrongful imprisonment ~~and to be~~ 18837  
~~represented in that civil action by counsel of the person's own~~ 18838  
~~choice.~~ 18839

~~(2)~~(3) The court described in division (B)(1) of this section 18840  
shall notify the clerk of the court of claims, in writing and 18841

within seven days after the date of the entry of its determination 18842  
that the person is a wrongfully imprisoned individual, of the name 18843  
and proposed mailing address of the person and of the fact that 18844  
the person has the rights to commence a civil action and to have 18845  
legal representation as provided in this section. The clerk of the 18846  
court of claims shall maintain in the clerk's office a list of 18847  
wrongfully imprisoned individuals for whom notices are received 18848  
under this section and shall create files in the clerk's office 18849  
for each such individual. 18850

~~(3)~~(4) Within sixty days after the date of the ~~entry of a~~ 18851  
~~court of common plea's determination that a person is a wrongfully~~ 18852  
~~imprisoned individual~~ filing of the complaint for damages in the 18853  
court of claims and the finding by the court of claims of the 18854  
number of days of wrongful imprisonment in a state correctional 18855  
institution, the clerk of the court of claims shall forward a 18856  
preliminary judgment to the president of the controlling board 18857  
requesting the payment of fifty per cent of the amount described 18858  
in division (E)(2)(b) of this section to the wrongfully imprisoned 18859  
individual. The board shall take all actions necessary to cause 18860  
the payment of that amount out of the emergency purposes special 18861  
purpose account of the board. 18862

(5) If an individual was serving at the time of the wrongful 18863  
imprisonment concurrent sentences on other convictions that were 18864  
not vacated, dismissed, or reversed on appeal, the individual is 18865  
not eligible for compensation as described in this section for any 18866  
portion of that wrongful imprisonment that occurred during a 18867  
concurrent sentence of that nature. 18868

~~(C)(1) In a civil action under this section, a wrongfully~~ 18869  
~~imprisoned individual has the right to have counsel of the~~ 18870  
~~individual's own choice.~~ 18871

~~(2)~~ If a wrongfully imprisoned individual who is the subject 18872  
of a court determination as described in division (B)~~(1)~~(2) of 18873

this section does not commence a civil action under this section 18874  
within six months after the entry of that determination, the clerk 18875  
of the court of claims shall send a letter to the wrongfully 18876  
imprisoned individual, at the address set forth in the notice 18877  
received from the court of common pleas pursuant to division 18878  
(B)~~(2)~~(3) of this section or to any later address provided by the 18879  
wrongfully imprisoned individual, that reminds the wrongfully 18880  
imprisoned individual of the wrongfully imprisoned individual's 18881  
rights under this section. Until the statute of limitations 18882  
provided in division (H) of this section expires and unless the 18883  
wrongfully imprisoned individual commences a civil action under 18884  
this section, the clerk of the court of claims shall send a 18885  
similar letter in a similar manner to the wrongfully imprisoned 18886  
individual at least once each three months after the sending of 18887  
the first reminder. 18888

(D) Notwithstanding any provisions of this chapter to the 18889  
contrary, a wrongfully imprisoned individual has and may file a 18890  
civil action against the state, in the court of claims, to recover 18891  
a sum of money as described in this section, because of the 18892  
individual's wrongful imprisonment. The court of claims shall have 18893  
exclusive, original jurisdiction over such a civil action. The 18894  
civil action shall proceed, be heard, and be determined as 18895  
provided in sections 2743.01 to 2743.20 of the Revised Code, 18896  
except that if a provision of this section conflicts with a 18897  
provision in any of those sections, the provision in this section 18898  
controls. 18899

(E)(1) In a civil action as described in division (D) of this 18900  
section, the complainant may establish that the claimant is a 18901  
wrongfully imprisoned individual by submitting to the court of 18902  
claims a certified copy of the judgment entry of the court of 18903  
common pleas associated with the claimant's conviction and 18904  
sentencing, and a certified copy of the entry of the determination 18905

of a the court of common pleas that the claimant is a wrongfully 18906  
imprisoned individual under division (B)(2) of this section. No 18907  
other evidence shall be required of the complainant to establish 18908  
that the claimant is a wrongfully imprisoned individual, and the 18909  
claimant shall be ~~irrebuttably~~ rebuttably presumed to be a 18910  
wrongfully imprisoned individual absent a violation of any 18911  
provision of this section or of section 2305.02 of the Revised 18912  
Code. 18913

(2) In a civil action as described in division (D) of this 18914  
section, upon presentation of requisite proof to the court of 18915  
claims, a wrongfully imprisoned individual is entitled to receive 18916  
a sum of money that equals the total of each of the following 18917  
amounts: 18918

(a) The amount of any fine or court costs imposed and paid, 18919  
and the reasonable attorney's fees and other expenses incurred by 18920  
the wrongfully imprisoned individual in connection with all 18921  
associated criminal proceedings and appeals, and, if applicable, 18922  
in connection with obtaining the wrongfully imprisoned 18923  
individual's discharge from confinement in the state correctional 18924  
institution; 18925

(b) For each full year of imprisonment in the state 18926  
correctional institution for the offense of which the wrongfully 18927  
imprisoned individual was found guilty, forty thousand three 18928  
hundred thirty dollars or the adjusted amount determined by the 18929  
auditor of state pursuant to section 2743.49 of the Revised Code, 18930  
and for each part of a year of being so imprisoned, a pro-rated 18931  
share of forty thousand three hundred thirty dollars or the 18932  
adjusted amount determined by the auditor of state pursuant to 18933  
section 2743.49 of the Revised Code; 18934

(c) Any loss of wages, salary, or other earned income that 18935  
directly resulted from the wrongfully imprisoned individual's 18936  
arrest, prosecution, conviction, and wrongful imprisonment; 18937

(d) The amount of the following cost debts the department of 18938  
rehabilitation and correction recovered from the wrongfully 18939  
imprisoned individual who was in custody of the department or 18940  
under the department's supervision: 18941

(i) Any user fee or copayment for services at a detention 18942  
facility, including, but not limited to, a fee or copayment for 18943  
sick call visits; 18944

(ii) The cost of housing and feeding the wrongfully 18945  
imprisoned individual in a detention facility; 18946

(iii) The cost of supervision of the wrongfully imprisoned 18947  
individual; 18948

(iv) The cost of any ancillary services provided to the 18949  
wrongfully imprisoned individual. 18950

(3) The court of claims shall deduct any known debts owed by 18951  
the wrongfully imprisoned individual to the state as described in 18952  
division (A) of section 2743.01 of the Revised Code or a political 18953  
subdivision under division (B) of section 2743.01 of the Revised 18954  
Code from the sum of money described in division (E)(2) of this 18955  
section, and those deducted amounts shall be paid to the state or 18956  
political subdivision, whichever is applicable. 18957

(F)(1) If the court of claims determines in a civil action as 18958  
described in division (D) of this section that the complainant is 18959  
a wrongfully imprisoned individual, it shall enter judgment for 18960  
the wrongfully imprisoned individual in the amount of the sum of 18961  
money to which the wrongfully imprisoned individual is entitled 18962  
under division (E)(2) of this section. In determining that sum, 18963  
the court of claims shall not take into consideration any expenses 18964  
incurred by the state or any of its political subdivisions in 18965  
connection with the arrest, prosecution, and imprisonment of the 18966  
wrongfully imprisoned individual, including, but not limited to, 18967  
expenses for food, clothing, shelter, and medical services. The 18968

court shall reduce that sum by the amount of the payment to the 18969  
wrongfully imprisoned individual described in ~~division~~ divisions 18970  
(B)~~(3)~~(4) and (E)(3) of this section. 18971

(2) ~~If the wrongfully imprisoned individual was represented~~ 18972  
~~in the civil action under this section by counsel of the~~ 18973  
~~wrongfully imprisoned individual's own choice, the~~ The clerk of 18974  
the court of claims shall include in the judgment entry referred 18975  
to in division (F)(1) of this section an award for the payment of 18976  
the court costs, transcripts, expert witness fees, and other 18977  
reasonable attorney's fees of that counsel out-of-pocket 18978  
litigation expenses related to the civil action described in 18979  
division (D) of this section. These fees shall be paid as provided 18980  
in division (G) of this section. 18981

(3) The state consents to be sued by a wrongfully imprisoned 18982  
individual because the imprisonment was wrongful, and to liability 18983  
on its part because of that fact, only as provided in this 18984  
section. However, this section does not affect any liability of 18985  
the state or of its employees to a wrongfully imprisoned 18986  
individual on a claim for relief that is not based on the fact of 18987  
the wrongful imprisonment, including, but not limited to, a claim 18988  
for relief that arises out of circumstances occurring during the 18989  
wrongfully imprisoned individual's confinement in the state 18990  
correctional institution. 18991

(G) The clerk of the court of claims shall forward a 18992  
certified copy of a judgment under division (F) of this section to 18993  
the president of the controlling board. The board shall take all 18994  
actions necessary to cause the payment of the judgment out of the 18995  
emergency purposes special purpose account of the board. 18996

(H) To be eligible to recover a sum of money as described in 18997  
this section because of wrongful imprisonment, a both of the 18998  
following shall apply to a wrongfully imprisoned individual: 18999



(1) The wrongfully imprisoned individual shall not have been, 19000  
prior to September 24, 1986, the subject of an act of the general 19001  
assembly that authorized an award of compensation for the wrongful 19002  
imprisonment or have been the subject of an action before the 19003  
former sundry claims board that resulted in an award of 19004  
compensation for the wrongful imprisonment. ~~Additionally, to be~~ 19005  
~~eligible to so recover, the~~ 19006

(2) The wrongfully imprisoned individual shall commence a 19007  
civil action under this section in the court of claims no later 19008  
than two years after the date of the entry of the determination of 19009  
a the court of common pleas that the individual is a wrongfully 19010  
imprisoned individual under division (B)(2) of this section. 19011

**Sec. 2746.01.** A court of record of this state shall tax as 19012  
costs or otherwise require the payment of fees for the following 19013  
services rendered or as compensation for the following persons or 19014  
any other of the following fees that are applicable in a 19015  
particular case: 19016

(A) Appraisers, commissioners, or arbitrators appointed to 19017  
make or procure an appraisal or valuation of any property, as 19018  
provided in section 2335.02 of the Revised Code; 19019

(B) Auctioneers appointed to conduct any public auction of 19020  
goods, chattels, or lands required to be sold by an officer of the 19021  
court, as provided in section 2335.021 of the Revised Code; 19022

(C) Commissioners appointed to make partition of lands or to 19023  
assign dower and appraisers of real or personal property on 19024  
execution, replevin, or attachment or to fix the value of exempt 19025  
property, as provided in section 2335.01 of the Revised Code; 19026

(D) Deposit of rent with the clerk of court by a resident of 19027  
a manufactured home park, as provided in section ~~3733.121~~ 4781.42 19028  
of the Revised Code, or by a tenant of residential premises, as 19029

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| provided in section 5321.08 of the Revised Code;                                                                                                                                                                                                                    | 19030                                     |
| (E) Interpreters, as provided in section 2335.09 of the Revised Code;                                                                                                                                                                                               | 19031<br>19032                            |
| (F) Fees in a civil action or appeal commenced by an inmate against a government entity or employee, as provided in section 2969.22 of the Revised Code;                                                                                                            | 19033<br>19034<br>19035                   |
| (G) Procurement of a transcript of a judgment or proceeding or exemplification of a record in an appeal or other civil action, as provided in section 2303.21 of the Revised Code;                                                                                  | 19036<br>19037<br>19038                   |
| (H) Publication of an advertisement, notice, or proclamation required to be published by a trustee, assignee, executor, administrator, receiver, or other officer of the court or a party in a case or proceeding, as provided in section 7.13 of the Revised Code; | 19039<br>19040<br>19041<br>19042<br>19043 |
| (I) Publication of calendars, motion dockets, legal advertisements, and notices, the fees for which are not fixed by law, as provided in section 2701.09 of the Revised Code;                                                                                       | 19044<br>19045<br>19046                   |
| (J) Sheriffs, as provided in section 311.17 of the Revised Code;                                                                                                                                                                                                    | 19047<br>19048                            |
| (K) Township constables or members of the police force of a township police district or joint police district, as provided in section 509.15 of the Revised Code;                                                                                                   | 19049<br>19050<br>19051                   |
| (L) Witnesses, as follows:                                                                                                                                                                                                                                          | 19052                                     |
| (1) Fees and mileage in civil cases, as provided in section 2335.06 of the Revised Code;                                                                                                                                                                            | 19053<br>19054                            |
| (2) Fees and mileage in criminal cases, as provided in section 2335.08 of the Revised Code;                                                                                                                                                                         | 19055<br>19056                            |
| (3) Fees in all cases or proceedings not specified in sections 2335.06 and 2335.08 of the Revised Code, as provided in section 2335.05 of the Revised Code;                                                                                                         | 19057<br>19058<br>19059                   |

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| (4) Fees of municipal police officers in state felony cases,<br>as provided in section 2335.17 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                | 19060<br>19061                                              |
| (5) Fees in arbitration proceedings, as provided in section<br>2711.06 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                        | 19062<br>19063                                              |
| (M) In an action to abate a nuisance or to enforce a local<br>code relating to buildings, the expenses of operating and<br>conserving the building, as provided in section 3767.41 of the<br>Revised Code.                                                                                                                                                                                                                                                                         | 19064<br>19065<br>19066<br>19067                            |
| <b>Sec. 2746.03.</b> In addition to any applicable fees or costs set<br>forth in sections 2746.01 and 2746.02 of the Revised Code or any<br>other applicable provision of law, the supreme court, a court of<br>appeals, or the court of claims shall tax as costs or otherwise<br>require the payment of fees for the following services rendered or<br>as compensation for the following persons or any other of the<br>following fees that are applicable in a particular case: | 19068<br>19069<br>19070<br>19071<br>19072<br>19073<br>19074 |
| (A) In the supreme court, filing fees, as provided in section<br>2503.17 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                      | 19075<br>19076                                              |
| (B) In a court of appeals:                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 19077                                                       |
| (1) Fees collectible by the clerk of a court of common pleas<br>when acting as the clerk of the court of appeals of the county, as<br>provided in section 2303.03 of the Revised Code;                                                                                                                                                                                                                                                                                             | 19078<br>19079<br>19080                                     |
| (2) Additional filing fees or charges for special projects,<br>programs, or services, as provided in section 2501.16 of the<br>Revised Code;                                                                                                                                                                                                                                                                                                                                       | 19081<br>19082<br>19083                                     |
| (3) Sheriffs or other officers who serve process, as provided<br>in section 2501.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                           | 19084<br>19085                                              |
| (4) <del>Shorthand reporters</del> <u>Reporters</u> , as provided in section<br>2501.17 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                       | 19086<br>19087                                              |
| (5) The expense of preparing and transcribing the record in                                                                                                                                                                                                                                                                                                                                                                                                                        | 19088                                                       |

an appeal to the tenth district court of appeals from a ruling of 19089  
the director of health under the certificate of need program, as 19090  
provided in section 3702.60 of the Revised Code. 19091

(C) In the court of claims: 19092

(1) The fees provided for in section 2743.09 of the Revised 19093  
Code; 19094

(2) Witness fees and mileage, as provided in section 2743.06 19095  
of the Revised Code. 19096

**Sec. 2746.04.** In addition to any applicable fees or costs set 19097  
forth in sections 2746.01 and 2746.02 of the Revised Code or any 19098  
other applicable provision of law, a court of common pleas shall 19099  
tax as costs or otherwise require the payment of fees for the 19100  
following services rendered or as compensation for the following 19101  
persons or any other of the following fees that are applicable in 19102  
a particular case: 19103

(A) The fees provided for in section 2303.20 of the Revised 19104  
Code; 19105

(B) Additional fees to computerize the court, make available 19106  
computerized legal research services, computerize the office of 19107  
the clerk of the court, provide financial assistance to legal aid 19108  
societies, support the office of the state public defender, fund 19109  
shelters for victims of domestic violence, and special projects of 19110  
the court, as provided in section 2303.201 and, for a court that 19111  
has a domestic relations division, section 2301.031 of the Revised 19112  
Code; 19113

(C) Filing for a divorce decree under section 3105.10 or a 19114  
decree of dissolution under section 3105.65 of the Revised Code, 19115  
as provided in section 3109.14 of the Revised Code; 19116

(D) Filing of a foreign judgment pursuant to section 2329.022 19117  
of the Revised Code, as provided in section 2329.025 of the 19118

|                                                                                                                                                                                                                                                                                                                                                            |                                                    |
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| Revised Code;                                                                                                                                                                                                                                                                                                                                              | 19119                                              |
| (E) Interpreters, as provided in section 2301.14 of the<br>Revised Code;                                                                                                                                                                                                                                                                                   | 19120<br>19121                                     |
| (F) Jurors in civil actions, as provided in section 2335.28<br>of the Revised Code;                                                                                                                                                                                                                                                                        | 19122<br>19123                                     |
| (G) <del>Shorthand reporters</del> <u>Reporters</u> , as provided in sections<br>2301.21 and 2301.24 of the Revised Code;                                                                                                                                                                                                                                  | 19124<br>19125                                     |
| (H) In a case involving the operation by a nonresident of a<br>vessel upon the waters in this state, or the operation on the<br>waters in this state of a vessel owned by a nonresident if<br>operated with his consent, actual traveling expenses of the<br>defendant, as provided in section 1547.36 of the Revised Code;                                | 19126<br>19127<br>19128<br>19129<br>19130          |
| (I) In a civil case, the expenses of taking a deposition of a<br>person who is imprisoned in a workhouse, juvenile detention<br>facility, jail, or state correctional institution within this<br>state, or who is in the custody of the department of youth<br>services, as provided in section 2317.06 of the Revised Code;                               | 19131<br>19132<br>19133<br>19134<br>19135          |
| (J) In proceedings relating to the examination of a judgment<br>debtor under sections 2333.09 to 2333.27 of the Revised Code,<br>compensation for clerks, sheriffs, referees, receivers, and<br>witnesses, as provided in section 2333.27 of the Revised Code;                                                                                             | 19136<br>19137<br>19138<br>19139                   |
| (K) In an appeal from an order of an agency issued pursuant<br>to an adjudication under section 119.12 of the Revised Code, the<br>expense of preparing and transcribing the record;                                                                                                                                                                       | 19140<br>19141<br>19142                            |
| (L) In a case in which the court issues a protection order<br>upon a petition alleging that the respondent engaged in domestic<br>violence against a family or household member, the cost of<br>supervision of the respondent's exercise of parenting time,<br>visitation, or companionship rights, as provided in section<br>3113.31 of the Revised Code; | 19143<br>19144<br>19145<br>19146<br>19147<br>19148 |

(M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of the Revised Code;

(N) In a case before the domestic relations division of the Hamilton county court of common pleas, the expense of serving a summons, warrant, citation, subpoena, or other writ issued to an officer other than a bailiff, constable, or staff investigator of the division, as provided in section 2301.03 of the Revised Code.

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the Revised Code:

(A) "Care facility" means any of the following:

(1) Any "home" as defined in section 3721.10 or 5111.20 of the Revised Code;

(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;

(3) Any institution or facility operated or provided by the department of mental health or by the department of developmental disabilities pursuant to sections 5119.02 and 5123.03 of the Revised Code;

(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;

(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;

(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                      |
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| (7) Any <del>"adult care facility"</del> as defined in section 5119.70<br>of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 19179<br>19180                                                       |
| <del>(8)</del> Any adult foster home certified under section 5119.692 of<br>the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 19181<br>19182                                                       |
| (B) "Abuse" means knowingly causing physical harm or<br>recklessly causing serious physical harm to a person by physical<br>contact with the person or by the inappropriate use of a physical<br>or chemical restraint, medication, or isolation on the person.                                                                                                                                                                                                                                                                                | 19183<br>19184<br>19185<br>19186                                     |
| (C)(1) "Gross neglect" means knowingly failing to provide a<br>person with any treatment, care, goods, or service that is<br>necessary to maintain the health or safety of the person when the<br>failure results in physical harm or serious physical harm to the<br>person.                                                                                                                                                                                                                                                                  | 19187<br>19188<br>19189<br>19190<br>19191                            |
| (2) "Neglect" means recklessly failing to provide a person<br>with any treatment, care, goods, or service that is necessary to<br>maintain the health or safety of the person when the failure<br>results in serious physical harm to the person.                                                                                                                                                                                                                                                                                              | 19192<br>19193<br>19194<br>19195                                     |
| (D) "Inappropriate use of a physical or chemical restraint,<br>medication, or isolation" means the use of physical or chemical<br>restraint, medication, or isolation as punishment, for staff<br>convenience, excessively, as a substitute for treatment, or in<br>quantities that preclude habilitation and treatment.                                                                                                                                                                                                                       | 19196<br>19197<br>19198<br>19199<br>19200                            |
| <b>Sec. 2907.29.</b> Every hospital of this state that offers<br>organized emergency services shall provide that a physician, a<br>physician assistant, a clinical nurse specialist, a certified<br>nurse practitioner, or a certified nurse-midwife is available on<br>call twenty-four hours each day for the examination of persons<br>reported to any law enforcement agency to be victims of sexual<br>offenses cognizable as violations of any provision of sections<br>2907.02 to 2907.06 of the Revised Code. The physician, physician | 19201<br>19202<br>19203<br>19204<br>19205<br>19206<br>19207<br>19208 |

assistant, clinical nurse specialist, certified nurse 19209  
practitioner, or certified nurse-midwife, upon the request of any 19210  
peace officer or prosecuting attorney and with the consent of the 19211  
reported victim or upon the request of the reported victim, shall 19212  
examine the person for the purposes of gathering physical evidence 19213  
and shall complete any written documentation of the physical 19214  
examination. The ~~public~~ director of health council shall establish 19215  
procedures for gathering evidence under this section. 19216

Each reported victim shall be informed of available venereal 19217  
disease, pregnancy, medical, and psychiatric services. 19218

Notwithstanding any other provision of law, a minor may 19219  
consent to examination under this section. The consent is not 19220  
subject to disaffirmance because of minority, and consent of the 19221  
parent, parents, or guardian of the minor is not required for an 19222  
examination under this section. However, the hospital shall give 19223  
written notice to the parent, parents, or guardian of a minor that 19224  
an examination under this section has taken place. The parent, 19225  
parents, or guardian of a minor giving consent under this section 19226  
are not liable for payment for any services provided under this 19227  
section without their consent. 19228

**Sec. 2909.21.** As used in sections 2909.21 to ~~2909.34~~ 2909.31 19229  
of the Revised Code: 19230

(A) "Act of terrorism" means an act that is committed within 19231  
or outside the territorial jurisdiction of this state or the 19232  
United States, that constitutes a specified offense if committed 19233  
in this state or constitutes an offense in any jurisdiction within 19234  
or outside the territorial jurisdiction of the United States 19235  
containing all of the essential elements of a specified offense, 19236  
and that is intended to do one or more of the following: 19237

(1) Intimidate or coerce a civilian population; 19238



|                                                                                                                                                                                                                                                                                                                       |                                           |
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| (2) Influence the policy of any government by intimidation or coercion;                                                                                                                                                                                                                                               | 19239<br>19240                            |
| (3) Affect the conduct of any government by the act that constitutes the offense.                                                                                                                                                                                                                                     | 19241<br>19242                            |
| (B) "Biological agent," "delivery system," "toxin," and "vector" have the same meanings as in section 2917.33 of the Revised Code.                                                                                                                                                                                    | 19243<br>19244<br>19245                   |
| (C) "Biological weapon" means any biological agent, toxin, vector, or delivery system or combination of any biological agent or agents, any toxin or toxins, any vector or vectors, and any delivery system or systems.                                                                                               | 19246<br>19247<br>19248<br>19249          |
| (D) "Chemical weapon" means any one or more of the following:                                                                                                                                                                                                                                                         | 19250                                     |
| (1) Any toxic chemical or precursor of a toxic chemical that is listed in Schedule 1, Schedule 2, or Schedule 3 of the international "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)," as entered into force on April 29, 1997; | 19251<br>19252<br>19253<br>19254<br>19255 |
| (2) A device specifically designed to cause death or other harm through the toxic properties of a toxic chemical or precursor identified in division (D)(1) of this section that would be created or released as a result of the employment of that device;                                                           | 19256<br>19257<br>19258<br>19259          |
| (3) Any equipment specifically designed for use directly in connection with the employment of devices identified in division (D)(2) of this section.                                                                                                                                                                  | 19260<br>19261<br>19262                   |
| (E) "Radiological or nuclear weapon" means any device that is designed to create or release radiation or radioactivity at a level that is dangerous to human life or in order to cause serious physical harm to persons as a result of the radiation or radioactivity created or released.                            | 19263<br>19264<br>19265<br>19266<br>19267 |
| (F) "Explosive device" has the same meaning as in section                                                                                                                                                                                                                                                             | 19268                                     |

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| 2923.11 of the Revised Code.                                                                                                                                                                                                                                                                                                                                | 19269                                              |
| (G) "Key component of a binary or multicomponent chemical system" means the precursor that plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent chemical system.                                                                                  | 19270<br>19271<br>19272<br>19273<br>19274          |
| (H) <del>"Material assistance" means any of the following:</del>                                                                                                                                                                                                                                                                                            | 19275                                              |
| <del>(1) Membership in an organization on the United States department of state terrorist exclusion list;</del>                                                                                                                                                                                                                                             | 19276<br>19277                                     |
| <del>(2) Use of the person's position of prominence within any country to persuade others to support an organization on the United States department of state terrorist exclusion list;</del>                                                                                                                                                               | 19278<br>19279<br>19280                            |
| <del>(3) Knowingly soliciting funds or other things of value for an organization on the United States department of state terrorist exclusion list;</del>                                                                                                                                                                                                   | 19281<br>19282<br>19283                            |
| <del>(4) Solicitation of any individual for membership in an organization on the United States department of state terrorist exclusion list;</del>                                                                                                                                                                                                          | 19284<br>19285<br>19286                            |
| <del>(5) Commission of an act that the person knows, or reasonably should have known, affords material support or resources to an organization on the United States department of state terrorist exclusion list;</del>                                                                                                                                     | 19287<br>19288<br>19289<br>19290                   |
| <del>(6) Hiring or compensating a person known by the person hiring or providing the compensation to be a member of an organization on the United States department of state terrorist exclusion list or a person known by the person hiring or providing the compensation to be engaged in planning, assisting, or carrying out an act of terrorism.</del> | 19291<br>19292<br>19293<br>19294<br>19295<br>19296 |
| <del>(I) "Material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds,</del>                                                                                                                                                                                                                   | 19297<br>19298                                     |

financial services, communications, lodging, training, safe 19299  
houses, false documentation or identification, communications 19300  
equipment, facilities, weapons, lethal substances, explosives, 19301  
personnel, transportation, and other physical assets, except 19302  
medicine or religious materials. 19303

~~(J)~~(I) "Payment instrument" means a check, draft, money 19304  
order, traveler's check, cashier's check, teller's check, or other 19305  
instrument or order for the transmission or payment of money, 19306  
regardless of whether the item in question is negotiable. 19307

~~(K)~~(J) "Peace officer" and "prosecutor" have the same 19308  
meanings as in section 2935.01 of the Revised Code. 19309

~~(L)~~(K) "Precursor" means any chemical reactant that takes 19310  
part at any stage in the production by whatever method of a toxic 19311  
chemical, including any key component of a binary or 19312  
multicomponent chemical system. 19313

~~(M)~~(L) "Response costs" means all costs a political 19314  
subdivision incurs as a result of, or in making any response to, a 19315  
threat of a specified offense made as described in section 2909.23 19316  
of the Revised Code or a specified offense committed as described 19317  
in section 2909.24 of the Revised Code, including, but not limited 19318  
to, all costs so incurred by any law enforcement officers, 19319  
firefighters, rescue personnel, or emergency medical services 19320  
personnel of the political subdivision and all costs so incurred 19321  
by the political subdivision that relate to laboratory testing or 19322  
hazardous material cleanup. 19323

~~(N)~~(M) "Specified offense" means any of the following: 19324

(1) A felony offense of violence, a violation of section 19325  
2909.04, 2909.081, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 19326  
2909.28, 2909.29, or 2927.24 of the Revised Code, a felony of the 19327  
first degree that is not a violation of any provision in Chapter 19328  
2925. or 3719. of the Revised Code; 19329

(2) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division ~~(N)~~(M)(1) of this section. 19330  
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~~(O)~~(N) "Toxic chemical" means any chemical that through its chemical action on life processes can cause death or serious physical harm to persons or animals, regardless of its origin or of its method of production and regardless of whether it is produced in facilities, in munitions, or elsewhere. 19333  
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~~(P)~~ "United States department of state terrorist exclusion list" and "terrorist exclusion list" means the list compiled by the United States secretary of state, in consultation with or upon the request of the United States attorney general, that designates terrorist organizations for immigration purposes. "United States department of state terrorist exclusion list" and "terrorist exclusion list" also mean the list of terrorist organizations the director of public safety prepares pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, that is comprised of lists of organizations officials of the United States government designate as terrorist, including the "terrorist exclusion list" described in this division, the list of "foreign terrorist organizations" the United States secretary of state prepares in consultation with the United States attorney general and the United States secretary of the treasury, and the list of charities that support terrorist activities, known as "designated charities," that the United States department of treasury compiles. 19338  
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~~(Q)~~(O) "Hazardous radioactive substance" means any substance or item that releases or is designed to release radiation or radioactivity at a level dangerous to human life. 19356  
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**Sec. 2909.28.** (A) No person, with the intent to manufacture a chemical weapon, biological weapon, radiological or nuclear 19359  
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weapon, or explosive device, shall knowingly assemble or possess 19361  
one or more toxins, toxic chemicals, precursors of toxic 19362  
chemicals, vectors, biological agents, or hazardous radioactive 19363  
substances, ~~including, but not limited to, those listed in rules~~ 19364  
~~the director of public safety adopts,~~ that may be used to 19365  
manufacture a chemical weapon, biological weapon, radiological or 19366  
nuclear weapon, or explosive device. 19367

(B) In a prosecution under this section, it is not necessary 19368  
to allege or prove that the offender assembled or possessed all 19369  
chemicals or substances necessary to manufacture a chemical 19370  
weapon, biological weapon, radiological or nuclear weapon, or 19371  
explosive device. The assembly or possession of a single chemical 19372  
or substance, with the intent to use that chemical or substance in 19373  
the manufacture of a chemical weapon, biological weapon, 19374  
radiological or nuclear weapon, or explosive device, is sufficient 19375  
to violate this section. 19376

(C) Whoever violates this section is guilty of illegal 19377  
assembly or possession of chemicals or substances for the 19378  
manufacture of a chemical weapon, biological weapon, radiological 19379  
or nuclear weapon, or explosive device, which is a felony of the 19380  
fourth degree. 19381

(D) This section does not apply when the items described in 19382  
division (A) of this section are assembled or possessed for a 19383  
purpose related to the performance of official duties related to 19384  
any military purpose of the United States and any law enforcement 19385  
purpose, including any domestic riot control purpose. 19386

**Sec. 2927.023.** (A) As used in this section ~~"authorized:~~ 19387

(1) "Authorized recipient of tobacco products" means a person 19388  
who is: 19389

~~(1)~~(a) Licensed as a cigarette wholesale dealer under section 19390

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| 5743.15 of the Revised Code;                                                        | 19391 |
| <del>(2)</del> (b) Licensed as a retail dealer as long as the person                | 19392 |
| purchases cigarettes with the appropriate tax stamp affixed;                        | 19393 |
| <del>(3)</del> (c) An export warehouse proprietor as defined in section             | 19394 |
| 5702 of the Internal Revenue Code;                                                  | 19395 |
| <del>(4)</del> (d) An operator of a customs bonded warehouse under 19               | 19396 |
| U.S.C. 1311 or 19 U.S.C. 1555;                                                      | 19397 |
| <del>(5)</del> (e) An officer, employee, or agent of the federal                    | 19398 |
| government or of this state acting in the person's official                         | 19399 |
| capacity;                                                                           | 19400 |
| <del>(6)</del> (f) A department, agency, instrumentality, or political              | 19401 |
| subdivision of the federal government or of this state;                             | 19402 |
| <del>(7)</del> (g) A person having a consent for consumer shipment issued           | 19403 |
| by the tax commissioner under section 5743.71 of the Revised Code.                  | 19404 |
| <u>(2) "Motor carrier" has the same meaning as in section</u>                       | 19405 |
| <u>4923.01 of the Revised Code.</u>                                                 | 19406 |
| The purpose of this section is to prevent the sale of                               | 19407 |
| cigarettes to minors and to ensure compliance with the Master                       | 19408 |
| Settlement Agreement, as defined in section 1346.01 of the Revised                  | 19409 |
| Code.                                                                               | 19410 |
| (B)(1) No person shall cause to be shipped any cigarettes to                        | 19411 |
| any person in this state other than an authorized recipient of                      | 19412 |
| tobacco products.                                                                   | 19413 |
| (2) No <del>common carrier, contract</del> <u>motor</u> carrier, or other           | 19414 |
| person shall knowingly transport cigarettes to any person in this                   | 19415 |
| state that the carrier or other person reasonably believes is not                   | 19416 |
| an authorized recipient of tobacco products. If cigarettes are                      | 19417 |
| transported to a home or residence, it shall be presumed that the                   | 19418 |
| <del>common carrier, contract</del> <u>motor</u> carrier, or other person knew that | 19419 |
| the person to whom the cigarettes were delivered was not an                         | 19420 |

authorized recipient of tobacco products. 19421

(C) No person engaged in the business of selling cigarettes 19422  
who ships or causes to be shipped cigarettes to any person in this 19423  
state in any container or wrapping other than the original 19424  
container or wrapping of the cigarettes shall fail to plainly and 19425  
visibly mark the exterior of the container or wrapping in which 19426  
the cigarettes are shipped with the words "cigarettes." 19427

(D) A court shall impose a fine of up to one thousand dollars 19428  
for each violation of division (B)(1), (B)(2), or (C) of this 19429  
section. 19430

**Sec. 2929.01.** As used in this chapter: 19431

(A)(1) "Alternative residential facility" means, subject to 19432  
division (A)(2) of this section, any facility other than an 19433  
offender's home or residence in which an offender is assigned to 19434  
live and that satisfies all of the following criteria: 19435

(a) It provides programs through which the offender may seek 19436  
or maintain employment or may receive education, training, 19437  
treatment, or habilitation. 19438

(b) It has received the appropriate license or certificate 19439  
for any specialized education, training, treatment, habilitation, 19440  
or other service that it provides from the government agency that 19441  
is responsible for licensing or certifying that type of education, 19442  
training, treatment, habilitation, or service. 19443

(2) "Alternative residential facility" does not include a 19444  
community-based correctional facility, jail, halfway house, or 19445  
prison. 19446

(B) "Basic probation supervision" means a requirement that 19447  
the offender maintain contact with a person appointed to supervise 19448  
the offender in accordance with sanctions imposed by the court or 19449  
imposed by the parole board pursuant to section 2967.28 of the 19450

Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision. 19451  
19452

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code. 19453  
19454

(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.58 of the Revised Code. 19455  
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(E) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004. 19459  
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(F) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code. 19468  
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(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 19471  
19472

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 19473  
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(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 19478  
19479

(J) "Drug and alcohol use monitoring" means a program under 19480



which an offender agrees to submit to random chemical analysis of 19481  
the offender's blood, breath, or urine to determine whether the 19482  
offender has ingested any alcohol or other drugs. 19483

(K) "Drug treatment program" means any program under which a 19484  
person undergoes assessment and treatment designed to reduce or 19485  
completely eliminate the person's physical or emotional reliance 19486  
upon alcohol, another drug, or alcohol and another drug and under 19487  
which the person may be required to receive assessment and 19488  
treatment on an outpatient basis or may be required to reside at a 19489  
facility other than the person's home or residence while 19490  
undergoing assessment and treatment. 19491

(L) "Economic loss" means any economic detriment suffered by 19492  
a victim as a direct and proximate result of the commission of an 19493  
offense and includes any loss of income due to lost time at work 19494  
because of any injury caused to the victim, and any property loss, 19495  
medical cost, or funeral expense incurred as a result of the 19496  
commission of the offense. "Economic loss" does not include 19497  
non-economic loss or any punitive or exemplary damages. 19498

(M) "Education or training" includes study at, or in 19499  
conjunction with a program offered by, a university, college, or 19500  
technical college or vocational study and also includes the 19501  
completion of primary school, secondary school, and literacy 19502  
curricula or their equivalent. 19503

(N) "Firearm" has the same meaning as in section 2923.11 of 19504  
the Revised Code. 19505

(O) "Halfway house" means a facility licensed by the division 19506  
of parole and community services of the department of 19507  
rehabilitation and correction pursuant to section 2967.14 of the 19508  
Revised Code as a suitable facility for the care and treatment of 19509  
adult offenders. 19510

(P) "House arrest" means a period of confinement of an 19511

offender that is in the offender's home or in other premises 19512  
specified by the sentencing court or by the parole board pursuant 19513  
to section 2967.28 of the Revised Code and during which all of the 19514  
following apply: 19515

(1) The offender is required to remain in the offender's home 19516  
or other specified premises for the specified period of 19517  
confinement, except for periods of time during which the offender 19518  
is at the offender's place of employment or at other premises as 19519  
authorized by the sentencing court or by the parole board. 19520

(2) The offender is required to report periodically to a 19521  
person designated by the court or parole board. 19522

(3) The offender is subject to any other restrictions and 19523  
requirements that may be imposed by the sentencing court or by the 19524  
parole board. 19525

(Q) "Intensive probation supervision" means a requirement 19526  
that an offender maintain frequent contact with a person appointed 19527  
by the court, or by the parole board pursuant to section 2967.28 19528  
of the Revised Code, to supervise the offender while the offender 19529  
is seeking or maintaining necessary employment and participating 19530  
in training, education, and treatment programs as required in the 19531  
court's or parole board's order. "Intensive probation supervision" 19532  
includes intensive parole supervision and intensive post-release 19533  
control supervision. 19534

(R) "Jail" means a jail, workhouse, minimum security jail, or 19535  
other residential facility used for the confinement of alleged or 19536  
convicted offenders that is operated by a political subdivision or 19537  
a combination of political subdivisions of this state. 19538

(S) "Jail term" means the term in a jail that a sentencing 19539  
court imposes or is authorized to impose pursuant to section 19540  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 19541  
provision of the Revised Code that authorizes a term in a jail for 19542

a misdemeanor conviction. 19543

(T) "Mandatory jail term" means the term in a jail that a 19544  
sentencing court is required to impose pursuant to division (G) of 19545  
section 1547.99 of the Revised Code, division (E) of section 19546  
2903.06 or division (D) of section 2903.08 of the Revised Code, 19547  
division (E) or (G) of section 2929.24 of the Revised Code, 19548  
division (B) of section 4510.14 of the Revised Code, or division 19549  
(G) of section 4511.19 of the Revised Code or pursuant to any 19550  
other provision of the Revised Code that requires a term in a jail 19551  
for a misdemeanor conviction. 19552

(U) "Delinquent child" has the same meaning as in section 19553  
2152.02 of the Revised Code. 19554

(V) "License violation report" means a report that is made by 19555  
a sentencing court, or by the parole board pursuant to section 19556  
2967.28 of the Revised Code, to the regulatory or licensing board 19557  
or agency that issued an offender a professional license or a 19558  
license or permit to do business in this state and that specifies 19559  
that the offender has been convicted of or pleaded guilty to an 19560  
offense that may violate the conditions under which the offender's 19561  
professional license or license or permit to do business in this 19562  
state was granted or an offense for which the offender's 19563  
professional license or license or permit to do business in this 19564  
state may be revoked or suspended. 19565

(W) "Major drug offender" means an offender who is convicted 19566  
of or pleads guilty to the possession of, sale of, or offer to 19567  
sell any drug, compound, mixture, preparation, or substance that 19568  
consists of or contains at least one thousand grams of hashish; at 19569  
least one hundred grams of cocaine; at least two thousand five 19570  
hundred unit doses or two hundred fifty grams of heroin; at least 19571  
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 19572  
in a liquid concentrate, liquid extract, or liquid distillate 19573  
form; or at least one hundred times the amount of any other 19574

schedule I or II controlled substance other than marihuana that is 19575  
necessary to commit a felony of the third degree pursuant to 19576  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code 19577  
that is based on the possession of, sale of, or offer to sell the 19578  
controlled substance. 19579

(X) "Mandatory prison term" means any of the following: 19580

(1) Subject to division (X)(2) of this section, the term in 19581  
prison that must be imposed for the offenses or circumstances set 19582  
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 19583  
2929.13 and division (B) of section 2929.14 of the Revised Code. 19584  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 19585  
and 2925.11 of the Revised Code, unless the maximum or another 19586  
specific term is required under section 2929.14 or 2929.142 of the 19587  
Revised Code, a mandatory prison term described in this division 19588  
may be any prison term authorized for the level of offense. 19589

(2) The term of sixty or one hundred twenty days in prison 19590  
that a sentencing court is required to impose for a third or 19591  
fourth degree felony OVI offense pursuant to division (G)(2) of 19592  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 19593  
of the Revised Code or the term of one, two, three, four, or five 19594  
years in prison that a sentencing court is required to impose 19595  
pursuant to division (G)(2) of section 2929.13 of the Revised 19596  
Code. 19597

(3) The term in prison imposed pursuant to division (A) of 19598  
section 2971.03 of the Revised Code for the offenses and in the 19599  
circumstances described in division (F)(11) of section 2929.13 of 19600  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 19601  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 19602  
2971.03 of the Revised Code and that term as modified or 19603  
terminated pursuant to section 2971.05 of the Revised Code. 19604

(Y) "Monitored time" means a period of time during which an 19605

offender continues to be under the control of the sentencing court 19606  
or parole board, subject to no conditions other than leading a 19607  
law-abiding life. 19608

(Z) "Offender" means a person who, in this state, is 19609  
convicted of or pleads guilty to a felony or a misdemeanor. 19610

(AA) "Prison" means a residential facility used for the 19611  
confinement of convicted felony offenders that is under the 19612  
control of the department of rehabilitation and correction but 19613  
does not include a violation sanction center operated under 19614  
authority of section 2967.141 of the Revised Code. 19615

(BB) "Prison term" includes either of the following sanctions 19616  
for an offender: 19617

(1) A stated prison term; 19618

(2) A term in a prison shortened by, or with the approval of, 19619  
the sentencing court pursuant to section 2929.143, 2929.20, 19620  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 19621

(CC) "Repeat violent offender" means a person about whom both 19622  
of the following apply: 19623

(1) The person is being sentenced for committing or for 19624  
complicity in committing any of the following: 19625

(a) Aggravated murder, murder, any felony of the first or 19626  
second degree that is an offense of violence, or an attempt to 19627  
commit any of these offenses if the attempt is a felony of the 19628  
first or second degree; 19629

(b) An offense under an existing or former law of this state, 19630  
another state, or the United States that is or was substantially 19631  
equivalent to an offense described in division (CC)(1)(a) of this 19632  
section. 19633

(2) The person previously was convicted of or pleaded guilty 19634  
to an offense described in division (CC)(1)(a) or (b) of this 19635

section. 19636

(DD) "Sanction" means any penalty imposed upon an offender 19637  
who is convicted of or pleads guilty to an offense, as punishment 19638  
for the offense. "Sanction" includes any sanction imposed pursuant 19639  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 19640  
2929.28 of the Revised Code. 19641

(EE) "Sentence" means the sanction or combination of 19642  
sanctions imposed by the sentencing court on an offender who is 19643  
convicted of or pleads guilty to an offense. 19644

(FF) "Stated prison term" means the prison term, mandatory 19645  
prison term, or combination of all prison terms and mandatory 19646  
prison terms imposed by the sentencing court pursuant to section 19647  
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 19648  
2919.25 of the Revised Code. "Stated prison term" includes any 19649  
credit received by the offender for time spent in jail awaiting 19650  
trial, sentencing, or transfer to prison for the offense and any 19651  
time spent under house arrest or house arrest with electronic 19652  
monitoring imposed after earning credits pursuant to section 19653  
2967.193 of the Revised Code. If an offender is serving a prison 19654  
term as a risk reduction sentence under sections 2929.142 and 19655  
5120.036 of the Revised Code, "stated prison term" includes any 19656  
period of time by which the prison term imposed upon the offender 19657  
is shortened by the offender's successful completion of all 19658  
assessment and treatment or programming pursuant to those 19659  
sections. 19660

(GG) "Victim-offender mediation" means a reconciliation or 19661  
mediation program that involves an offender and the victim of the 19662  
offense committed by the offender and that includes a meeting in 19663  
which the offender and the victim may discuss the offense, discuss 19664  
restitution, and consider other sanctions for the offense. 19665

(HH) "Fourth degree felony OVI offense" means a violation of 19666

division (A) of section 4511.19 of the Revised Code that, under 19667  
division (G) of that section, is a felony of the fourth degree. 19668

(II) "Mandatory term of local incarceration" means the term 19669  
of sixty or one hundred twenty days in a jail, a community-based 19670  
correctional facility, a halfway house, or an alternative 19671  
residential facility that a sentencing court may impose upon a 19672  
person who is convicted of or pleads guilty to a fourth degree 19673  
felony OVI offense pursuant to division (G)(1) of section 2929.13 19674  
of the Revised Code and division (G)(1)(d) or (e) of section 19675  
4511.19 of the Revised Code. 19676

(JJ) "Designated homicide, assault, or kidnapping offense," 19677  
"violent sex offense," "sexual motivation specification," 19678  
"sexually violent offense," "sexually violent predator," and 19679  
"sexually violent predator specification" have the same meanings 19680  
as in section 2971.01 of the Revised Code. 19681

(KK) "Sexually oriented offense," "child-victim oriented 19682  
offense," and "tier III sex offender/child-victim offender," have 19683  
the same meanings as in section 2950.01 of the Revised Code. 19684

(LL) An offense is "committed in the vicinity of a child" if 19685  
the offender commits the offense within thirty feet of or within 19686  
the same residential unit as a child who is under eighteen years 19687  
of age, regardless of whether the offender knows the age of the 19688  
child or whether the offender knows the offense is being committed 19689  
within thirty feet of or within the same residential unit as the 19690  
child and regardless of whether the child actually views the 19691  
commission of the offense. 19692

(MM) "Family or household member" has the same meaning as in 19693  
section 2919.25 of the Revised Code. 19694

(NN) "Motor vehicle" and "manufactured home" have the same 19695  
meanings as in section 4501.01 of the Revised Code. 19696

(OO) "Detention" and "detention facility" have the same 19697

meanings as in section 2921.01 of the Revised Code. 19698

(PP) "Third degree felony OVI offense" means a violation of 19699  
division (A) of section 4511.19 of the Revised Code that, under 19700  
division (G) of that section, is a felony of the third degree. 19701

(QQ) "Random drug testing" has the same meaning as in section 19702  
5120.63 of the Revised Code. 19703

(RR) "Felony sex offense" has the same meaning as in section 19704  
2967.28 of the Revised Code. 19705

(SS) "Body armor" has the same meaning as in section 19706  
2941.1411 of the Revised Code. 19707

(TT) "Electronic monitoring" means monitoring through the use 19708  
of an electronic monitoring device. 19709

(UU) "Electronic monitoring device" means any of the 19710  
following: 19711

(1) Any device that can be operated by electrical or battery 19712  
power and that conforms with all of the following: 19713

(a) The device has a transmitter that can be attached to a 19714  
person, that will transmit a specified signal to a receiver of the 19715  
type described in division (UU)(1)(b) of this section if the 19716  
transmitter is removed from the person, turned off, or altered in 19717  
any manner without prior court approval in relation to electronic 19718  
monitoring or without prior approval of the department of 19719  
rehabilitation and correction in relation to the use of an 19720  
electronic monitoring device for an inmate on transitional control 19721  
or otherwise is tampered with, that can transmit continuously and 19722  
periodically a signal to that receiver when the person is within a 19723  
specified distance from the receiver, and that can transmit an 19724  
appropriate signal to that receiver if the person to whom it is 19725  
attached travels a specified distance from that receiver. 19726

(b) The device has a receiver that can receive continuously 19727



the signals transmitted by a transmitter of the type described in 19728  
division (UU)(1)(a) of this section, can transmit continuously 19729  
those signals by a wireless or landline telephone connection to a 19730  
central monitoring computer of the type described in division 19731  
(UU)(1)(c) of this section, and can transmit continuously an 19732  
appropriate signal to that central monitoring computer if the 19733  
device has been turned off or altered without prior court approval 19734  
or otherwise tampered with. The device is designed specifically 19735  
for use in electronic monitoring, is not a converted wireless 19736  
phone or another tracking device that is clearly not designed for 19737  
electronic monitoring, and provides a means of text-based or voice 19738  
communication with the person. 19739

(c) The device has a central monitoring computer that can 19740  
receive continuously the signals transmitted by a wireless or 19741  
landline telephone connection by a receiver of the type described 19742  
in division (UU)(1)(b) of this section and can monitor 19743  
continuously the person to whom an electronic monitoring device of 19744  
the type described in division (UU)(1)(a) of this section is 19745  
attached. 19746

(2) Any device that is not a device of the type described in 19747  
division (UU)(1) of this section and that conforms with all of the 19748  
following: 19749

(a) The device includes a transmitter and receiver that can 19750  
monitor and determine the location of a subject person at any 19751  
time, or at a designated point in time, through the use of a 19752  
central monitoring computer or through other electronic means. 19753

(b) The device includes a transmitter and receiver that can 19754  
determine at any time, or at a designated point in time, through 19755  
the use of a central monitoring computer or other electronic means 19756  
the fact that the transmitter is turned off or altered in any 19757  
manner without prior approval of the court in relation to the 19758  
electronic monitoring or without prior approval of the department 19759

of rehabilitation and correction in relation to the use of an 19760  
electronic monitoring device for an inmate on transitional control 19761  
or otherwise is tampered with. 19762

(3) Any type of technology that can adequately track or 19763  
determine the location of a subject person at any time and that is 19764  
approved by the director of rehabilitation and correction, 19765  
including, but not limited to, any satellite technology, voice 19766  
tracking system, or retinal scanning system that is so approved. 19767

(VV) "Non-economic loss" means nonpecuniary harm suffered by 19768  
a victim of an offense as a result of or related to the commission 19769  
of the offense, including, but not limited to, pain and suffering; 19770  
loss of society, consortium, companionship, care, assistance, 19771  
attention, protection, advice, guidance, counsel, instruction, 19772  
training, or education; mental anguish; and any other intangible 19773  
loss. 19774

(WW) "Prosecutor" has the same meaning as in section 2935.01 19775  
of the Revised Code. 19776

(XX) "Continuous alcohol monitoring" means the ability to 19777  
automatically test and periodically transmit alcohol consumption 19778  
levels and tamper attempts at least every hour, regardless of the 19779  
location of the person who is being monitored. 19780

(YY) A person is "adjudicated a sexually violent predator" if 19781  
the person is convicted of or pleads guilty to a violent sex 19782  
offense and also is convicted of or pleads guilty to a sexually 19783  
violent predator specification that was included in the 19784  
indictment, count in the indictment, or information charging that 19785  
violent sex offense or if the person is convicted of or pleads 19786  
guilty to a designated homicide, assault, or kidnapping offense 19787  
and also is convicted of or pleads guilty to both a sexual 19788  
motivation specification and a sexually violent predator 19789  
specification that were included in the indictment, count in the 19790

indictment, or information charging that designated homicide, 19791  
assault, or kidnapping offense. 19792

(ZZ) An offense is "committed in proximity to a school" if 19793  
the offender commits the offense in a school safety zone or within 19794  
five hundred feet of any school building or the boundaries of any 19795  
school premises, regardless of whether the offender knows the 19796  
offense is being committed in a school safety zone or within five 19797  
hundred feet of any school building or the boundaries of any 19798  
school premises. 19799

(AAA) "Human trafficking" means a scheme or plan to which all 19800  
of the following apply: 19801

(1) Its object is to subject a victim or victims to 19802  
involuntary servitude, as defined in section 2905.31 of the 19803  
Revised Code, to compel a victim or victims to engage in sexual 19804  
activity for hire, to engage in a performance that is obscene, 19805  
sexually oriented, or nudity oriented, or to be a model or 19806  
participant in the production of material that is obscene, 19807  
sexually oriented, or nudity oriented. 19808

(2) It involves at least two felony offenses, whether or not 19809  
there has been a prior conviction for any of the felony offenses, 19810  
to which all of the following apply: 19811

(a) Each of the felony offenses is a violation of section 19812  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 19813  
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 19814  
(4), or (5) of section 2919.22 of the Revised Code or is a 19815  
violation of a law of any state other than this state that is 19816  
substantially similar to any of the sections or divisions of the 19817  
Revised Code identified in this division. 19818

(b) At least one of the felony offenses was committed in this 19819  
state. 19820

(c) The felony offenses are related to the same scheme or 19821

plan and are not isolated instances. 19822

(BBB) "Material," "nudity," "obscene," "performance," and 19823  
"sexual activity" have the same meanings as in section 2907.01 of 19824  
the Revised Code. 19825

(CCC) "Material that is obscene, sexually oriented, or nudity 19826  
oriented" means any material that is obscene, that shows a person 19827  
participating or engaging in sexual activity, masturbation, or 19828  
bestiality, or that shows a person in a state of nudity. 19829

(DDD) "Performance that is obscene, sexually oriented, or 19830  
nudity oriented" means any performance that is obscene, that shows 19831  
a person participating or engaging in sexual activity, 19832  
masturbation, or bestiality, or that shows a person in a state of 19833  
nudity. 19834

**Sec. 2929.19.** (A) The court shall hold a sentencing hearing 19835  
before imposing a sentence under this chapter upon an offender who 19836  
was convicted of or pleaded guilty to a felony and before 19837  
resentencing an offender who was convicted of or pleaded guilty to 19838  
a felony and whose case was remanded pursuant to section 2953.07 19839  
or 2953.08 of the Revised Code. At the hearing, the offender, the 19840  
prosecuting attorney, the victim or the victim's representative in 19841  
accordance with section 2930.14 of the Revised Code, and, with the 19842  
approval of the court, any other person may present information 19843  
relevant to the imposition of sentence in the case. The court 19844  
shall inform the offender of the verdict of the jury or finding of 19845  
the court and ask the offender whether the offender has anything 19846  
to say as to why sentence should not be imposed upon the offender. 19847

(B)(1) At the sentencing hearing, the court, before imposing 19848  
sentence, shall consider the record, any information presented at 19849  
the hearing by any person pursuant to division (A) of this 19850  
section, and, if one was prepared, the presentence investigation 19851  
report made pursuant to section 2951.03 of the Revised Code or 19852

Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code. 19853  
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(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following: 19855  
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(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term; 19859  
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19861

(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications; 19862  
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(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a term imposed for any such offense that is a risk reduction sentence, as defined in section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in division (B)(2)(c) of this section on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(c) of this 19871  
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section that the offender will be supervised under section 2967.28 19885  
of the Revised Code after the offender leaves prison or to include 19886  
in the judgment of conviction entered on the journal a statement 19887  
to that effect does not negate, limit, or otherwise affect the 19888  
mandatory period of supervision that is required for the offender 19889  
under division (B) of section 2967.28 of the Revised Code. Section 19890  
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 19891  
court imposed a sentence including a prison term of a type 19892  
described in division (B)(2)(c) of this section and failed to 19893  
notify the offender pursuant to division (B)(2)(c) of this section 19894  
regarding post-release control or to include in the judgment of 19895  
conviction entered on the journal or in the sentence a statement 19896  
regarding post-release control. 19897

(d) Notify the offender that the offender may be supervised 19898  
under section 2967.28 of the Revised Code after the offender 19899  
leaves prison if the offender is being sentenced for a felony of 19900  
the third, fourth, or fifth degree that is not subject to division 19901  
(B)(2)(c) of this section. This division applies with respect to 19902  
all prison terms imposed for an offense of a type described in 19903  
this division, including a term imposed for any such offense that 19904  
is a risk reduction sentence, as defined in section 2967.28 of the 19905  
Revised Code. Section 2929.191 of the Revised Code applies if, 19906  
prior to July 11, 2006, a court imposed a sentence including a 19907  
prison term of a type described in division (B)(2)(d) of this 19908  
section and failed to notify the offender pursuant to division 19909  
(B)(2)(d) of this section regarding post-release control or to 19910  
include in the judgment of conviction entered on the journal or in 19911  
the sentence a statement regarding post-release control. 19912

(e) Notify the offender that, if a period of supervision is 19913  
imposed following the offender's release from prison, as described 19914  
in division (B)(2)(c) or (d) of this section, and if the offender 19915  
violates that supervision or a condition of post-release control 19916

imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(e) of this section that the parole board may impose a prison term as described in division (B)(2)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(2)(e) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(g) Include in the offender's sentence a statement notifying the offender of the information described in division (F)(3) of section 2929.14 of the Revised Code regarding earned credits under

section 2967.193 of the Revised Code. 19949

(h)(i) Determine, notify the offender of, and include in the 19950  
sentencing entry the number of days that the offender has been 19951  
confined for any reason arising out of the offense for which the 19952  
offender is being sentenced and by which the department of 19953  
rehabilitation and correction must reduce the stated prison term 19954  
under section 2967.191 of the Revised Code. The court's 19955  
calculation shall not include the number of days, if any, that the 19956  
offender previously served in the custody of the department of 19957  
rehabilitation and correction arising out of the offense for which 19958  
the prisoner was convicted and sentenced. 19959

(ii) In making a determination under division (B)(2)(h)(i) of 19960  
this section, the court shall consider the arguments of the 19961  
parties and conduct a hearing if one is requested. 19962

(iii) The sentencing court retains continuing jurisdiction to 19963  
correct any error not previously raised at sentencing in making a 19964  
determination under division (B)(2)(h)(i) of this section. The 19965  
offender may, at any time after sentencing, file a motion in the 19966  
sentencing court to correct any error made in making a 19967  
determination under division (B)(2)(h)(i) of this section, and the 19968  
court may in its discretion grant or deny that motion. If the 19969  
court changes the number of days in its determination or 19970  
redetermination, the court shall cause the entry granting that 19971  
change to be delivered to the department of rehabilitation and 19972  
correction without delay. Sections 2931.15 and 2953.21 of the 19973  
Revised Code do not apply to a motion made under this section. 19974

(iv) An inaccurate determination under division (B)(2)(h)(i) 19975  
of this section is not grounds for setting aside the offender's 19976  
conviction or sentence and does not otherwise render the sentence 19977  
void or voidable. 19978

(3)(a) The court shall include in the offender's sentence a 19979



statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions 20010  
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 20011  
circumstances described in division (E) of section 2929.14 of the 20012  
Revised Code, the court shall impose sentence on the offender as 20013  
described in that division. 20014

(4) If the sentencing court determines at the sentencing 20015  
hearing that a community control sanction should be imposed and 20016  
the court is not prohibited from imposing a community control 20017  
sanction, the court shall impose a community control sanction. The 20018  
court shall notify the offender that, if the conditions of the 20019  
sanction are violated, if the offender commits a violation of any 20020  
law, or if the offender leaves this state without the permission 20021  
of the court or the offender's probation officer, the court may 20022  
impose a longer time under the same sanction, may impose a more 20023  
restrictive sanction, or may impose a prison term on the offender 20024  
and shall indicate the specific prison term that may be imposed as 20025  
a sanction for the violation, as selected by the court from the 20026  
range of prison terms for the offense pursuant to section 2929.14 20027  
of the Revised Code. 20028

(5) Before imposing a financial sanction under section 20029  
2929.18 of the Revised Code or a fine under section 2929.32 of the 20030  
Revised Code, the court shall consider the offender's present and 20031  
future ability to pay the amount of the sanction or fine. 20032

(6) If the sentencing court sentences the offender to a 20033  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 20034  
the Revised Code that is to be served in a local detention 20035  
facility, as defined in section 2929.36 of the Revised Code, and 20036  
if the local detention facility is covered by a policy adopted 20037  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 20038  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 20039  
and section 2929.37 of the Revised Code, both of the following 20040  
apply: 20041

(a) The court shall specify both of the following as part of the sentence: 20042  
20043

(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section. 20044  
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(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section. 20048  
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(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section. 20053  
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(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. 20056  
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If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local 20070  
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incarceration in accordance with that division, shall impose a 20073  
mandatory fine in accordance with division (B)(3) of section 20074  
2929.18 of the Revised Code, and, in addition, may impose 20075  
additional sanctions as specified in sections 2929.15, 2929.16, 20076  
2929.17, and 2929.18 of the Revised Code. The court shall not 20077  
impose a prison term on the offender except that the court may 20078  
impose a prison term upon the offender as provided in division 20079  
(A)(1) of section 2929.13 of the Revised Code. 20080

(2) If the offender is being sentenced for a third or fourth 20081  
degree felony OVI offense under division (G)(2) of section 2929.13 20082  
of the Revised Code, the court shall impose the mandatory prison 20083  
term in accordance with that division, shall impose a mandatory 20084  
fine in accordance with division (B)(3) of section 2929.18 of the 20085  
Revised Code, and, in addition, may impose an additional prison 20086  
term as specified in section 2929.14 of the Revised Code. In 20087  
addition to the mandatory prison term or mandatory prison term and 20088  
additional prison term the court imposes, the court also may 20089  
impose a community control sanction on the offender, but the 20090  
offender shall serve all of the prison terms so imposed prior to 20091  
serving the community control sanction. 20092

(D) The sentencing court, pursuant to division (I)(1) of 20093  
section 2929.14 of the Revised Code, may recommend placement of 20094  
the offender in a program of shock incarceration under section 20095  
5120.031 of the Revised Code or an intensive program prison under 20096  
section 5120.032 of the Revised Code, disapprove placement of the 20097  
offender in a program or prison of that nature, or make no 20098  
recommendation. If the court recommends or disapproves placement, 20099  
it shall make a finding that gives its reasons for its 20100  
recommendation or disapproval. 20101

**Sec. 2939.11.** The official ~~shorthand~~ reporter of the county, 20102  
or any ~~shorthand~~ reporter designated by the court of common pleas, 20103

at the request of the prosecuting attorney, or any such reporter 20104  
designated by the attorney general in investigations conducted by 20105  
~~him~~ the attorney general, may take ~~shorthand~~ notes of or 20106  
electronically record testimony before the grand jury, and furnish 20107  
a transcript to the prosecuting attorney or the attorney general, 20108  
and to no other person. The ~~shorthand~~ reporter shall withdraw from 20109  
the jury room before the jurors begin to express their views or 20110  
take their vote on the matter before them. Such reporter shall 20111  
take an oath to be administered by the judge after the grand jury 20112  
is sworn, imposing an obligation of secrecy to not disclose any 20113  
testimony taken or heard except to the grand jury, prosecuting 20114  
attorney, or attorney general, unless called upon in court to make 20115  
disclosures. 20116

**Sec. 2945.371.** (A) If the issue of a defendant's competence 20117  
to stand trial is raised or if a defendant enters a plea of not 20118  
guilty by reason of insanity, the court may order one or more 20119  
evaluations of the defendant's present mental condition or, in the 20120  
case of a plea of not guilty by reason of insanity, of the 20121  
defendant's mental condition at the time of the offense charged. 20122  
An examiner shall conduct the evaluation. 20123

(B) If the court orders more than one evaluation under 20124  
division (A) of this section, the prosecutor and the defendant may 20125  
recommend to the court an examiner whom each prefers to perform 20126  
one of the evaluations. If a defendant enters a plea of not guilty 20127  
by reason of insanity and if the court does not designate an 20128  
examiner recommended by the defendant, the court shall inform the 20129  
defendant that the defendant may have independent expert 20130  
evaluation and that, if the defendant is unable to obtain 20131  
independent expert evaluation, it will be obtained for the 20132  
defendant at public expense if the defendant is indigent. 20133

(C) If the court orders an evaluation under division (A) of 20134

this section, the defendant shall be available at the times and 20135  
places established by the examiners who are to conduct the 20136  
evaluation. The court may order a defendant who has been released 20137  
on bail or recognizance to submit to an evaluation under this 20138  
section. If a defendant who has been released on bail or 20139  
recognizance refuses to submit to a complete evaluation, the court 20140  
may amend the conditions of bail or recognizance and order the 20141  
sheriff to take the defendant into custody and deliver the 20142  
defendant to a center, program, or facility operated or certified 20143  
by the department of mental health or the department of 20144  
developmental disabilities where the defendant may be held for 20145  
evaluation for a reasonable period of time not to exceed twenty 20146  
days. 20147

(D) A defendant who has not been released on bail or 20148  
recognizance may be evaluated at the defendant's place of 20149  
detention. Upon the request of the examiner, the court may order 20150  
the sheriff to transport the defendant to a program or facility 20151  
operated or certified by the department of mental health or the 20152  
department of developmental disabilities, where the defendant may 20153  
be held for evaluation for a reasonable period of time not to 20154  
exceed twenty days, and to return the defendant to the place of 20155  
detention after the evaluation. A municipal court may make an 20156  
order under this division only upon the request of a certified 20157  
forensic center examiner. 20158

(E) If a court orders the evaluation to determine a 20159  
defendant's mental condition at the time of the offense charged, 20160  
the court shall inform the examiner of the offense with which the 20161  
defendant is charged. 20162

(F) In conducting an evaluation of a defendant's mental 20163  
condition at the time of the offense charged, the examiner shall 20164  
consider all relevant evidence. If the offense charged involves 20165  
the use of force against another person, the relevant evidence to 20166

be considered includes, but is not limited to, any evidence that 20167  
the defendant suffered, at the time of the commission of the 20168  
offense, from the "battered woman syndrome." 20169

(G) The examiner shall file a written report with the court 20170  
within thirty days after entry of a court order for evaluation, 20171  
and the court shall provide copies of the report to the prosecutor 20172  
and defense counsel. The report shall include all of the 20173  
following: 20174

(1) The examiner's findings; 20175

(2) The facts in reasonable detail on which the findings are 20176  
based; 20177

(3) If the evaluation was ordered to determine the 20178  
defendant's competence to stand trial, all of the following 20179  
findings or recommendations that are applicable: 20180

(a) Whether the defendant is capable of understanding the 20181  
nature and objective of the proceedings against the defendant or 20182  
of assisting in the defendant's defense; 20183

(b) If the examiner's opinion is that the defendant is 20184  
incapable of understanding the nature and objective of the 20185  
proceedings against the defendant or of assisting in the 20186  
defendant's defense, whether the defendant presently is mentally 20187  
ill or mentally retarded and, if the examiner's opinion is that 20188  
the defendant presently is mentally retarded, whether the 20189  
defendant appears to be a mentally retarded person subject to 20190  
institutionalization by court order; 20191

(c) If the examiner's opinion is that the defendant is 20192  
incapable of understanding the nature and objective of the 20193  
proceedings against the defendant or of assisting in the 20194  
defendant's defense, the examiner's opinion as to the likelihood 20195  
of the defendant becoming capable of understanding the nature and 20196  
objective of the proceedings against the defendant and of 20197

assisting in the defendant's defense within one year if the 20198  
defendant is provided with a course of treatment; 20199

(d) If the examiner's opinion is that the defendant is 20200  
incapable of understanding the nature and objective of the 20201  
proceedings against the defendant or of assisting in the 20202  
defendant's defense and that the defendant presently is mentally 20203  
ill or mentally retarded, the examiner's recommendation as to the 20204  
least restrictive placement or commitment alternative, consistent 20205  
with the defendant's treatment needs for restoration to competency 20206  
and with the safety of the community; 20207

~~(e) If the defendant is charged with a misdemeanor offense 20208  
that is not an offense of violence and the examiner's opinion is 20209  
that the defendant is incapable of understanding the nature and 20210  
objective of the proceedings against the defendant or of assisting 20211  
in the defendant's defense and that the defendant is presently 20212  
mentally ill or mentally retarded, the examiner's recommendation 20213  
as to whether the defendant is amenable to engagement in mental 20214  
health treatment or developmental disability services. 20215~~

(4) If the evaluation was ordered to determine the 20216  
defendant's mental condition at the time of the offense charged, 20217  
the examiner's findings as to whether the defendant, at the time 20218  
of the offense charged, did not know, as a result of a severe 20219  
mental disease or defect, the wrongfulness of the defendant's acts 20220  
charged. 20221

(H) If the examiner's report filed under division (G) of this 20222  
section indicates that in the examiner's opinion the defendant is 20223  
incapable of understanding the nature and objective of the 20224  
proceedings against the defendant or of assisting in the 20225  
defendant's defense and that in the examiner's opinion the 20226  
defendant appears to be a mentally retarded person subject to 20227  
institutionalization by court order, the court shall order the 20228  
defendant to undergo a separate mental retardation evaluation 20229



conducted by a psychologist designated by the director of 20230  
developmental disabilities. Divisions (C) to (F) of this section 20231  
apply in relation to a separate mental retardation evaluation 20232  
conducted under this division. The psychologist appointed under 20233  
this division to conduct the separate mental retardation 20234  
evaluation shall file a written report with the court within 20235  
thirty days after the entry of the court order requiring the 20236  
separate mental retardation evaluation, and the court shall 20237  
provide copies of the report to the prosecutor and defense 20238  
counsel. The report shall include all of the information described 20239  
in divisions (G)(1) to (4) of this section. If the court orders a 20240  
separate mental retardation evaluation of a defendant under this 20241  
division, the court shall not conduct a hearing under divisions 20242  
(B) to (H) of section 2945.37 of the Revised Code regarding that 20243  
defendant until a report of the separate mental retardation 20244  
evaluation conducted under this division has been filed. Upon the 20245  
filing of that report, the court shall conduct the hearing within 20246  
the period of time specified in division (C) of section 2945.37 of 20247  
the Revised Code. 20248

(I) An examiner appointed under divisions (A) and (B) of this 20249  
section or under division (H) of this section to evaluate a 20250  
defendant to determine the defendant's competence to stand trial 20251  
also may be appointed to evaluate a defendant who has entered a 20252  
plea of not guilty by reason of insanity, but an examiner of that 20253  
nature shall prepare separate reports on the issue of competence 20254  
to stand trial and the defense of not guilty by reason of 20255  
insanity. 20256

(J) No statement that a defendant makes in an evaluation or 20257  
hearing under divisions (A) to (H) of this section relating to the 20258  
defendant's competence to stand trial or to the defendant's mental 20259  
condition at the time of the offense charged shall be used against 20260  
the defendant on the issue of guilt in any criminal action or 20261

proceeding, but, in a criminal action or proceeding, the 20262  
prosecutor or defense counsel may call as a witness any person who 20263  
evaluated the defendant or prepared a report pursuant to a 20264  
referral under this section. Neither the appointment nor the 20265  
testimony of an examiner appointed under this section precludes 20266  
the prosecutor or defense counsel from calling other witnesses or 20267  
presenting other evidence on competency or insanity issues. 20268

(K) Persons appointed as examiners under divisions (A) and 20269  
(B) of this section or under division (H) of this section shall be 20270  
paid a reasonable amount for their services and expenses, as 20271  
certified by the court. The certified amount shall be paid by the 20272  
county in the case of county courts and courts of common pleas and 20273  
by the legislative authority, as defined in section 1901.03 of the 20274  
Revised Code, in the case of municipal courts. 20275

**Sec. 2945.38.** (A) If the issue of a defendant's competence to 20276  
stand trial is raised and if the court, upon conducting the 20277  
hearing provided for in section 2945.37 of the Revised Code, finds 20278  
that the defendant is competent to stand trial, the defendant 20279  
shall be proceeded against as provided by law. If the court finds 20280  
the defendant competent to stand trial and the defendant is 20281  
receiving psychotropic drugs or other medication, the court may 20282  
authorize the continued administration of the drugs or medication 20283  
or other appropriate treatment in order to maintain the 20284  
defendant's competence to stand trial, unless the defendant's 20285  
attending physician advises the court against continuation of the 20286  
drugs, other medication, or treatment. 20287

(B)(1)(a) If, after taking into consideration all relevant 20288  
reports, information, and other evidence, the court finds that the 20289  
defendant is incompetent to stand trial and that there is a 20290  
substantial probability that the defendant will become competent 20291  
to stand trial within one year if the defendant is provided with a 20292

course of treatment, the court shall order the defendant to 20293  
undergo treatment. If the defendant has been charged with a felony 20294  
offense and if, after taking into consideration all relevant 20295  
reports, information, and other evidence, the court finds that the 20296  
defendant is incompetent to stand trial, but the court is unable 20297  
at that time to determine whether there is a substantial 20298  
probability that the defendant will become competent to stand 20299  
trial within one year if the defendant is provided with a course 20300  
of treatment, the court shall order continuing evaluation and 20301  
treatment of the defendant for a period not to exceed four months 20302  
to determine whether there is a substantial probability that the 20303  
defendant will become competent to stand trial within one year if 20304  
the defendant is provided with a course of treatment. 20305

(b) The court order for the defendant to undergo treatment or 20306  
continuing evaluation and treatment under division (B)(1)(a) of 20307  
this section shall specify that the defendant, if determined to 20308  
require mental health treatment or continuing evaluation and 20309  
treatment, either shall be committed to the department of mental 20310  
health for treatment or continuing evaluation and treatment at a 20311  
hospital, facility, or agency, as determined to be clinically 20312  
appropriate by the department of mental health ~~and~~ or shall be 20313  
committed to a facility certified by the department of mental 20314  
health as being qualified to treat mental illness, to a public or 20315  
community mental health facility, or to a psychiatrist or another 20316  
mental health professional for treatment or continuing evaluation 20317  
and treatment. Prior to placing the defendant, the department of 20318  
mental health shall obtain court approval for that placement 20319  
following a hearing. The court order for the defendant to undergo 20320  
treatment or continuing evaluation and treatment under division 20321  
(B)(1)(a) of this section shall specify that the defendant, if 20322  
determined to require treatment or continuing evaluation and 20323  
treatment for ~~a developmental disability~~ mental retardation, shall 20324  
receive treatment or continuing evaluation and treatment at an 20325

institution or facility operated by the department of 20326  
developmental disabilities, at a facility certified by the 20327  
department of developmental disabilities as being qualified to 20328  
treat mental retardation, at a public or private ~~community~~ mental 20329  
retardation facility, or by a psychiatrist or another mental 20330  
retardation professional. ~~The~~ In any case, the order may restrict 20331  
the defendant's freedom of movement as the court considers 20332  
necessary. The prosecutor in the defendant's case shall send to 20333  
the chief clinical officer of the hospital, facility, or agency 20334  
where the defendant is placed by the department of mental health, 20335  
or to the managing officer of the institution, the director of the 20336  
program or facility, or the person to which the defendant is 20337  
committed, copies of relevant police reports and other background 20338  
information that pertains to the defendant and is available to the 20339  
prosecutor unless the prosecutor determines that the release of 20340  
any of the information in the police reports or any of the other 20341  
background information to unauthorized persons would interfere 20342  
with the effective prosecution of any person or would create a 20343  
substantial risk of harm to any person. 20344

~~In committing the defendant to the department of mental 20345  
health, the court shall consider the extent to which the person is 20346  
a danger to the person and to others, the need for security, and 20347  
the type of crime involved and, if the court finds that 20348  
restrictions on the defendant's freedom of movement are necessary, 20349  
shall specify the least restrictive limitations on the person's 20350  
freedom of movement determined to be necessary to protect public 20351  
safety. In determining the place of commitment alternatives for 20352  
~~defendants determined to require treatment or continuing 20353  
evaluation and treatment for developmental disabilities,~~ the court 20354  
shall consider the extent to which the person is a danger to the 20355  
person and to others, the need for security, and the type of crime 20356  
involved and shall order the least restrictive alternative 20357  
available that is consistent with public safety and treatment 20358~~

goals. In weighing these factors, the court shall give preference 20359  
to protecting public safety. 20360

(c) If the defendant is found incompetent to stand trial, if 20361  
the chief clinical officer of the hospital, facility, or agency 20362  
where the defendant is placed, or the managing officer of the 20363  
institution, the director of the program or facility, or the 20364  
person to which the defendant is committed for treatment or 20365  
continuing evaluation and treatment under division (B)(1)(b) of 20366  
this section determines that medication is necessary to restore 20367  
the defendant's competency to stand trial, and if the defendant 20368  
lacks the capacity to give informed consent or refuses medication, 20369  
the chief clinical officer of the hospital, facility, or agency 20370  
where the defendant is placed, or the managing officer of the 20371  
institution, the director of the program or facility, or the 20372  
person to which the defendant is committed for treatment or 20373  
continuing evaluation and treatment may petition the court for 20374  
authorization for the involuntary administration of medication. 20375  
The court shall hold a hearing on the petition within five days of 20376  
the filing of the petition if the petition was filed in a 20377  
municipal court or a county court regarding an incompetent 20378  
defendant charged with a misdemeanor or within ten days of the 20379  
filing of the petition if the petition was filed in a court of 20380  
common pleas regarding an incompetent defendant charged with a 20381  
felony offense. Following the hearing, the court may authorize the 20382  
involuntary administration of medication or may dismiss the 20383  
petition. 20384

~~(d) If the defendant is charged with a misdemeanor offense 20385  
that is not an offense of violence, the prosecutor may hold the 20386  
charges in abeyance while the defendant engages in mental health 20387  
treatment or developmental disability services. 20388~~

(2) If the court finds that the defendant is incompetent to 20389  
stand trial and that, even if the defendant is provided with a 20390

course of treatment, there is not a substantial probability that 20391  
the defendant will become competent to stand trial within one 20392  
year, the court shall order the discharge of the defendant, unless 20393  
upon motion of the prosecutor or on its own motion, the court 20394  
either seeks to retain jurisdiction over the defendant pursuant to 20395  
section 2945.39 of the Revised Code or files an affidavit in the 20396  
probate court for the civil commitment of the defendant pursuant 20397  
to Chapter 5122. or 5123. of the Revised Code alleging that the 20398  
defendant is a mentally ill person subject to hospitalization by 20399  
court order or a mentally retarded person subject to 20400  
institutionalization by court order. If an affidavit is filed in 20401  
the probate court, the trial court shall send to the probate court 20402  
copies of all written reports of the defendant's mental condition 20403  
that were prepared pursuant to section 2945.371 of the Revised 20404  
Code. 20405

The trial court may issue the temporary order of detention 20406  
that a probate court may issue under section 5122.11 or 5123.71 of 20407  
the Revised Code, to remain in effect until the probable cause or 20408  
initial hearing in the probate court. Further proceedings in the 20409  
probate court are civil proceedings governed by Chapter 5122. or 20410  
5123. of the Revised Code. 20411

(C) No defendant shall be required to undergo treatment, 20412  
including any continuing evaluation and treatment, under division 20413  
(B)(1) of this section for longer than whichever of the following 20414  
periods is applicable: 20415

(1) One year, if the most serious offense with which the 20416  
defendant is charged is one of the following offenses: 20417

(a) Aggravated murder, murder, or an offense of violence for 20418  
which a sentence of death or life imprisonment may be imposed; 20419

(b) An offense of violence that is a felony of the first or 20420  
second degree; 20421

(c) A conspiracy to commit, an attempt to commit, or complicity in the commission of an offense described in division (C)(1)(a) or (b) of this section if the conspiracy, attempt, or complicity is a felony of the first or second degree. 20422  
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(2) Six months, if the most serious offense with which the defendant is charged is a felony other than a felony described in division (C)(1) of this section; 20426  
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(3) Sixty days, if the most serious offense with which the defendant is charged is a misdemeanor of the first or second degree; 20429  
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(4) Thirty days, if the most serious offense with which the defendant is charged is a misdemeanor of the third or fourth degree, a minor misdemeanor, or an unclassified misdemeanor. 20432  
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(D) Any defendant who is committed pursuant to this section shall not voluntarily admit the defendant or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 20435  
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(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to the department of mental health ~~with restrictions on the defendant's freedom of movement~~ or is committed to an institution or facility for the treatment of ~~developmental disabilities~~ mental retardation shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. 20439  
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provided at the hospital or facility where the defendant is placed 20453  
by the department of mental health or the institution or facility 20454  
to which the defendant is committed. The chief clinical officer of 20455  
the hospital or facility where the defendant is placed by the 20456  
department of mental health or the managing officer of the 20457  
institution or director of the facility to which the defendant is 20458  
committed, or a designee of any of those persons, may grant a 20459  
defendant movement to a medical facility for an emergency medical 20460  
situation with appropriate supervision to ensure the safety of the 20461  
defendant, staff, and community during that emergency medical 20462  
situation. The chief clinical officer of the hospital or facility 20463  
where the defendant is placed by the department of mental health 20464  
or the managing officer of the institution or director of the 20465  
facility to which the defendant is committed shall notify the 20466  
court within twenty-four hours of the defendant's movement to the 20467  
medical facility for an emergency medical situation under this 20468  
division. 20469

(F) The person who supervises the treatment or continuing 20470  
evaluation and treatment of a defendant ordered to undergo 20471  
treatment or continuing evaluation and treatment under division 20472  
(B)(1)(a) of this section shall file a written report with the 20473  
court at the following times: 20474

(1) Whenever the person believes the defendant is capable of 20475  
understanding the nature and objective of the proceedings against 20476  
the defendant and of assisting in the defendant's defense; 20477

(2) For a felony offense, fourteen days before expiration of 20478  
the maximum time for treatment as specified in division (C) of 20479  
this section and fourteen days before the expiration of the 20480  
maximum time for continuing evaluation and treatment as specified 20481  
in division (B)(1)(a) of this section, and, for a misdemeanor 20482  
offense, ten days before the expiration of the maximum time for 20483  
treatment, as specified in division (C) of this section; 20484



(3) At a minimum, after each six months of treatment; 20485

(4) Whenever the person who supervises the treatment or 20486  
continuing evaluation and treatment of a defendant ordered under 20487  
division (B)(1)(a) of this section believes that there is not a 20488  
substantial probability that the defendant will become capable of 20489  
understanding the nature and objective of the proceedings against 20490  
the defendant or of assisting in the defendant's defense even if 20491  
the defendant is provided with a course of treatment. 20492

(G) A report under division (F) of this section shall contain 20493  
the examiner's findings, the facts in reasonable detail on which 20494  
the findings are based, and the examiner's opinion as to the 20495  
defendant's capability of understanding the nature and objective 20496  
of the proceedings against the defendant and of assisting in the 20497  
defendant's defense. If, in the examiner's opinion, the defendant 20498  
remains incapable of understanding the nature and objective of the 20499  
proceedings against the defendant and of assisting in the 20500  
defendant's defense and there is a substantial probability that 20501  
the defendant will become capable of understanding the nature and 20502  
objective of the proceedings against the defendant and of 20503  
assisting in the defendant's defense if the defendant is provided 20504  
with a course of treatment, if in the examiner's opinion the 20505  
defendant remains mentally ill or mentally retarded, and if the 20506  
maximum time for treatment as specified in division (C) of this 20507  
section has not expired, the report also shall contain the 20508  
examiner's recommendation as to the least restrictive placement or 20509  
commitment alternative that is consistent with the defendant's 20510  
treatment needs for restoration to competency and with the safety 20511  
of the community. The court shall provide copies of the report to 20512  
the prosecutor and defense counsel. 20513

(H) If a defendant is committed pursuant to division (B)(1) 20514  
of this section, within ten days after the treating physician of 20515  
the defendant or the examiner of the defendant who is employed or 20516

retained by the treating facility advises that there is not a 20517  
substantial probability that the defendant will become capable of 20518  
understanding the nature and objective of the proceedings against 20519  
the defendant or of assisting in the defendant's defense even if 20520  
the defendant is provided with a course of treatment, within ten 20521  
days after the expiration of the maximum time for treatment as 20522  
specified in division (C) of this section, within ten days after 20523  
the expiration of the maximum time for continuing evaluation and 20524  
treatment as specified in division (B)(1)(a) of this section, 20525  
within thirty days after a defendant's request for a hearing that 20526  
is made after six months of treatment, or within thirty days after 20527  
being advised by the treating physician or examiner that the 20528  
defendant is competent to stand trial, whichever is the earliest, 20529  
the court shall conduct another hearing to determine if the 20530  
defendant is competent to stand trial and shall do whichever of 20531  
the following is applicable: 20532

(1) If the court finds that the defendant is competent to 20533  
stand trial, the defendant shall be proceeded against as provided 20534  
by law. 20535

(2) If the court finds that the defendant is incompetent to 20536  
stand trial, but that there is a substantial probability that the 20537  
defendant will become competent to stand trial if the defendant is 20538  
provided with a course of treatment, and the maximum time for 20539  
treatment as specified in division (C) of this section has not 20540  
expired, the court, after consideration of the examiner's 20541  
recommendation, shall order that treatment be continued, may 20542  
change the ~~least restrictive limitations on the defendant's~~ 20543  
~~freedom of movement~~ facility or program at which the treatment is 20544  
to be continued, and, ~~if applicable~~, shall specify whether the 20545  
treatment ~~for developmental disabilities~~ is to be continued at the 20546  
same or a different facility or ~~institution~~ program. 20547

(3) If the court finds that the defendant is incompetent to 20548

stand trial, if the defendant is charged with an offense listed in 20549  
division (C)(1) of this section, and if the court finds that there 20550  
is not a substantial probability that the defendant will become 20551  
competent to stand trial even if the defendant is provided with a 20552  
course of treatment, or if the maximum time for treatment relative 20553  
to that offense as specified in division (C) of this section has 20554  
expired, further proceedings shall be as provided in sections 20555  
2945.39, 2945.401, and 2945.402 of the Revised Code. 20556

(4) If the court finds that the defendant is incompetent to 20557  
stand trial, if the most serious offense with which the defendant 20558  
is charged is a misdemeanor or a felony other than a felony listed 20559  
in division (C)(1) of this section, and if the court finds that 20560  
there is not a substantial probability that the defendant will 20561  
become competent to stand trial even if the defendant is provided 20562  
with a course of treatment, or if the maximum time for treatment 20563  
relative to that offense as specified in division (C) of this 20564  
section has expired, the court shall dismiss the indictment, 20565  
information, or complaint against the defendant. A dismissal under 20566  
this division is not a bar to further prosecution based on the 20567  
same conduct. The court shall discharge the defendant unless the 20568  
court or prosecutor files an affidavit in probate court for civil 20569  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 20570  
If an affidavit for civil commitment is filed, the court may 20571  
detain the defendant for ten days pending civil commitment. All of 20572  
the following provisions apply to persons charged with a 20573  
misdemeanor or a felony other than a felony listed in division 20574  
(C)(1) of this section who are committed by the probate court 20575  
subsequent to the court's or prosecutor's filing of an affidavit 20576  
for civil commitment under authority of this division: 20577

(a) The chief clinical officer of the entity, hospital, or 20578  
facility, the managing officer of the institution, the director of 20579  
the program, or the person to which the defendant is committed or 20580

admitted shall do all of the following: 20581

(i) Notify the prosecutor, in writing, of the discharge of 20582  
the defendant, send the notice at least ten days prior to the 20583  
discharge unless the discharge is by the probate court, and state 20584  
in the notice the date on which the defendant will be discharged; 20585

(ii) Notify the prosecutor, in writing, when the defendant is 20586  
absent without leave or is granted unsupervised, off-grounds 20587  
movement, and send this notice promptly after the discovery of the 20588  
absence without leave or prior to the granting of the 20589  
unsupervised, off-grounds movement, whichever is applicable; 20590

(iii) Notify the prosecutor, in writing, of the change of the 20591  
defendant's commitment or admission to voluntary status, send the 20592  
notice promptly upon learning of the change to voluntary status, 20593  
and state in the notice the date on which the defendant was 20594  
committed or admitted on a voluntary status. 20595

(b) Upon receiving notice that the defendant will be granted 20596  
unsupervised, off-grounds movement, the prosecutor either shall 20597  
re-indict the defendant or promptly notify the court that the 20598  
prosecutor does not intend to prosecute the charges against the 20599  
defendant. 20600

(I) If a defendant is convicted of a crime and sentenced to a 20601  
jail or workhouse, the defendant's sentence shall be reduced by 20602  
the total number of days the defendant is confined for evaluation 20603  
to determine the defendant's competence to stand trial or 20604  
treatment under this section and sections 2945.37 and 2945.371 of 20605  
the Revised Code or by the total number of days the defendant is 20606  
confined for evaluation to determine the defendant's mental 20607  
condition at the time of the offense charged. 20608

**Sec. 2945.39.** (A) If a defendant who is charged with an 20609  
offense described in division (C)(1) of section 2945.38 of the 20610

Revised Code is found incompetent to stand trial, after the 20611  
expiration of the maximum time for treatment as specified in 20612  
division (C) of that section or after the court finds that there 20613  
is not a substantial probability that the defendant will become 20614  
competent to stand trial even if the defendant is provided with a 20615  
course of treatment, one of the following applies: 20616

(1) The court or the prosecutor may file an affidavit in 20617  
probate court for civil commitment of the defendant in the manner 20618  
provided in Chapter 5122. or 5123. of the Revised Code. If the 20619  
court or prosecutor files an affidavit for civil commitment, the 20620  
court may detain the defendant for ten days pending civil 20621  
commitment. If the probate court commits the defendant subsequent 20622  
to the court's or prosecutor's filing of an affidavit for civil 20623  
commitment, the chief clinical officer of the entity, hospital, or 20624  
facility, the managing officer of the institution, the director of 20625  
the program, or the person to which the defendant is committed or 20626  
admitted shall send to the prosecutor the notices described in 20627  
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 20628  
Code within the periods of time and under the circumstances 20629  
specified in those divisions. 20630

(2) On the motion of the prosecutor or on its own motion, the 20631  
court may retain jurisdiction over the defendant if, at a hearing, 20632  
the court finds both of the following by clear and convincing 20633  
evidence: 20634

(a) The defendant committed the offense with which the 20635  
defendant is charged. 20636

(b) The defendant is a mentally ill person subject to 20637  
hospitalization by court order or a mentally retarded person 20638  
subject to institutionalization by court order. 20639

(B) In making its determination under division (A)(2) of this 20640  
section as to whether to retain jurisdiction over the defendant, 20641

the court may consider all relevant evidence, including, but not 20642  
limited to, any relevant psychiatric, psychological, or medical 20643  
testimony or reports, the acts constituting the offense charged, 20644  
and any history of the defendant that is relevant to the 20645  
defendant's ability to conform to the law. 20646

(C) If the court conducts a hearing as described in division 20647  
(A)(2) of this section and if the court does not make both 20648  
findings described in divisions (A)(2)(a) and (b) of this section 20649  
by clear and convincing evidence, the court shall dismiss the 20650  
indictment, information, or complaint against the defendant. Upon 20651  
the dismissal, the court shall discharge the defendant unless the 20652  
court or prosecutor files an affidavit in probate court for civil 20653  
commitment of the defendant pursuant to Chapter 5122. or 5123. of 20654  
the Revised Code. If the court or prosecutor files an affidavit 20655  
for civil commitment, the court may order that the defendant be 20656  
detained for up to ten days pending the civil commitment. If the 20657  
probate court commits the defendant subsequent to the court's or 20658  
prosecutor's filing of an affidavit for civil commitment, the 20659  
chief clinical officer of the entity, hospital, or facility, the 20660  
managing officer of the institution, the director of the program, 20661  
or the person to which the defendant is committed or admitted 20662  
shall send to the prosecutor the notices described in divisions 20663  
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 20664  
within the periods of time and under the circumstances specified 20665  
in those divisions. A dismissal of charges under this division is 20666  
not a bar to further criminal proceedings based on the same 20667  
conduct. 20668

(D)(1) If the court conducts a hearing as described in 20669  
division (A)(2) of this section and if the court makes the 20670  
findings described in divisions (A)(2)(a) and (b) of this section 20671  
by clear and convincing evidence, the court shall commit the 20672  
defendant, if determined to require mental health treatment, 20673

either to the department of mental health for treatment at a 20674  
hospital, facility, or agency as determined clinically appropriate 20675  
by the department of mental health or to another medical or 20676  
psychiatric facility, as appropriate. Prior to placing the 20677  
defendant, the department of mental health shall obtain court 20678  
approval for that placement. If the court conducts such a hearing 20679  
and if it makes those findings by clear and convincing evidence, 20680  
the court shall commit the defendant, if determined to require 20681  
treatment for ~~developmental disabilities~~ mental retardation, to a 20682  
facility operated by the department of developmental disabilities, 20683  
or another facility, as appropriate. ~~In committing the defendant~~ 20684  
~~to the department of mental health, the court shall specify the~~ 20685  
~~least restrictive limitations on the defendant's freedom of~~ 20686  
~~movement determined to be necessary to protect public safety. In~~ 20687  
~~determining the place and nature of the commitment to a facility~~ 20688  
~~operated by the department of developmental disabilities or~~ 20689  
~~another facility for treatment of developmental disabilities, the~~ 20690  
~~court~~ In determining the place of commitment, the court shall 20691  
consider the extent to which the person is a danger to the person 20692  
and to others, the need for security, and the type of crime 20693  
involved and shall order the least restrictive ~~commitment~~ 20694  
alternative available that is consistent with public safety and 20695  
the welfare of the defendant. In weighing these factors, the court 20696  
shall give preference to protecting public safety. 20697

(2) If a court makes a commitment of a defendant under 20698  
division (D)(1) of this section, the prosecutor shall send to the 20699  
hospital, facility, or agency where the defendant is placed by the 20700  
department of mental health or to the defendant's place of 20701  
commitment all reports of the defendant's current mental condition 20702  
and, except as otherwise provided in this division, any other 20703  
relevant information, including, but not limited to, a transcript 20704  
of the hearing held pursuant to division (A)(2) of this section, 20705  
copies of relevant police reports, and copies of any prior arrest 20706

and conviction records that pertain to the defendant and that the prosecutor possesses. The prosecutor shall send the reports of the defendant's current mental condition in every case of commitment, and, unless the prosecutor determines that the release of any of the other relevant information to unauthorized persons would interfere with the effective prosecution of any person or would create a substantial risk of harm to any person, the prosecutor also shall send the other relevant information. Upon admission of a defendant committed under division (D)(1) of this section, the place of commitment shall send to the board of alcohol, drug addiction, and mental health services or the community mental health board serving the county in which the charges against the defendant were filed a copy of all reports of the defendant's current mental condition and a copy of the other relevant information provided by the prosecutor under this division, including, if provided, a transcript of the hearing held pursuant to division (A)(2) of this section, the relevant police reports, and the prior arrest and conviction records that pertain to the defendant and that the prosecutor possesses.

(3) If a court makes a commitment under division (D)(1) of this section, all further proceedings shall be in accordance with sections 2945.401 and 2945.402 of the Revised Code.

**Sec. 2945.40.** (A) If a person is found not guilty by reason of insanity, the verdict shall state that finding, and the trial court shall conduct a full hearing to determine whether the person is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. Prior to the hearing, if the trial judge believes that there is probable cause that the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order or mentally retarded person subject to institutionalization by court order, the trial judge may issue



a temporary order of detention for that person to remain in effect 20739  
for ten court days or until the hearing, whichever occurs first. 20740

Any person detained pursuant to a temporary order of 20741  
detention issued under this division shall be held in a suitable 20742  
facility, taking into consideration the place and type of 20743  
confinement prior to and during trial. 20744

(B) The court shall hold the hearing under division (A) of 20745  
this section to determine whether the person found not guilty by 20746  
reason of insanity is a mentally ill person subject to 20747  
hospitalization by court order or a mentally retarded person 20748  
subject to institutionalization by court order within ten court 20749  
days after the finding of not guilty by reason of insanity. 20750  
Failure to conduct the hearing within the ten-day period shall 20751  
cause the immediate discharge of the respondent, unless the judge 20752  
grants a continuance for not longer than ten court days for good 20753  
cause shown or for any period of time upon motion of the 20754  
respondent. 20755

(C) If a person is found not guilty by reason of insanity, 20756  
the person has the right to attend all hearings conducted pursuant 20757  
to sections 2945.37 to 2945.402 of the Revised Code. At any 20758  
hearing conducted pursuant to one of those sections, the court 20759  
shall inform the person that the person has all of the following 20760  
rights: 20761

(1) The right to be represented by counsel and to have that 20762  
counsel provided at public expense if the person is indigent, with 20763  
the counsel to be appointed by the court under Chapter 120. of the 20764  
Revised Code or under the authority recognized in division (C) of 20765  
section 120.06, division (E) of section 120.16, division (E) of 20766  
section 120.26, or section 2941.51 of the Revised Code; 20767

(2) The right to have independent expert evaluation and to 20768  
have that independent expert evaluation provided at public expense 20769

if the person is indigent; 20770

(3) The right to subpoena witnesses and documents, to present 20771  
evidence on the person's behalf, and to cross-examine witnesses 20772  
against the person; 20773

(4) The right to testify in the person's own behalf and to 20774  
not be compelled to testify; 20775

(5) The right to have copies of any relevant medical or 20776  
mental health document in the custody of the state or of any place 20777  
of commitment other than a document for which the court finds that 20778  
the release to the person of information contained in the document 20779  
would create a substantial risk of harm to any person. 20780

(D) The hearing under division (A) of this section shall be 20781  
open to the public, and the court shall conduct the hearing in 20782  
accordance with the Rules of Civil Procedure. The court shall make 20783  
and maintain a full transcript and record of the hearing 20784  
proceedings. The court may consider all relevant evidence, 20785  
including, but not limited to, any relevant psychiatric, 20786  
psychological, or medical testimony or reports, the acts 20787  
constituting the offense in relation to which the person was found 20788  
not guilty by reason of insanity, and any history of the person 20789  
that is relevant to the person's ability to conform to the law. 20790

(E) Upon completion of the hearing under division (A) of this 20791  
section, if the court finds there is not clear and convincing 20792  
evidence that the person is a mentally ill person subject to 20793  
hospitalization by court order or a mentally retarded person 20794  
subject to institutionalization by court order, the court shall 20795  
discharge the person, unless a detainer has been placed upon the 20796  
person by the department of rehabilitation and correction, in 20797  
which case the person shall be returned to that department. 20798

(F) If, at the hearing under division (A) of this section, 20799  
the court finds by clear and convincing evidence that the person 20800

is a mentally ill person subject to hospitalization by court 20801  
order, the court shall commit the person either to the department 20802  
of mental health for ~~placement~~ treatment in a hospital, facility, 20803  
or agency as determined clinically appropriate by the department 20804  
of mental health or to another medical or psychiatric facility, as 20805  
appropriate. Prior to placing the defendant, the department of 20806  
mental health shall obtain court approval for that placement. If, 20807  
at the hearing under division (A) of this section, the court ~~finds~~ 20808  
determines by clear and convincing evidence that the person ~~is a~~ 20809  
~~mentally retarded person subject to institutionalization by court~~ 20810  
~~order~~ requires treatment for mental retardation, it shall commit 20811  
the person to a facility operated by the department of 20812  
developmental disabilities or another facility, as appropriate. 20813  
Further proceedings shall be in accordance with sections 2945.401 20814  
and 2945.402 of the Revised Code. ~~In committing the person to the~~ 20815  
~~department of mental health, the court shall specify the least~~ 20816  
~~restrictive limitations to the defendant's freedom of movement~~ 20817  
~~determined to be necessary to protect public safety.~~ In 20818  
determining the place ~~and nature of the commitment of a mentally~~ 20819  
~~retarded person subject to institutionalization by court order,~~ 20820  
the court shall consider the extent to which the person is a 20821  
danger to the person and to others, the need for security, and the 20822  
type of crime involved and shall order the least restrictive 20823  
~~commitment~~ alternative available that is consistent with public 20824  
safety and the welfare of the person. In weighing these factors, 20825  
the court shall give preference to protecting public safety. 20826

(G) If a court makes a commitment of a person under division 20827  
(F) of this section, the prosecutor shall send to the hospital, 20828  
facility, or agency where the person is placed by the department 20829  
of mental health or to the defendant's place of commitment all 20830  
reports of the person's current mental condition, and, except as 20831  
otherwise provided in this division, any other relevant 20832  
information, including, but not limited to, a transcript of the 20833

hearing held pursuant to division (A) of this section, copies of 20834  
relevant police reports, and copies of any prior arrest and 20835  
conviction records that pertain to the person and that the 20836  
prosecutor possesses. The prosecutor shall send the reports of the 20837  
person's current mental condition in every case of commitment, 20838  
and, unless the prosecutor determines that the release of any of 20839  
the other relevant information to unauthorized persons would 20840  
interfere with the effective prosecution of any person or would 20841  
create a substantial risk of harm to any person, the prosecutor 20842  
also shall send the other relevant information. Upon admission of 20843  
a person committed under division (F) of this section, the place 20844  
of commitment shall send to the board of alcohol, drug addiction, 20845  
and mental health services or the community mental health board 20846  
serving the county in which the charges against the person were 20847  
filed a copy of all reports of the person's current mental 20848  
condition and a copy of the other relevant information provided by 20849  
the prosecutor under this division, including, if provided, a 20850  
transcript of the hearing held pursuant to division (A) of this 20851  
section, the relevant police reports, and the prior arrest and 20852  
conviction records that pertain to the person and that the 20853  
prosecutor possesses. 20854

(H) A person who is committed pursuant to this section shall 20855  
not voluntarily admit the person or be voluntarily admitted to a 20856  
hospital or institution pursuant to section 5122.02, 5122.15, 20857  
5123.69, or 5123.76 of the Revised Code. 20858

**Sec. 2945.401.** (A) A defendant found incompetent to stand 20859  
trial and committed pursuant to section 2945.39 of the Revised 20860  
Code or a person found not guilty by reason of insanity and 20861  
committed pursuant to section 2945.40 of the Revised Code shall 20862  
remain subject to the jurisdiction of the trial court pursuant to 20863  
that commitment, and to the provisions of this section, until the 20864  
final termination of the commitment as described in division 20865

(J)(1) of this section. If the jurisdiction is terminated under 20866  
this division because of the final termination of the commitment 20867  
resulting from the expiration of the maximum prison term or term 20868  
of imprisonment described in division (J)(1)(b) of this section, 20869  
the court or prosecutor may file an affidavit for the civil 20870  
commitment of the defendant or person pursuant to Chapter 5122. or 20871  
5123. of the Revised Code. 20872

(B) A hearing conducted under any provision of sections 20873  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 20874  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 20875  
person who is committed pursuant to section 2945.39 or 2945.40 of 20876  
the Revised Code shall not voluntarily admit the person or be 20877  
voluntarily admitted to a hospital or institution pursuant to 20878  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 20879  
All other provisions of Chapters 5122. and 5123. of the Revised 20880  
Code regarding hospitalization or institutionalization shall apply 20881  
to the extent they are not in conflict with this chapter. A 20882  
commitment under section 2945.39 or 2945.40 of the Revised Code 20883  
shall not be terminated and the conditions of the commitment shall 20884  
not be changed except as otherwise provided in division (D)(2) of 20885  
this section with respect to a mentally retarded person subject to 20886  
institutionalization by court order or except by order of the 20887  
trial court. 20888

(C) The department of mental health or the institution ~~or~~ 20889  
facility, or program to which a defendant or person has been 20890  
committed under section 2945.39 or 2945.40 of the Revised Code 20891  
shall report in writing to the trial court, at the times specified 20892  
in this division, as to whether the defendant or person remains a 20893  
mentally ill person subject to hospitalization by court order or a 20894  
mentally retarded person subject to institutionalization by court 20895  
order and, in the case of a defendant committed under section 20896  
2945.39 of the Revised Code, as to whether the defendant remains 20897

incompetent to stand trial. The department, institution, ~~or~~ 20898  
facility, or program shall make the reports after the initial six 20899  
months of treatment and every two years after the initial report 20900  
is made. The trial court shall provide copies of the reports to 20901  
the prosecutor and to the counsel for the defendant or person. 20902  
Within thirty days after its receipt pursuant to this division of 20903  
a report from the department, institution, ~~or~~ facility, or 20904  
program, the trial court shall hold a hearing on the continued 20905  
commitment of the defendant or person or on any changes in the 20906  
conditions of the commitment of the defendant or person. The 20907  
defendant or person may request a change in the conditions of 20908  
confinement, and the trial court shall conduct a hearing on that 20909  
request if six months or more have elapsed since the most recent 20910  
hearing was conducted under this section. 20911

(D)(1) Except as otherwise provided in division (D)(2) of 20912  
this section, when a defendant or person has been committed under 20913  
section 2945.39 or 2945.40 of the Revised Code, at any time after 20914  
evaluating the risks to public safety and the welfare of the 20915  
defendant or person, the designee of the department of mental 20916  
health or the managing officer of the institution or director of 20917  
the facility or program to which the defendant or person is 20918  
committed may recommend a termination of the defendant's or 20919  
person's commitment or a change in the conditions of the 20920  
defendant's or person's commitment. 20921

Except as otherwise provided in division (D)(2) of this 20922  
section, if the designee of the department of mental health 20923  
recommends on-grounds unsupervised movement, off-grounds 20924  
supervised movement, or nonsecured status for the defendant or 20925  
person or termination of the defendant's or person's commitment, 20926  
the following provisions apply: 20927

(a) If the department's designee recommends on-grounds 20928  
unsupervised movement or off-grounds supervised movement, the 20929

department's designee shall file with the trial court an 20930  
application for approval of the movement and shall send a copy of 20931  
the application to the prosecutor. Within fifteen days after 20932  
receiving the application, the prosecutor may request a hearing on 20933  
the application and, if a hearing is requested, shall so inform 20934  
the department's designee. If the prosecutor does not request a 20935  
hearing within the fifteen-day period, the trial court shall 20936  
approve the application by entering its order approving the 20937  
requested movement or, within five days after the expiration of 20938  
the fifteen-day period, shall set a date for a hearing on the 20939  
application. If the prosecutor requests a hearing on the 20940  
application within the fifteen-day period, the trial court shall 20941  
hold a hearing on the application within thirty days after the 20942  
hearing is requested. If the trial court, within five days after 20943  
the expiration of the fifteen-day period, sets a date for a 20944  
hearing on the application, the trial court shall hold the hearing 20945  
within thirty days after setting the hearing date. At least 20946  
fifteen days before any hearing is held under this division, the 20947  
trial court shall give the prosecutor written notice of the date, 20948  
time, and place of the hearing. At the conclusion of each hearing 20949  
conducted under this division, the trial court either shall 20950  
approve or disapprove the application and shall enter its order 20951  
accordingly. 20952

(b) If the department's designee recommends termination of 20953  
the defendant's or person's commitment at any time or if the 20954  
department's designee recommends the first of any nonsecured 20955  
status for the defendant or person, the department's designee 20956  
shall send written notice of this recommendation to the trial 20957  
court and to the local forensic center. The local forensic center 20958  
shall evaluate the committed defendant or person and, within 20959  
thirty days after its receipt of the written notice, shall submit 20960  
to the trial court and the department's designee a written report 20961  
of the evaluation. The trial court shall provide a copy of the 20962

department's designee's written notice and of the local forensic 20963  
center's written report to the prosecutor and to the counsel for 20964  
the defendant or person. Upon the local forensic center's 20965  
submission of the report to the trial court and the department's 20966  
designee, all of the following apply: 20967

(i) If the forensic center disagrees with the recommendation 20968  
of the department's designee, it shall inform the department's 20969  
designee and the trial court of its decision and the reasons for 20970  
the decision. The department's designee, after consideration of 20971  
the forensic center's decision, shall either withdraw, proceed 20972  
with, or modify and proceed with the recommendation. If the 20973  
department's designee proceeds with, or modifies and proceeds 20974  
with, the recommendation, the department's designee shall proceed 20975  
in accordance with division (D)(1)(b)(iii) of this section. 20976

(ii) If the forensic center agrees with the recommendation of 20977  
the department's designee, it shall inform the department's 20978  
designee and the trial court of its decision and the reasons for 20979  
the decision, and the department's designee shall proceed in 20980  
accordance with division (D)(1)(b)(iii) of this section. 20981

(iii) If the forensic center disagrees with the 20982  
recommendation of the department's designee and the department's 20983  
designee proceeds with, or modifies and proceeds with, the 20984  
recommendation or if the forensic center agrees with the 20985  
recommendation of the department's designee, the department's 20986  
designee shall work with community mental health agencies, 20987  
programs, facilities, or boards of alcohol, drug addiction, and 20988  
mental health services or community mental health boards to 20989  
develop a plan to implement the recommendation. If the defendant 20990  
or person is on medication, the plan shall include, but shall not 20991  
be limited to, a system to monitor the defendant's or person's 20992  
compliance with the prescribed medication treatment plan. The 20993  
system shall include a schedule that clearly states when the 20994



defendant or person shall report for a medication compliance 20995  
check. The medication compliance checks shall be based upon the 20996  
effective duration of the prescribed medication, taking into 20997  
account the route by which it is taken, and shall be scheduled at 20998  
intervals sufficiently close together to detect a potential 20999  
increase in mental illness symptoms that the medication is 21000  
intended to prevent. 21001

The department's designee, after consultation with the board 21002  
of alcohol, drug addiction, and mental health services or the 21003  
community mental health board serving the area, shall send the 21004  
recommendation and plan developed under division (D)(1)(b)(iii) of 21005  
this section, in writing, to the trial court, the prosecutor, and 21006  
the counsel for the committed defendant or person. The trial court 21007  
shall conduct a hearing on the recommendation and plan developed 21008  
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 21009  
and (d) and (E) to (J) of this section apply regarding the 21010  
hearing. 21011

(c) If the department's designee's recommendation is for 21012  
nonsecured status or termination of commitment, the prosecutor may 21013  
obtain an independent expert evaluation of the defendant's or 21014  
person's mental condition, and the trial court may continue the 21015  
hearing on the recommendation for a period of not more than thirty 21016  
days to permit time for the evaluation. 21017

The prosecutor may introduce the evaluation report or present 21018  
other evidence at the hearing in accordance with the Rules of 21019  
Evidence. 21020

(d) The trial court shall schedule the hearing on a 21021  
department's designee's recommendation for nonsecured status or 21022  
termination of commitment and shall give reasonable notice to the 21023  
prosecutor and the counsel for the defendant or person. Unless 21024  
continued for independent evaluation at the prosecutor's request 21025  
or for other good cause, the hearing shall be held within thirty 21026

days after the trial court's receipt of the recommendation and 21027  
plan. 21028

(2)(a) Division (D)(1) of this section does not apply to 21029  
on-grounds unsupervised movement of a defendant or person who has 21030  
been committed under section 2945.39 or 2945.40 of the Revised 21031  
Code, who is a mentally retarded person subject to 21032  
institutionalization by court order, and who is being provided 21033  
residential habilitation, care, and treatment in a facility 21034  
operated by the department of developmental disabilities. 21035

(b) If, pursuant to section 2945.39 of the Revised Code, the 21036  
trial court commits a defendant who is found incompetent to stand 21037  
trial and who is a mentally retarded person subject to 21038  
institutionalization by court order, if the defendant is being 21039  
provided residential habilitation, care, and treatment in a 21040  
facility operated by the department of developmental disabilities, 21041  
if an individual who is conducting a survey for the department of 21042  
health to determine the facility's compliance with the 21043  
certification requirements of the medicaid program under Chapter 21044  
5111. of the Revised Code and Title XIX of the "Social Security 21045  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 21046  
defendant's receipt of the residential habilitation, care, and 21047  
treatment in the facility as being inappropriate under the 21048  
certification requirements, if the defendant's receipt of the 21049  
residential habilitation, care, and treatment in the facility 21050  
potentially jeopardizes the facility's continued receipt of 21051  
federal medicaid moneys, and if as a result of the citation the 21052  
chief clinical officer of the facility determines that the 21053  
conditions of the defendant's commitment should be changed, the 21054  
department of developmental disabilities may cause the defendant 21055  
to be removed from the particular facility and, after evaluating 21056  
the risks to public safety and the welfare of the defendant and 21057  
after determining whether another type of placement is consistent 21058

with the certification requirements, may place the defendant in 21059  
another facility that the department selects as an appropriate 21060  
facility for the defendant's continued receipt of residential 21061  
habilitation, care, and treatment and that is a no less secure 21062  
setting than the facility in which the defendant had been placed 21063  
at the time of the citation. Within three days after the 21064  
defendant's removal and alternative placement under the 21065  
circumstances described in division (D)(2)(b) of this section, the 21066  
department of developmental disabilities shall notify the trial 21067  
court and the prosecutor in writing of the removal and alternative 21068  
placement. 21069

The trial court shall set a date for a hearing on the removal 21070  
and alternative placement, and the hearing shall be held within 21071  
twenty-one days after the trial court's receipt of the notice from 21072  
the department of developmental disabilities. At least ten days 21073  
before the hearing is held, the trial court shall give the 21074  
prosecutor, the department of developmental disabilities, and the 21075  
counsel for the defendant written notice of the date, time, and 21076  
place of the hearing. At the hearing, the trial court shall 21077  
consider the citation issued by the individual who conducted the 21078  
survey for the department of health to be prima-facie evidence of 21079  
the fact that the defendant's commitment to the particular 21080  
facility was inappropriate under the certification requirements of 21081  
the medicaid program under Chapter 5111. of the Revised Code and 21082  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 21083  
U.S.C.A. 301, as amended, and potentially jeopardizes the 21084  
particular facility's continued receipt of federal medicaid 21085  
moneys. At the conclusion of the hearing, the trial court may 21086  
approve or disapprove the defendant's removal and alternative 21087  
placement. If the trial court approves the defendant's removal and 21088  
alternative placement, the department of developmental 21089  
disabilities may continue the defendant's alternative placement. 21090  
If the trial court disapproves the defendant's removal and 21091

alternative placement, it shall enter an order modifying the 21092  
defendant's removal and alternative placement, but that order 21093  
shall not require the department of developmental disabilities to 21094  
replace the defendant for purposes of continued residential 21095  
habilitation, care, and treatment in the facility associated with 21096  
the citation issued by the individual who conducted the survey for 21097  
the department of health. 21098

(E) In making a determination under this section regarding 21099  
nonsecured status or termination of commitment, the trial court 21100  
shall consider all relevant factors, including, but not limited 21101  
to, all of the following: 21102

(1) Whether, in the trial court's view, the defendant or 21103  
person currently represents a substantial risk of physical harm to 21104  
the defendant or person or others; 21105

(2) Psychiatric and medical testimony as to the current 21106  
mental and physical condition of the defendant or person; 21107

(3) Whether the defendant or person has insight into the 21108  
~~defendant's~~ defendant's or person's condition so that the 21109  
defendant or person will continue treatment as prescribed or seek 21110  
professional assistance as needed; 21111

(4) The grounds upon which the state relies for the proposed 21112  
commitment; 21113

(5) Any past history that is relevant to establish the 21114  
defendant's or person's degree of conformity to the laws, rules, 21115  
regulations, and values of society; 21116

(6) If there is evidence that the defendant's or person's 21117  
mental illness is in a state of remission, the medically suggested 21118  
cause and degree of the remission and the probability that the 21119  
defendant or person will continue treatment to maintain the 21120  
remissive state of the defendant's or person's illness should the 21121  
defendant's or person's commitment conditions be altered. 21122

(F) At any hearing held pursuant to division (C) or (D)(1) or 21123  
(2) of this section, the defendant or the person shall have all 21124  
the rights of a defendant or person at a commitment hearing as 21125  
described in section 2945.40 of the Revised Code. 21126

(G) In a hearing held pursuant to division (C) or (D)(1) of 21127  
this section, the prosecutor has the burden of proof as follows: 21128

(1) For a recommendation of termination of commitment, to 21129  
show by clear and convincing evidence that the defendant or person 21130  
remains a mentally ill person subject to hospitalization by court 21131  
order or a mentally retarded person subject to 21132  
institutionalization by court order; 21133

(2) For a recommendation for a change in the conditions of 21134  
the commitment to a less restrictive status, to show by clear and 21135  
convincing evidence that the proposed change represents a threat 21136  
to public safety or a threat to the safety of any person. 21137

(H) In a hearing held pursuant to division (C) or (D)(1) or 21138  
(2) of this section, the prosecutor shall represent the state or 21139  
the public interest. 21140

(I) At the conclusion of a hearing conducted under division 21141  
(D)(1) of this section regarding a recommendation from the 21142  
designee of the department of mental health, managing officer of 21143  
the institution, or director of a facility or program, the trial 21144  
court may approve, disapprove, or modify the recommendation and 21145  
shall enter an order accordingly. 21146

(J)(1) A defendant or person who has been committed pursuant 21147  
to section 2945.39 or 2945.40 of the Revised Code continues to be 21148  
under the jurisdiction of the trial court until the final 21149  
termination of the commitment. For purposes of division (J) of 21150  
this section, the final termination of a commitment occurs upon 21151  
the earlier of one of the following: 21152

(a) The defendant or person no longer is a mentally ill 21153

person subject to hospitalization by court order or a mentally 21154  
retarded person subject to institutionalization by court order, as 21155  
determined by the trial court; 21156

(b) The expiration of the maximum prison term or term of 21157  
imprisonment that the defendant or person could have received if 21158  
the defendant or person had been convicted of the most serious 21159  
offense with which the defendant or person is charged or in 21160  
relation to which the defendant or person was found not guilty by 21161  
reason of insanity; 21162

(c) The trial court enters an order terminating the 21163  
commitment under the circumstances described in division 21164  
(J)(2)(a)(ii) of this section. 21165

(2)(a) If a defendant is found incompetent to stand trial and 21166  
committed pursuant to section 2945.39 of the Revised Code, if 21167  
neither of the circumstances described in divisions (J)(1)(a) and 21168  
(b) of this section applies to that defendant, and if a report 21169  
filed with the trial court pursuant to division (C) of this 21170  
section indicates that the defendant presently is competent to 21171  
stand trial or if, at any other time during the period of the 21172  
defendant's commitment, the prosecutor, the counsel for the 21173  
defendant, or the designee of the department of mental health or 21174  
the managing officer of the institution or director of the 21175  
facility or program to which the defendant is committed files an 21176  
application with the trial court alleging that the defendant 21177  
presently is competent to stand trial and requesting a hearing on 21178  
the competency issue or the trial court otherwise has reasonable 21179  
cause to believe that the defendant presently is competent to 21180  
stand trial and determines on its own motion to hold a hearing on 21181  
the competency issue, the trial court shall schedule a hearing on 21182  
the competency of the defendant to stand trial, shall give the 21183  
prosecutor, the counsel for the defendant, and the department's 21184  
designee or the managing officer of the institution or the 21185

director of the facility to which the defendant is committed 21186  
notice of the date, time, and place of the hearing at least 21187  
fifteen days before the hearing, and shall conduct the hearing 21188  
within thirty days of the filing of the application or of its own 21189  
motion. If, at the conclusion of the hearing, the trial court 21190  
determines that the defendant presently is capable of 21191  
understanding the nature and objective of the proceedings against 21192  
the defendant and of assisting in the defendant's defense, the 21193  
trial court shall order that the defendant is competent to stand 21194  
trial and shall be proceeded against as provided by law with 21195  
respect to the applicable offenses described in division (C)(1) of 21196  
section 2945.38 of the Revised Code and shall enter whichever of 21197  
the following additional orders is appropriate: 21198

(i) If the trial court determines that the defendant remains 21199  
a mentally ill person subject to hospitalization by court order or 21200  
a mentally retarded person subject to institutionalization by 21201  
court order, the trial court shall order that the defendant's 21202  
commitment to the department of mental health or to an institution 21203  
~~or, facility, or program~~ for the treatment of ~~developmental~~ 21204  
~~disabilities~~ mental retardation be continued during the pendency 21205  
of the trial on the applicable offenses described in division 21206  
(C)(1) of section 2945.38 of the Revised Code. 21207

(ii) If the trial court determines that the defendant no 21208  
longer is a mentally ill person subject to hospitalization by 21209  
court order or a mentally retarded person subject to 21210  
institutionalization by court order, the trial court shall order 21211  
that the defendant's commitment to the department of mental health 21212  
or to an institution ~~or, facility, or program~~ for the treatment of 21213  
~~developmental disabilities~~ mental retardation shall not be 21214  
continued during the pendency of the trial on the applicable 21215  
offenses described in division (C)(1) of section 2945.38 of the 21216  
Revised Code. This order shall be a final termination of the 21217

commitment for purposes of division (J)(1)(c) of this section. 21218

(b) If, at the conclusion of the hearing described in 21219  
division (J)(2)(a) of this section, the trial court determines 21220  
that the defendant remains incapable of understanding the nature 21221  
and objective of the proceedings against the defendant or of 21222  
assisting in the defendant's defense, the trial court shall order 21223  
that the defendant continues to be incompetent to stand trial, 21224  
that the defendant's commitment to the department of mental health 21225  
or to an institution ~~or~~, facility, or program for the treatment of 21226  
~~developmental disabilities~~ mental retardation shall be continued, 21227  
and that the defendant remains subject to the jurisdiction of the 21228  
trial court pursuant to that commitment, and to the provisions of 21229  
this section, until the final termination of the commitment as 21230  
described in division (J)(1) of this section. 21231

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 21232  
the Revised Code, a first offender may apply to the sentencing 21233  
court if convicted in this state, or to a court of common pleas if 21234  
convicted in another state or in a federal court, for the sealing 21235  
of the conviction record. Application may be made at the 21236  
expiration of three years after the offender's final discharge if 21237  
convicted of a felony, or at the expiration of one year after the 21238  
offender's final discharge if convicted of a misdemeanor. 21239

(2) Any person who has been arrested for any misdemeanor 21240  
offense and who has effected a bail forfeiture may apply to the 21241  
court in which the misdemeanor criminal case was pending when bail 21242  
was forfeited for the sealing of the record of the case. Except as 21243  
provided in section 2953.61 of the Revised Code, the application 21244  
may be filed at any time after the expiration of one year from the 21245  
date on which the bail forfeiture was entered upon the minutes of 21246  
the court or the journal, whichever entry occurs first. 21247

(B) Upon the filing of an application under this section, the 21248



court shall set a date for a hearing and shall notify the 21249  
prosecutor for the case of the hearing on the application. The 21250  
prosecutor may object to the granting of the application by filing 21251  
an objection with the court prior to the date set for the hearing. 21252  
The prosecutor shall specify in the objection the reasons for 21253  
believing a denial of the application is justified. The court 21254  
shall direct its regular probation officer, a state probation 21255  
officer, or the department of probation of the county in which the 21256  
applicant resides to make inquiries and written reports as the 21257  
court requires concerning the applicant. 21258

(C)(1) The court shall do each of the following: 21259

(a) Determine whether the applicant is a first offender or 21260  
whether the forfeiture of bail was agreed to by the applicant and 21261  
the prosecutor in the case. If the applicant applies as a first 21262  
offender pursuant to division (A)(1) of this section and has two 21263  
or three convictions that result from the same indictment, 21264  
information, or complaint, from the same plea of guilty, or from 21265  
the same official proceeding, and result from related criminal 21266  
acts that were committed within a three-month period but do not 21267  
result from the same act or from offenses committed at the same 21268  
time, in making its determination under this division, the court 21269  
initially shall determine whether it is not in the public interest 21270  
for the two or three convictions to be counted as one conviction. 21271  
If the court determines that it is not in the public interest for 21272  
the two or three convictions to be counted as one conviction, the 21273  
court shall determine that the applicant is not a first offender; 21274  
if the court does not make that determination, the court shall 21275  
determine that the offender is a first offender. 21276

(b) Determine whether criminal proceedings are pending 21277  
against the applicant; 21278

(c) If the applicant is a first offender who applies pursuant 21279  
to division (A)(1) of this section, determine whether the 21280

applicant has been rehabilitated to the satisfaction of the court; 21281

(d) If the prosecutor has filed an objection in accordance 21282  
with division (B) of this section, consider the reasons against 21283  
granting the application specified by the prosecutor in the 21284  
objection; 21285

(e) Weigh the interests of the applicant in having the 21286  
records pertaining to the applicant's conviction sealed against 21287  
the legitimate needs, if any, of the government to maintain those 21288  
records. 21289

(2) If the court determines, after complying with division 21290  
(C)(1) of this section, that the applicant is a first offender or 21291  
the subject of a bail forfeiture, that no criminal proceeding is 21292  
pending against the applicant, and that the interests of the 21293  
applicant in having the records pertaining to the applicant's 21294  
conviction or bail forfeiture sealed are not outweighed by any 21295  
legitimate governmental needs to maintain those records, and that 21296  
the rehabilitation of an applicant who is a first offender 21297  
applying pursuant to division (A)(1) of this section has been 21298  
attained to the satisfaction of the court, the court, except as 21299  
provided in divisions (G) and (H) of this section, shall order all 21300  
official records pertaining to the case sealed and, except as 21301  
provided in division (F) of this section, all index references to 21302  
the case deleted and, in the case of bail forfeitures, shall 21303  
dismiss the charges in the case. The proceedings in the case shall 21304  
be considered not to have occurred and the conviction or bail 21305  
forfeiture of the person who is the subject of the proceedings 21306  
shall be sealed, except that upon conviction of a subsequent 21307  
offense, the sealed record of prior conviction or bail forfeiture 21308  
may be considered by the court in determining the sentence or 21309  
other appropriate disposition, including the relief provided for 21310  
in sections 2953.31 to 2953.33 of the Revised Code. 21311

(3) Upon the filing of an application under this section, the 21312

applicant, unless indigent, shall pay a fee of fifty dollars. The 21313  
court shall pay thirty dollars of the fee into the state treasury. 21314  
It shall pay twenty dollars of the fee into the county general 21315  
revenue fund if the sealed conviction or bail forfeiture was 21316  
pursuant to a state statute, or into the general revenue fund of 21317  
the municipal corporation involved if the sealed conviction or 21318  
bail forfeiture was pursuant to a municipal ordinance. 21319

(D) Inspection of the sealed records included in the order 21320  
may be made only by the following persons or for the following 21321  
purposes: 21322

(1) By a law enforcement officer or prosecutor, or the 21323  
assistants of either, to determine whether the nature and 21324  
character of the offense with which a person is to be charged 21325  
would be affected by virtue of the person's previously having been 21326  
convicted of a crime; 21327

(2) By the parole or probation officer of the person who is 21328  
the subject of the records, for the exclusive use of the officer 21329  
in supervising the person while on parole or under a community 21330  
control sanction or a post-release control sanction, and in making 21331  
inquiries and written reports as requested by the court or adult 21332  
parole authority; 21333

(3) Upon application by the person who is the subject of the 21334  
records, by the persons named in the application; 21335

(4) By a law enforcement officer who was involved in the 21336  
case, for use in the officer's defense of a civil action arising 21337  
out of the officer's involvement in that case; 21338

(5) By a prosecuting attorney or the prosecuting attorney's 21339  
assistants, to determine a defendant's eligibility to enter a 21340  
pre-trial diversion program established pursuant to section 21341  
2935.36 of the Revised Code; 21342

(6) By any law enforcement agency or any authorized employee 21343

of a law enforcement agency or by the department of rehabilitation 21344  
and correction as part of a background investigation of a person 21345  
who applies for employment with the agency as a law enforcement 21346  
officer or with the department as a corrections officer; 21347

(7) By any law enforcement agency or any authorized employee 21348  
of a law enforcement agency, for the purposes set forth in, and in 21349  
the manner provided in, section 2953.321 of the Revised Code; 21350

(8) By the bureau of criminal identification and 21351  
investigation or any authorized employee of the bureau for the 21352  
purpose of providing information to a board or person pursuant to 21353  
division (F) or (G) of section 109.57 of the Revised Code; 21354

(9) By the bureau of criminal identification and 21355  
investigation or any authorized employee of the bureau for the 21356  
purpose of performing a criminal history records check on a person 21357  
to whom a certificate as prescribed in section 109.77 of the 21358  
Revised Code is to be awarded; 21359

(10) By the bureau of criminal identification and 21360  
investigation or any authorized employee of the bureau for the 21361  
purpose of conducting a criminal records check of an individual 21362  
pursuant to division (B) of section 109.572 of the Revised Code 21363  
that was requested pursuant to any of the sections identified in 21364  
division (B)(1) of that section; 21365

(11) By the bureau of criminal identification and 21366  
investigation, an authorized employee of the bureau, a sheriff, or 21367  
an authorized employee of a sheriff in connection with a criminal 21368  
records check described in section 311.41 of the Revised Code; 21369

(12) By the attorney general or an authorized employee of the 21370  
attorney general or a court for purposes of determining a person's 21371  
classification pursuant to Chapter 2950. of the Revised Code; 21372

(13) By a prosecuting attorney or the attorney general, or 21373  
the assistants of either, for purposes of defending a civil action 21374

brought pursuant to division (B)(1) of section 2743.48 of the 21375  
Revised Code. 21376

When the nature and character of the offense with which a 21377  
person is to be charged would be affected by the information, it 21378  
may be used for the purpose of charging the person with an 21379  
offense. 21380

(E) In any criminal proceeding, proof of any otherwise 21381  
admissible prior conviction may be introduced and proved, 21382  
notwithstanding the fact that for any such prior conviction an 21383  
order of sealing previously was issued pursuant to sections 21384  
2953.31 to 2953.36 of the Revised Code. 21385

(F) The person or governmental agency, office, or department 21386  
that maintains sealed records pertaining to convictions or bail 21387  
forfeitures that have been sealed pursuant to this section may 21388  
maintain a manual or computerized index to the sealed records. The 21389  
index shall contain only the name of, and alphanumeric identifiers 21390  
that relate to, the persons who are the subject of the sealed 21391  
records, the word "sealed," and the name of the person, agency, 21392  
office, or department that has custody of the sealed records, and 21393  
shall not contain the name of the crime committed. The index shall 21394  
be made available by the person who has custody of the sealed 21395  
records only for the purposes set forth in divisions (C), (D), and 21396  
(E) of this section. 21397

(G) Notwithstanding any provision of this section or section 21398  
2953.33 of the Revised Code that requires otherwise, a board of 21399  
education of a city, local, exempted village, or joint vocational 21400  
school district that maintains records of an individual who has 21401  
been permanently excluded under sections 3301.121 and 3313.662 of 21402  
the Revised Code is permitted to maintain records regarding a 21403  
conviction that was used as the basis for the individual's 21404  
permanent exclusion, regardless of a court order to seal the 21405  
record. An order issued under this section to seal the record of a 21406

conviction does not revoke the adjudication order of the 21407  
superintendent of public instruction to permanently exclude the 21408  
individual who is the subject of the sealing order. An order 21409  
issued under this section to seal the record of a conviction of an 21410  
individual may be presented to a district superintendent as 21411  
evidence to support the contention that the superintendent should 21412  
recommend that the permanent exclusion of the individual who is 21413  
the subject of the sealing order be revoked. Except as otherwise 21414  
authorized by this division and sections 3301.121 and 3313.662 of 21415  
the Revised Code, any school employee in possession of or having 21416  
access to the sealed conviction records of an individual that were 21417  
the basis of a permanent exclusion of the individual is subject to 21418  
section 2953.35 of the Revised Code. 21419

(H) For purposes of sections 2953.31 to 2953.36 of the 21420  
Revised Code, DNA records collected in the DNA database and 21421  
fingerprints filed for record by the superintendent of the bureau 21422  
of criminal identification and investigation shall not be sealed 21423  
unless the superintendent receives a certified copy of a final 21424  
court order establishing that the offender's conviction has been 21425  
overturned. For purposes of this section, a court order is not 21426  
"final" if time remains for an appeal or application for 21427  
discretionary review with respect to the order. 21428

**Sec. 2961.22.** (A)(1) Any prisoner serving a prison term in a 21429  
state correctional institution who satisfies all of the following 21430  
is eligible to apply to the department of rehabilitation and 21431  
correction at a time specified in division (A)(2) of this section 21432  
and in accordance with division (D) of this section for a 21433  
certificate of achievement and employability: 21434

(a) The prisoner has satisfactorily completed one or more 21435  
in-prison vocational programs approved by rule by the department 21436  
of rehabilitation and correction. 21437

(b) The prisoner has demonstrated exemplary performance as 21438  
determined by completion of one or more cognitive or behavioral 21439  
improvement programs approved by rule by the department while 21440  
incarcerated in a state correctional institution, while under 21441  
supervision, or during both periods of time. 21442

(c) The prisoner has completed community service hours. 21443

(d) The prisoner shows other evidence of achievement and 21444  
rehabilitation while under the jurisdiction of the department. 21445

(2) An eligible prisoner may apply to the department of 21446  
rehabilitation and correction under division (A)(1) of this 21447  
section for a certificate of achievement and employability no 21448  
earlier than one year prior to the date scheduled for the release 21449  
of the prisoner from department custody and no later than the date 21450  
of release of the prisoner. 21451

(B)(1) Any prisoner who has been released from a state 21452  
correctional institution, who is under supervision on parole or 21453  
under a post-release control sanction, and who satisfies all of 21454  
the criteria set forth in division (A)(1) of this section is 21455  
eligible to apply to the adult parole authority at a time 21456  
specified in division (B)(2) of this section and in accordance 21457  
with division (D) of this section for a certificate of achievement 21458  
and employability. 21459

(2) An eligible prisoner may apply to the adult parole 21460  
authority under division (B)(1) of this section for a certificate 21461  
of achievement and employability at any time while the prisoner is 21462  
under supervision on parole or under a post-release control 21463  
sanction. 21464

(C)(1) An eligible prisoner may apply to the department of 21465  
rehabilitation and correction or to the adult parole authority at 21466  
a time specified in division (A) or (B) of this section, whichever 21467  
is applicable, for a certificate of achievement and employability 21468

that grants the prisoner relief from one or more mandatory civil 21469  
impacts that would affect a potential job within a field in which 21470  
the prisoner trained as part of the prisoner's in-prison 21471  
vocational program. The prisoner shall specify the mandatory civil 21472  
impacts from which the prisoner is requesting relief under the 21473  
certificate. Upon application by a prisoner in accordance with 21474  
this division, if the mandatory civil impact of any licensing 21475  
agency would be affected by the issuance of the certificate to the 21476  
prisoner, the department or authority shall notify the licensing 21477  
agency of the filing of the application, provide the licensing 21478  
agency with a copy of the application and all evidence that the 21479  
department, authority, or court has regarding the prisoner, and 21480  
afford the licensing agency with an opportunity to object in 21481  
writing to the issuance of the certificate to the prisoner. 21482

(2) Upon application by a prisoner in accordance with 21483  
division (C)(1) of this section, the department of rehabilitation 21484  
and correction or the adult parole authority, whichever is 21485  
applicable, shall consider the application and all objections to 21486  
the issuance of a certificate of achievement and employability to 21487  
the prisoner, if any, that were made by a licensing agency under 21488  
division (C)(1) of this section. If the department or authority 21489  
determines that the prisoner is an eligible prisoner, that the 21490  
application was filed at a time specified in division (B) of this 21491  
section, and that any licensing agency objections to the issuance 21492  
of the certificate to the prisoner are not sufficient to deny the 21493  
issuance of the certificate to the prisoner, subject to division 21494  
(C)(3) of this section, the department or authority shall issue 21495  
the prisoner a certificate of achievement and employability that 21496  
grants the prisoner relief from the mandatory civil impacts that 21497  
are specified in the prisoner's application and that would affect 21498  
a potential job within a field in which the prisoner trained as 21499  
part of the prisoner's in-prison vocational program. 21500



(3) The mandatory civil impacts identified in division (A)(1) 21501  
of section 2961.01 and in division (B) of section 2961.02 of the 21502  
Revised Code shall not be affected by any certificate of 21503  
achievement and employability issued under this section. No 21504  
certificate of achievement and employability issued to a prisoner 21505  
under this section grants the prisoner relief from the mandatory 21506  
civil impacts identified in division (A)(1) of section 2961.01 and 21507  
in division (B) of section 2961.02 of the Revised Code. 21508

(E) The department of rehabilitation and correction shall 21509  
adopt rules that define in-prison vocational programs and 21510  
cognitive or behavioral improvement programs that a prisoner may 21511  
complete to satisfy the criteria described in divisions (A)(1)(a) 21512  
and (b) of this section. 21513

(F) The department of rehabilitation and correction and the 21514  
adult parole authority shall not be liable for any claim for 21515  
damages arising from the department's or authority's issuance, 21516  
denial, or revocation of a certificate of achievement and 21517  
employability or for the department's or authority's failure to 21518  
revoke a certificate of achievement and employability under the 21519  
circumstances described in section 2961.24 of the Revised Code. 21520

**Sec. 2967.03.** The adult parole authority may exercise its 21521  
functions and duties in relation to the pardon, commutation of 21522  
sentence, or reprieve of a convict upon direction of the governor 21523  
or upon its own initiative. It may exercise its functions and 21524  
duties in relation to the parole of a prisoner who is eligible for 21525  
parole upon the initiative of the head of the institution in which 21526  
the prisoner is confined or upon its own initiative. When a 21527  
prisoner becomes eligible for parole, the head of the institution 21528  
in which the prisoner is confined shall notify the authority in 21529  
the manner prescribed by the authority. The authority may 21530  
investigate and examine, or cause the investigation and 21531

examination of, prisoners confined in state correctional 21532  
institutions concerning their conduct in the institutions, their 21533  
mental and moral qualities and characteristics, their knowledge of 21534  
a trade or profession, their former means of livelihood, their 21535  
family relationships, and any other matters affecting their 21536  
fitness to be at liberty without being a threat to society. 21537

The authority may recommend to the governor the pardon, 21538  
commutation of sentence, ~~medical release~~, or reprieve of any 21539  
convict or prisoner or grant a parole to any prisoner for whom 21540  
parole is authorized, if in its judgment there is reasonable 21541  
ground to believe that granting a pardon, commutation, ~~medical~~ 21542  
~~release~~, or reprieve to the convict or paroling the prisoner would 21543  
further the interests of justice and be consistent with the 21544  
welfare and security of society. However, the authority shall not 21545  
recommend a pardon, or commutation of sentence, ~~or medical release~~ 21546  
~~of~~, or grant a parole to, any convict or prisoner until the 21547  
authority has complied with the applicable notice requirements of 21548  
sections 2930.16 and 2967.12 of the Revised Code and until it has 21549  
considered any statement made by a victim or a victim's 21550  
representative that is relevant to the convict's or prisoner's 21551  
case and that was sent to the authority pursuant to section 21552  
2930.17 of the Revised Code, any other statement made by a victim 21553  
or a victim's representative that is relevant to the convict's or 21554  
prisoner's case and that was received by the authority after it 21555  
provided notice of the pendency of the action under sections 21556  
2930.16 and 2967.12 of the Revised Code, and any written statement 21557  
of any person submitted to the court pursuant to division (G) of 21558  
section 2967.12 of the Revised Code. If a victim, victim's 21559  
representative, or the victim's spouse, parent, sibling, or child 21560  
appears at a full board hearing of the parole board and gives 21561  
testimony as authorized by section 5149.101 of the Revised Code, 21562  
the authority shall consider the testimony in determining whether 21563  
to grant a parole. The trial judge and prosecuting attorney of the 21564

trial court in which a person was convicted shall furnish to the 21565  
authority, at the request of the authority, a summarized statement 21566  
of the facts proved at the trial and of all other facts having 21567  
reference to the propriety of recommending a pardon, commutation, 21568  
or medical release, or granting a parole, together with a 21569  
recommendation for or against a pardon, commutation, medical 21570  
release, or parole, and the reasons for the recommendation. The 21571  
trial judge, the prosecuting attorney, specified law enforcement 21572  
agency members, and a representative of the prisoner may appear at 21573  
a full board hearing of the parole board and give testimony in 21574  
regard to the grant of a parole to the prisoner as authorized by 21575  
section 5149.101 of the Revised Code. All state and local 21576  
officials shall furnish information to the authority, when so 21577  
requested by it in the performance of its duties. 21578

The adult parole authority shall exercise its functions and 21579  
duties in relation to the release of prisoners who are serving a 21580  
stated prison term in accordance with section 2967.28 of the 21581  
Revised Code. 21582

**Sec. 2967.05.** (A) As used in this section: 21583

(1) "Imminent danger of death" means that the inmate has a 21584  
medically diagnosable condition that will cause death to occur 21585  
within a short period of time. 21586

As used in division (A)(1) of this section, "within a short 21587  
period of time" means generally within six months. 21588

(2)(a) "Medically incapacitated" means any diagnosable 21589  
medical condition, including mental dementia and severe, permanent 21590  
medical or cognitive disability, that prevents the inmate from 21591  
completing activities of daily living without significant 21592  
assistance, that incapacitates the inmate to the extent that 21593  
institutional confinement does not offer additional restrictions, 21594  
that is likely to continue throughout the entire period of parole, 21595

and that is unlikely to improve noticeably. 21596

(b) "Medically incapacitated" does not include conditions 21597  
related solely to mental illness unless the mental illness is 21598  
accompanied by injury, disease, or organic defect. 21599

(3)(a) "Terminal illness" means a condition that satisfies 21600  
all of the following criteria: 21601

(i) The condition is irreversible and incurable and is caused 21602  
by disease, illness, or injury from which the inmate is unlikely 21603  
to recover. 21604

(ii) In accordance with reasonable medical standards and a 21605  
reasonable degree of medical certainty, the condition is likely to 21606  
cause death to the inmate within twelve months. 21607

(iii) Institutional confinement of the inmate does not offer 21608  
additional protections for public safety or against the inmate's 21609  
risk to reoffend. 21610

(b) The department of rehabilitation and correction shall 21611  
adopt rules pursuant to Chapter 119. of the Revised Code to 21612  
implement the definition of "terminal illness" in division 21613  
(A)(3)(a) of this section. 21614

(B) Upon the recommendation of the director of rehabilitation 21615  
and correction, accompanied by a certificate of the attending 21616  
physician that an inmate is terminally ill, medically 21617  
incapacitated, or in imminent danger of death, the governor may 21618  
order the inmate's release as if on parole, reserving the right to 21619  
return the inmate to the institution pursuant to this section. If, 21620  
subsequent to the inmate's release, the inmate's health improves 21621  
so that the inmate is no longer terminally ill, medically 21622  
incapacitated, or in imminent danger of death, the inmate shall be 21623  
returned, by order of the governor, to the institution from which 21624  
the inmate was released. If the inmate violates any rules or 21625  
conditions applicable to the inmate, the inmate may be returned to 21626

an institution under the control of the department of 21627  
rehabilitation and correction. The governor may direct the adult 21628  
parole authority to investigate or cause to be investigated the 21629  
inmate and make a recommendation ~~in the manner set forth in~~ 21630  
~~section 2967.03 of the Revised Code.~~ An inmate released under this 21631  
section shall be subject to supervision by the adult parole 21632  
authority in accordance with any recommendation of the adult 21633  
parole authority that is approved by the governor. The adult 21634  
parole authority shall adopt rules pursuant to section 119.03 of 21635  
the Revised Code to establish the procedure for medical release of 21636  
an inmate when an inmate is terminally ill, medically 21637  
incapacitated, or in imminent danger of death. 21638

(C) No inmate is eligible for release under this section if 21639  
the inmate is serving a death sentence, a sentence of life without 21640  
parole, a sentence under Chapter 2971. of the Revised Code for a 21641  
felony of the first or second degree, a sentence for aggravated 21642  
murder or murder, or a mandatory prison term for an offense of 21643  
violence or any specification described in Chapter 2941. of the 21644  
Revised Code. 21645

**Sec. 2967.14.** (A) The department of rehabilitation and 21646  
correction or the adult parole authority may require or allow a 21647  
parolee, a releasee, or a prisoner otherwise released from a state 21648  
correctional institution to reside in a halfway house or other 21649  
suitable community residential center that has been licensed by 21650  
the division of parole and community services pursuant to division 21651  
(C) of this section during a part or for the entire period of the 21652  
offender's or parolee's conditional release or of the releasee's 21653  
term of post-release control. The court of common pleas that 21654  
placed an offender under a sanction consisting of a term in a 21655  
halfway house or in an alternative residential sanction may 21656  
require the offender to reside in a halfway house or other 21657  
suitable community residential center that is designated by the 21658

court and that has been licensed by the division pursuant to 21659  
division (C) of this section during a part or for the entire 21660  
period of the offender's residential sanction. 21661

(B) The division of parole and community services may 21662  
negotiate and enter into agreements with any public or private 21663  
agency or a department or political subdivision of the state that 21664  
operates a halfway house, reentry center, or community residential 21665  
center that has been licensed by the division pursuant to division 21666  
(C) of this section. An agreement under this division shall 21667  
provide for the purchase of beds, shall set limits of supervision 21668  
and levels of occupancy, and shall determine the scope of services 21669  
for all eligible offenders, including those subject to a 21670  
residential sanction, as defined in rules adopted by the director 21671  
of rehabilitation and correction in accordance with Chapter 119. 21672  
of the Revised Code, or those released from prison without 21673  
supervision. The payments for beds and services shall not exceed 21674  
the total operating costs of the halfway house, reentry center, or 21675  
community residential center during the term of an agreement. The 21676  
director of rehabilitation and correction shall adopt rules in 21677  
accordance with Chapter 119. of the Revised Code for determining 21678  
includable and excludable costs and income to be used in computing 21679  
the agency's average daily per capita costs with its facility at 21680  
full occupancy. 21681

The ~~department~~ director of rehabilitation and correction ~~may~~ 21682  
shall adopt rules providing for the use of no more than ~~ten~~ 21683  
fifteen per cent of the amount appropriated to the department each 21684  
fiscal year for the halfway house, reentry center, and community 21685  
residential center program to pay for contracts with licensed 21686  
halfway houses for nonresidential services for offenders under the 21687  
supervision of the adult parole authority, including but not 21688  
limited to, offenders supervised pursuant to an agreement entered 21689  
into by the adult parole authority and a court of common pleas 21690

under section 2301.32 of the Revised Code. The nonresidential 21691  
services may include, but are not limited to, treatment for 21692  
substance abuse, mental health counseling, counseling for sex 21693  
offenders, ~~and~~ electronic monitoring services, aftercare, and 21694  
other nonresidential services that the director identifies by 21695  
rule. 21696

(C) The division of parole and community services may license 21697  
a halfway house, reentry center, or community residential center 21698  
as a suitable facility for the care and treatment of adult 21699  
offenders, including offenders sentenced under section 2929.16 or 21700  
2929.26 of the Revised Code, only if the halfway house, reentry 21701  
center, or community residential center complies with the 21702  
standards that the division adopts in accordance with Chapter 119. 21703  
of the Revised Code for the licensure of halfway houses, reentry 21704  
centers, and community residential centers. The division shall 21705  
annually inspect each licensed halfway house, licensed reentry 21706  
center, and licensed community residential center to determine if 21707  
it is in compliance with the licensure standards. 21708

**Sec. 2967.19.** (A) As used in this section: 21709

(1) "Deadly weapon" and "dangerous ordnance" have the same 21710  
meanings as in section 2923.11 of the Revised Code. 21711

(2) "Disqualifying prison term" means any of the following: 21712

(a) A prison term imposed for aggravated murder, murder, 21713  
voluntary manslaughter, involuntary manslaughter, felonious 21714  
assault, kidnapping, rape, aggravated arson, aggravated burglary, 21715  
or aggravated robbery; 21716

(b) A prison term imposed for complicity in, an attempt to 21717  
commit, or conspiracy to commit any offense listed in division 21718  
(A)(2)(a) of this section; 21719

(c) A prison term of life imprisonment, including any term of 21720

|                                                                                                                                                                                                                                                                                                                                                                 |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| life imprisonment that has parole eligibility;                                                                                                                                                                                                                                                                                                                  | 21721                                              |
| (d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;                                                                                                                                                     | 21722<br>21723<br>21724<br>21725                   |
| (e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;                                                                                                                                                                                                                              | 21726<br>21727<br>21728                            |
| (f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;                                                                                                                                                                                                                                    | 21729<br>21730<br>21731                            |
| (g) A prison term imposed pursuant to section 2971.03 of the Revised Code;                                                                                                                                                                                                                                                                                      | 21732<br>21733                                     |
| (h) A prison term imposed for any sexually oriented offense.                                                                                                                                                                                                                                                                                                    | 21734                                              |
| (3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.                                                                                                                                                                                                                                  | 21735<br>21736                                     |
| (4) "Restricting prison term" means any of the following:                                                                                                                                                                                                                                                                                                       | 21737                                              |
| (a) A mandatory prison term imposed under division <del>(D)</del> (B)(1)(a), <del>(D)</del> (B)(1)(c), <del>(D)</del> (B)(1)(f), <del>(D)</del> (B)(1)(g), <del>(D)</del> (B)(2), or <del>(D)</del> (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division;                                                   | 21738<br>21739<br>21740<br>21741                   |
| (b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(4)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; | 21742<br>21743<br>21744<br>21745<br>21746<br>21747 |
| (c) A prison term imposed for trafficking in persons;                                                                                                                                                                                                                                                                                                           | 21748                                              |
| (d) A prison term imposed for any offense that is described in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii)                                                                                                                                                                                                                                  | 21749<br>21750                                     |



of this section applies to the offender: 21751

(i) The offense is a felony of the first or second degree 21752  
that is an offense of violence and that is not described in 21753  
division (A)(2)(a) or (b) of this section, an attempt to commit a 21754  
felony of the first or second degree that is an offense of 21755  
violence and that is not described in division (A)(2)(a) or (b) of 21756  
this section if the attempt is a felony of the first or second 21757  
degree, or an offense under an existing or former law of this 21758  
state, another state, or the United States that is or was 21759  
substantially equivalent to any other offense described in this 21760  
division. 21761

(ii) The offender previously was convicted of or pleaded 21762  
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 21763  
this section. 21764

(5) "Sexually oriented offense" has the same meaning as in 21765  
section 2950.01 of the Revised Code. 21766

(B) The director of the department of rehabilitation and 21767  
correction may ~~petition~~ recommend in writing to the sentencing 21768  
court ~~for the release~~ that the court consider releasing from 21769  
prison ~~of~~ any offender who, on or after September 30, 2011, is 21770  
confined in a state correctional institution ~~under, who is serving~~ 21771  
a stated prison term of one year or more, and who is eligible 21772  
under division (C) of this section for a release under this 21773  
section ~~and who has served at least eighty per cent of that stated~~ 21774  
~~prison term that remains to be served after the offender becomes~~ 21775  
~~eligible as described in that division.~~ If the director wishes to 21776  
~~submit a petition for release~~ recommend that the sentencing court 21777  
consider releasing an offender under this section, the director 21778  
shall ~~submit the petition~~ notify the sentencing court in writing 21779  
of the offender's eligibility not earlier than ninety days prior 21780  
to the date on which the offender ~~has served eighty per cent of~~ 21781  
~~the offender's stated prison term that remains to be served after~~ 21782

~~the offender~~ becomes eligible as described in division (C) of this 21783  
section. The director's submission of a ~~petition for release under~~ 21784  
~~this section~~ the written notice constitutes a recommendation by 21785  
the director that the court strongly consider release of the 21786  
offender consistent with the purposes and principles of sentencing 21787  
set forth in sections 2929.11 and 2929.13 of the Revised Code. 21788  
Only an offender recommended by the director under division (B) of 21789  
this section may be considered for early release under this 21790  
section. 21791

(C)(1) An offender serving a stated prison term of one year 21792  
or more and who has commenced service of that stated prison term 21793  
becomes eligible for release from prison under this section only 21794  
as described in this division. An offender serving a stated prison 21795  
term that includes a disqualifying prison term is not eligible for 21796  
release from prison under this section. An offender serving a 21797  
stated prison term that consists solely of one or more restricting 21798  
prison terms is not eligible for release under this section. An 21799  
offender serving a stated prison term of one year or more that 21800  
includes one or more restricting prison terms and one or more 21801  
eligible prison terms becomes eligible for release under this 21802  
section after having fully served ~~each~~ all restricting prison ~~term~~ 21803  
terms and having served eighty per cent of the stated prison term 21804  
that remains to be served after all restricting prison terms have 21805  
been fully served. An offender serving a stated prison term that 21806  
consists solely of one or more eligible prison terms becomes 21807  
eligible for release under this section ~~upon the offender's~~ 21808  
~~commencement of service~~ after having served eighty per cent 21809  
that stated prison term. ~~After an offender becomes eligible for~~ 21810  
~~release under this section, the director of rehabilitation and~~ 21811  
~~correction may petition for the release of the offender under~~ 21812  
~~division (C)(2) of this section no earlier than ninety days before~~ 21813  
~~the offender has served the portion of the offender's stated~~ 21814  
~~prison term specified in that division.~~ For purposes of 21815

determining an offender's eligibility for release under this 21816  
section, if the offender's stated prison term includes consecutive 21817  
prison terms, any restricting prison terms shall be deemed served 21818  
prior to any eligible prison terms that run consecutively to the 21819  
restricting prison terms, and the eligible prison terms are deemed 21820  
to commence after all of the restricting prison terms have been 21821  
fully served. 21822

An offender serving a stated prison term ~~one~~ of one year or 21823  
more that includes a mandatory prison term that is not a 21824  
disqualifying prison term and is not a restricting prison term is 21825  
not automatically ineligible as a result of the offender's service 21826  
of that mandatory term for release from prison under this section, 21827  
and the offender's eligibility for release from prison under this 21828  
section is determined in accordance with this division. 21829

(2) If an offender confined in a state correctional 21830  
institution under a stated prison term is eligible for release 21831  
under this section as described in division (C)(1) of this 21832  
section, the director of the department of rehabilitation and 21833  
correction may ~~petition~~ recommend in writing that the sentencing 21834  
court ~~pursuant to division (B) of this section for the release~~ 21835  
consider releasing the offender from prison of the offender under 21836  
this section by submitting to the sentencing court the written 21837  
notice described in division (B) of this section. 21838

(D) The director shall include with any ~~petition~~ notice 21839  
submitted to the sentencing court under division (B) of this 21840  
section an institutional summary report that covers the offender's 21841  
participation while confined in a state correctional institution 21842  
in school, training, work, treatment, and other rehabilitative 21843  
activities and any disciplinary action taken against the offender 21844  
while so confined. The director shall include with the ~~petition a~~ 21845  
~~post-release control assessment and placement plan, when relevant,~~ 21846  
~~and~~ notice any other documentation requested by the court, if 21847

available. 21848

(E) When the director submits a ~~petition~~ written notice to a 21849  
sentencing court that an offender is eligible to be considered for 21850  
early release under this section ~~for release of an offender~~, the 21851  
department promptly shall provide to the prosecuting attorney of 21852  
the county in which the offender was indicted a copy of the 21853  
~~petition~~ written notice, a copy of the institutional summary 21854  
report, and any other information provided to the court. The 21855  
department also promptly shall give written notice of the ~~filing~~ 21856  
~~of the petition~~ submission to any victim of the offender or 21857  
victim's representative of any victim of the offender who is 21858  
registered with the office of victim's services. 21859

The department also shall post a copy of the written notice 21860  
~~of the petition~~ on the database it maintains under section 5120.66 21861  
of the Revised Code and include information on where a person may 21862  
send comments regarding the ~~petition~~ recommendation of early 21863  
release. 21864

The information provided to the court, the prosecutor, and 21865  
the victim or victim's representative under divisions (D) and (E) 21866  
of this section shall include the name and contact information of 21867  
a specific department of rehabilitation and correction employee 21868  
who is available to answer questions about the offender who is the 21869  
subject of the written notice submitted by the director, 21870  
including, but not limited to, the offender's institutional 21871  
conduct and rehabilitative activities while incarcerated. 21872

(F) Upon receipt of a ~~petition for release of an offender~~ 21873  
written notice submitted by the director under division (B) of 21874  
this section, the court ~~may deny the petition without~~ either 21875  
shall, on its own motion, schedule a hearing to consider releasing 21876  
the offender who is the subject of the notice or shall inform the 21877  
department that it will not be conducting a hearing relative to 21878  
the offender. The court shall not grant a ~~petition for an early~~ 21879

release ~~of~~ to an offender without holding a hearing. If a court 21880  
~~denies a petition for release of an offender without~~ declines to 21881  
hold a hearing relative to an offender with respect to a written 21882  
notice submitted by the director, the court may later consider 21883  
release of that offender under this section on a ~~subsequent~~ 21884  
~~petition. The court shall enter its ruling within~~ its own motion 21885  
by scheduling a hearing for that purpose. Within thirty days after 21886  
the ~~petition~~ written notice is ~~filed~~ submitted, the court shall 21887  
inform the department whether or not the court is scheduling a 21888  
hearing on the offender who is the subject of the notice. 21889

(G) If the court ~~grants~~ schedules a hearing ~~on~~ upon receiving 21890  
a ~~petition for release of an offender~~ written notice submitted 21891  
under division (B) of this section or upon its own motion under 21892  
division (F) of this section, the court shall notify the head of 21893  
the state correctional institution in which the offender is 21894  
confined of the hearing prior to the hearing. If the court makes a 21895  
journal entry ordering the offender to be conveyed to the hearing, 21896  
except as otherwise provided in this division, the head of the 21897  
correctional institution shall deliver the offender to the sheriff 21898  
of the county in which the hearing is to be held, and the sheriff 21899  
shall convey the offender to and from the hearing. Upon the 21900  
court's own motion or the motion of the offender or the 21901  
prosecuting attorney of the county in which the offender was 21902  
indicted, the court may permit the offender to appear at the 21903  
hearing by video conferencing equipment if equipment of that 21904  
nature is available and compatible. 21905

Upon receipt of notice from a court of a hearing on the 21906  
release of an offender under this division, the head of the state 21907  
correctional institution in which the offender is confined 21908  
immediately shall notify the appropriate person at the department 21909  
of rehabilitation and correction of the hearing, and the 21910  
department within twenty-four hours after receipt of the notice 21911

shall post on the database it maintains pursuant to section 21912  
5120.66 of the Revised Code the offender's name and all of the 21913  
information specified in division (A)(1)(c)(i) of that section. If 21914  
the court ~~grants~~ schedules a hearing ~~on a petition for release of~~ 21915  
~~an offender~~ under this section, the court promptly shall give 21916  
notice of the hearing to the prosecuting attorney of the county in 21917  
which the offender was indicted. Upon receipt of the notice from 21918  
the court, the prosecuting attorney shall notify pursuant to 21919  
section 2930.16 of the Revised Code any victim of the offender or 21920  
the victim's representative of the hearing. 21921

(H) If the court ~~grants~~ schedules a hearing ~~on a petition for~~ 21922  
~~release of an offender~~ under this section, at the hearing, the 21923  
court shall afford the offender and the offender's attorney an 21924  
opportunity to present written information and, if present, oral 21925  
information relevant to the ~~motion~~ offender's early release. The 21926  
court shall afford a similar opportunity to the prosecuting 21927  
attorney, victim or victim's representative, as defined in section 21928  
2930.01 of the Revised Code, and any other person the court 21929  
determines is likely to present additional relevant information. 21930  
If the court pursuant to division (G) of this section permits the 21931  
offender to appear at the hearing by video conferencing equipment, 21932  
the offender's opportunity to present oral information shall be as 21933  
a part of the video conferencing. The court shall consider any 21934  
statement of a victim made under section 2930.14 or 2930.17 of the 21935  
Revised Code, any victim impact statement prepared under section 21936  
2947.051 of the Revised Code, and any report, ~~plan~~, and other 21937  
documentation submitted by the director under division (D) of this 21938  
section. After ruling on ~~the motion~~ whether to grant the offender 21939  
early release, the court shall notify the victim in accordance 21940  
with sections 2930.03 and 2930.16 of the Revised Code. 21941

(I) If the court grants ~~a petition for release of~~ an offender 21942  
early release under this section, it shall order the release of 21943

the offender, shall place the offender under one or more 21944  
appropriate community control sanctions, under appropriate 21945  
conditions, and under the supervision of the department of 21946  
probation that serves the court, and shall reserve the right to 21947  
reimpose the sentence that it reduced and from which the offender 21948  
was released if the offender violates the sanction. The court 21949  
shall not make a release under this section effective prior to the 21950  
date on which the offender ~~has served at least eighty per cent of~~ 21951  
~~the offender's stated prison term that remains to be served after~~ 21952  
~~the offender~~ becomes eligible as described in division (C) of this 21953  
section. If the sentence under which the offender is confined in a 21954  
state correctional institution and from which the offender is 21955  
being released was imposed for a felony of the first or second 21956  
degree, the court shall consider ordering that the offender be 21957  
monitored by means of a global positioning device. If the court 21958  
reimposes the sentence that it reduced and from which the offender 21959  
was released and if the violation of the sanction is a new 21960  
offense, the court may order that the reimposed sentence be served 21961  
either concurrently with, or consecutive to, any new sentence 21962  
imposed upon the offender as a result of the violation that is a 21963  
new offense. The period of all community control sanctions imposed 21964  
under this division shall not exceed five years. The court, in its 21965  
discretion, may reduce the period of community control sanctions 21966  
by the amount of time the offender spent in jail or prison for the 21967  
offense. 21968

If the court grants ~~a petition for release of~~ an offender 21969  
early release under this section, it shall notify the appropriate 21970  
person at the department of rehabilitation and correction of the 21971  
release, and the department shall post notice of the release on 21972  
the database it maintains pursuant to section 5120.66 of the 21973  
Revised Code. 21974

(J) The department shall adopt under Chapter 119. of the 21975

Revised Code any rules necessary to implement this section. 21976

**Sec. 2967.191.** The department of rehabilitation and 21977  
correction shall reduce the stated prison term of a prisoner or, 21978  
if the prisoner is serving a term for which there is parole 21979  
eligibility, the minimum and maximum term or the parole 21980  
eligibility date of the prisoner by the total number of days that 21981  
the prisoner was confined for any reason arising out of the 21982  
offense for which the prisoner was convicted and sentenced, 21983  
including confinement in lieu of bail while awaiting trial, 21984  
confinement for examination to determine the prisoner's competence 21985  
to stand trial or sanity, and confinement while awaiting 21986  
transportation to the place where the prisoner is to serve the 21987  
prisoner's prison term, as determined by the sentencing court 21988  
under division (B)(2)(h)(i) of section 2929.19 of the Revised 21989  
Code. The department of rehabilitation and correction also shall 21990  
reduce the stated prison term of a prisoner or, if the prisoner is 21991  
serving a term for which there is parole eligibility, the minimum 21992  
and maximum term or the parole eligibility date of the prisoner by 21993  
the total number of days, if any, that the prisoner previously 21994  
served in the custody of the department of rehabilitation and 21995  
correction arising out of the offense for which the prisoner was 21996  
convicted and sentenced. 21997

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 21998  
correction, by rule, may establish a transitional control program 21999  
for the purpose of closely monitoring a prisoner's adjustment to 22000  
community supervision during the final one hundred eighty days of 22001  
the prisoner's confinement. If the department establishes a 22002  
transitional control program under this division, the adult parole 22003  
authority may transfer eligible prisoners to transitional control 22004  
status under the program during the final one hundred eighty days 22005  
of their confinement and under the terms and conditions 22006



established by the department, shall provide for the confinement 22007  
as provided in this division of each eligible prisoner so 22008  
transferred, and shall supervise each eligible prisoner so 22009  
transferred in one or more community control sanctions. Each 22010  
eligible prisoner who is transferred to transitional control 22011  
status under the program shall be confined in a suitable facility 22012  
that is licensed pursuant to division (C) of section 2967.14 of 22013  
the Revised Code, or shall be confined in a residence the 22014  
department has approved for this purpose and be monitored pursuant 22015  
to an electronic monitoring device, as defined in section 2929.01 22016  
of the Revised Code. If the department establishes a transitional 22017  
control program under this division, the rules establishing the 22018  
program shall include criteria that define which prisoners are 22019  
eligible for the program, criteria that must be satisfied to be 22020  
approved as a residence that may be used for confinement under the 22021  
program of a prisoner that is transferred to it and procedures for 22022  
the department to approve residences that satisfy those criteria, 22023  
and provisions of the type described in division (C) of this 22024  
section. At a minimum, the criteria that define which prisoners 22025  
are eligible for the program shall provide all of the following: 22026

(a) That a prisoner is eligible for the program if the 22027  
prisoner is serving a prison term or term of imprisonment for an 22028  
offense committed prior to March 17, 1998, and if, at the time at 22029  
which eligibility is being determined, the prisoner would have 22030  
been eligible for a furlough under this section as it existed 22031  
immediately prior to March 17, 1998, or would have been eligible 22032  
for conditional release under former section 2967.23 of the 22033  
Revised Code as that section existed immediately prior to March 22034  
17, 1998; 22035

(b) That no prisoner who is serving a mandatory prison term 22036  
is eligible for the program until after expiration of the 22037  
mandatory term; 22038

(c) That no prisoner who is serving a prison term or term of 22039  
life imprisonment without parole imposed pursuant to section 22040  
2971.03 of the Revised Code is eligible for the program. 22041

(2) At least three weeks prior to transferring to 22042  
transitional control under this section a prisoner who is serving 22043  
a term of imprisonment or prison term for an offense committed on 22044  
or after July 1, 1996, the ~~adult~~ division of parole authority and 22045  
community services of the department of rehabilitation and 22046  
correction shall give notice of the pendency of the transfer to 22047  
transitional control to the court of common pleas of the county in 22048  
which the indictment against the prisoner was found and of the 22049  
fact that the court may disapprove the transfer of the prisoner to 22050  
transitional control and shall include a report prepared by the 22051  
head of the state correctional institution in which the prisoner 22052  
is confined. The head of the state correctional institution in 22053  
which the prisoner is confined, upon the request of the adult 22054  
parole authority, shall provide to the authority for inclusion in 22055  
the notice sent to the court under this division a report on the 22056  
prisoner's conduct in the institution and in any institution from 22057  
which the prisoner may have been transferred. The report shall 22058  
cover the prisoner's participation in school, vocational training, 22059  
work, treatment, and other rehabilitative activities and any 22060  
disciplinary action taken against the prisoner. If the court 22061  
disapproves of the transfer of the prisoner to transitional 22062  
control, the court shall notify the authority of the disapproval 22063  
within thirty days after receipt of the notice. If the court 22064  
timely disapproves the transfer of the prisoner to transitional 22065  
control, the authority shall not proceed with the transfer. If the 22066  
court does not timely disapprove the transfer of the prisoner to 22067  
transitional control, the authority may transfer the prisoner to 22068  
transitional control. 22069

(3) If the victim of an offense for which a prisoner was 22070

sentenced to a prison term or term of imprisonment has requested 22071  
notification under section 2930.16 of the Revised Code and has 22072  
provided the department of rehabilitation and correction with the 22073  
victim's name and address, the adult parole authority, at least 22074  
three weeks prior to transferring the prisoner to transitional 22075  
control pursuant to this section, shall notify the victim of the 22076  
pendency of the transfer and of the victim's right to submit a 22077  
statement to the authority regarding the impact of the transfer of 22078  
the prisoner to transitional control. If the victim subsequently 22079  
submits a statement of that nature to the authority, the authority 22080  
shall consider the statement in deciding whether to transfer the 22081  
prisoner to transitional control. 22082

(4) The department of rehabilitation and correction, at least 22083  
three weeks prior to transferring a prisoner to transitional 22084  
control pursuant to this section, shall post on the database it 22085  
maintains pursuant to section 5120.66 of the Revised Code the 22086  
prisoner's name and all of the information specified in division 22087  
(A)(1)(c)(iv) of that section. In addition to and independent of 22088  
the right of a victim to submit a statement as described in 22089  
division (A)(3) of this section or to otherwise make a statement 22090  
and in addition to and independent of any other right or duty of a 22091  
person to present information or make a statement, any person may 22092  
send to the adult parole authority at any time prior to the 22093  
authority's transfer of the prisoner to transitional control a 22094  
written statement regarding the transfer of the prisoner to 22095  
transitional control. In addition to the information, reports, and 22096  
statements it considers under divisions (A)(2) and (3) of this 22097  
section or that it otherwise considers, the authority shall 22098  
consider each statement submitted in accordance with this division 22099  
in deciding whether to transfer the prisoner to transitional 22100  
control. 22101

(B) Each prisoner transferred to transitional control under 22102

this section shall be confined in the manner described in division 22103  
(A) of this section during any period of time that the prisoner is 22104  
not actually working at the prisoner's approved employment, 22105  
engaged in a vocational training or another educational program, 22106  
engaged in another program designated by the director, or engaged 22107  
in other activities approved by the department. 22108

(C) The department of rehabilitation and correction shall 22109  
adopt rules for transferring eligible prisoners to transitional 22110  
control, supervising and confining prisoners so transferred, 22111  
administering the transitional control program in accordance with 22112  
this section, and using the moneys deposited into the transitional 22113  
control fund established under division (E) of this section. 22114

(D) The department of rehabilitation and correction may adopt 22115  
rules for the issuance of passes for the limited purposes 22116  
described in this division to prisoners who are transferred to 22117  
transitional control under this section. If the department adopts 22118  
rules of that nature, the rules shall govern the granting of the 22119  
passes and shall provide for the supervision of prisoners who are 22120  
temporarily released pursuant to one of those passes. Upon the 22121  
adoption of rules under this division, the department may issue 22122  
passes to prisoners who are transferred to transitional control 22123  
status under this section in accordance with the rules and the 22124  
provisions of this division. All passes issued under this division 22125  
shall be for a maximum of forty-eight hours and may be issued only 22126  
for the following purposes: 22127

(1) To visit a relative in imminent danger of death; 22128

(2) To have a private viewing of the body of a deceased 22129  
relative; 22130

(3) To visit with family; 22131

(4) To otherwise aid in the rehabilitation of the prisoner. 22132

(E) The adult parole authority may require a prisoner who is 22133

transferred to transitional control to pay to the division of 22134  
parole and community services the reasonable expenses incurred by 22135  
the division in supervising or confining the prisoner while under 22136  
transitional control. Inability to pay those reasonable expenses 22137  
shall not be grounds for refusing to transfer an otherwise 22138  
eligible prisoner to transitional control. Amounts received by the 22139  
division of parole and community services under this division 22140  
shall be deposited into the transitional control fund, which is 22141  
hereby created in the state treasury and which hereby replaces and 22142  
succeeds the furlough services fund that formerly existed in the 22143  
state treasury. All moneys that remain in the furlough services 22144  
fund on March 17, 1998, shall be transferred on that date to the 22145  
transitional control fund. The transitional control fund shall be 22146  
used solely to pay costs related to the operation of the 22147  
transitional control program established under this section. The 22148  
director of rehabilitation and correction shall adopt rules in 22149  
accordance with section 111.15 of the Revised Code for the use of 22150  
the fund. 22151

(F) A prisoner who violates any rule established by the 22152  
department of rehabilitation and correction under division (A), 22153  
(C), or (D) of this section may be transferred to a state 22154  
correctional institution pursuant to rules adopted under division 22155  
(A), (C), or (D) of this section, but the prisoner shall receive 22156  
credit towards completing the prisoner's sentence for the time 22157  
spent under transitional control. 22158

If a prisoner is transferred to transitional control under 22159  
this section, upon successful completion of the period of 22160  
transitional control, the prisoner may be released on parole or 22161  
under post-release control pursuant to section 2967.13 or 2967.28 22162  
of the Revised Code and rules adopted by the department of 22163  
rehabilitation and correction. If the prisoner is released under 22164  
post-release control, the duration of the post-release control, 22165

the type of post-release control sanctions that may be imposed, 22166  
the enforcement of the sanctions, and the treatment of prisoners 22167  
who violate any sanction applicable to the prisoner are governed 22168  
by section 2967.28 of the Revised Code. 22169

**Sec. 2967.28.** (A) As used in this section: 22170

(1) "Monitored time" means the monitored time sanction 22171  
specified in section 2929.17 of the Revised Code. 22172

(2) "Deadly weapon" and "dangerous ordnance" have the same 22173  
meanings as in section 2923.11 of the Revised Code. 22174

(3) "Felony sex offense" means a violation of a section 22175  
contained in Chapter 2907. of the Revised Code that is a felony. 22176

(4) "Risk reduction sentence" means a prison term imposed by 22177  
a court, when the court recommends pursuant to section 2929.143 of 22178  
the Revised Code that the offender serve the sentence under 22179  
section 5120.036 of the Revised Code, and the offender may 22180  
potentially be released from imprisonment prior to the expiration 22181  
of the prison term if the offender successfully completes all 22182  
assessment and treatment or programming required by the department 22183  
of rehabilitation and correction under section 5120.036 of the 22184  
Revised Code. 22185

(B) Each sentence to a prison term for a felony of the first 22186  
degree, for a felony of the second degree, for a felony sex 22187  
offense, or for a felony of the third degree that is not a felony 22188  
sex offense and in the commission of which the offender caused or 22189  
threatened to cause physical harm to a person shall include a 22190  
requirement that the offender be subject to a period of 22191  
post-release control imposed by the parole board after the 22192  
offender's release from imprisonment. This division applies with 22193  
respect to all prison terms of a type described in this division, 22194  
including a term of any such type that is a risk reduction 22195

sentence. If a court imposes a sentence including a prison term of 22196  
a type described in this division on or after July 11, 2006, the 22197  
failure of a sentencing court to notify the offender pursuant to 22198  
division (B)(2)(c) of section 2929.19 of the Revised Code of this 22199  
requirement or to include in the judgment of conviction entered on 22200  
the journal a statement that the offender's sentence includes this 22201  
requirement does not negate, limit, or otherwise affect the 22202  
mandatory period of supervision that is required for the offender 22203  
under this division. Section 2929.191 of the Revised Code applies 22204  
if, prior to July 11, 2006, a court imposed a sentence including a 22205  
prison term of a type described in this division and failed to 22206  
notify the offender pursuant to division (B)(2)(c) of section 22207  
2929.19 of the Revised Code regarding post-release control or to 22208  
include in the judgment of conviction entered on the journal or in 22209  
the sentence pursuant to division (D)(1) of section 2929.14 of the 22210  
Revised Code a statement regarding post-release control. Unless 22211  
reduced by the parole board pursuant to division (D) of this 22212  
section when authorized under that division, a period of 22213  
post-release control required by this division for an offender 22214  
shall be of one of the following periods: 22215

(1) For a felony of the first degree or for a felony sex 22216  
offense, five years; 22217

(2) For a felony of the second degree that is not a felony 22218  
sex offense, three years; 22219

(3) For a felony of the third degree that is not a felony sex 22220  
offense and in the commission of which the offender caused or 22221  
threatened physical harm to a person, three years. 22222

(C) Any sentence to a prison term for a felony of the third, 22223  
fourth, or fifth degree that is not subject to division (B)(1) or 22224  
(3) of this section shall include a requirement that the offender 22225  
be subject to a period of post-release control of up to three 22226  
years after the offender's release from imprisonment, if the 22227

parole board, in accordance with division (D) of this section, 22228  
determines that a period of post-release control is necessary for 22229  
that offender. This division applies with respect to all prison 22230  
terms of a type described in this division, including a term of 22231  
any such type that is a risk reduction sentence. Section 2929.191 22232  
of the Revised Code applies if, prior to July 11, 2006, a court 22233  
imposed a sentence including a prison term of a type described in 22234  
this division and failed to notify the offender pursuant to 22235  
division (B)(2)(d) of section 2929.19 of the Revised Code 22236  
regarding post-release control or to include in the judgment of 22237  
conviction entered on the journal or in the sentence pursuant to 22238  
division (D)(2) of section 2929.14 of the Revised Code a statement 22239  
regarding post-release control. Pursuant to an agreement entered 22240  
into under section 2967.29 of the Revised Code, a court of common 22241  
pleas or parole board may impose sanctions or conditions on an 22242  
offender who is placed on post-release control under this 22243  
division. 22244

(D)(1) Before the prisoner is released from imprisonment, the 22245  
parole board or, pursuant to an agreement under section 2967.29 of 22246  
the Revised Code, the court shall impose upon a prisoner described 22247  
in division (B) of this section, shall impose upon a prisoner 22248  
described in division (C) of this section who is to be released 22249  
before the expiration of the prisoner's stated prison term under a 22250  
risk reduction sentence, may impose upon a prisoner described in 22251  
division (C) of this section who is not to be released before the 22252  
expiration of the prisoner's stated prison term under a risk 22253  
reduction sentence, and shall impose upon a prisoner described in 22254  
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 22255  
section 5120.032 of the Revised Code, one or more post-release 22256  
control sanctions to apply during the prisoner's period of 22257  
post-release control. Whenever the board or court imposes one or 22258  
more post-release control sanctions upon a prisoner, the board or 22259  
court, in addition to imposing the sanctions, also shall include 22260



as a condition of the post-release control that the offender not 22261  
leave the state without permission of the court or the offender's 22262  
parole or probation officer and that the offender abide by the 22263  
law. The board or court may impose any other conditions of release 22264  
under a post-release control sanction that the board or court 22265  
considers appropriate, and the conditions of release may include 22266  
any community residential sanction, community nonresidential 22267  
sanction, or financial sanction that the sentencing court was 22268  
authorized to impose pursuant to sections 2929.16, 2929.17, and 22269  
2929.18 of the Revised Code. Prior to the release of a prisoner 22270  
for whom it will impose one or more post-release control sanctions 22271  
under this division, the parole board or court shall review the 22272  
prisoner's criminal history, results from the single validated 22273  
risk assessment tool selected by the department of rehabilitation 22274  
and correction under section 5120.114 of the Revised Code, all 22275  
juvenile court adjudications finding the prisoner, while a 22276  
juvenile, to be a delinquent child, and the record of the 22277  
prisoner's conduct while imprisoned. The parole board or court 22278  
shall consider any recommendation regarding post-release control 22279  
sanctions for the prisoner made by the office of victims' 22280  
services. After considering those materials, the board or court 22281  
shall determine, for a prisoner described in division (B) of this 22282  
section, division (B)(2)(b) of section 5120.031, or division 22283  
(B)(1) of section 5120.032 of the Revised Code and for a prisoner 22284  
described in division (C) of this section who is to be released 22285  
before the expiration of the prisoner's stated prison term under a 22286  
risk reduction sentence, which post-release control sanction or 22287  
combination of post-release control sanctions is reasonable under 22288  
the circumstances or, for a prisoner described in division (C) of 22289  
this section who is not to be released before the expiration of 22290  
the prisoner's stated prison term under a risk reduction sentence, 22291  
whether a post-release control sanction is necessary and, if so, 22292  
which post-release control sanction or combination of post-release 22293

control sanctions is reasonable under the circumstances. In the 22294  
case of a prisoner convicted of a felony of the fourth or fifth 22295  
degree other than a felony sex offense, the board or court shall 22296  
presume that monitored time is the appropriate post-release 22297  
control sanction unless the board or court determines that a more 22298  
restrictive sanction is warranted. A post-release control sanction 22299  
imposed under this division takes effect upon the prisoner's 22300  
release from imprisonment. 22301

Regardless of whether the prisoner was sentenced to the 22302  
prison term prior to, on, or after July 11, 2006, prior to the 22303  
release of a prisoner for whom it will impose one or more 22304  
post-release control sanctions under this division, the parole 22305  
board shall notify the prisoner that, if the prisoner violates any 22306  
sanction so imposed or any condition of post-release control 22307  
described in division (B) of section 2967.131 of the Revised Code 22308  
that is imposed on the prisoner, the parole board may impose a 22309  
prison term of up to one-half of the stated prison term originally 22310  
imposed upon the prisoner. 22311

(2) If a prisoner who is placed on post-release control under 22312  
this section is released before the expiration of the prisoner's 22313  
stated prison term by reason of credit earned under section 22314  
2967.193 of the Revised Code and if the prisoner earned sixty or 22315  
more days of credit, the adult parole authority shall supervise 22316  
the offender with an active global positioning system device for 22317  
the first fourteen days after the offender's release from 22318  
imprisonment. This division does not prohibit or limit the 22319  
imposition of any post-release control sanction otherwise 22320  
authorized by this section. 22321

(3) At any time after a prisoner is released from 22322  
imprisonment and during the period of post-release control 22323  
applicable to the releasee, the adult parole authority or, 22324  
pursuant to an agreement under section 2967.29 of the Revised 22325

Code, the court may review the releasee's behavior under the 22326  
post-release control sanctions imposed upon the releasee under 22327  
this section. The authority or court may determine, based upon the 22328  
review and in accordance with the standards established under 22329  
division (E) of this section, that a more restrictive or a less 22330  
restrictive sanction is appropriate and may impose a different 22331  
sanction. The authority also may recommend that the parole board 22332  
or court increase or reduce the duration of the period of 22333  
post-release control imposed by the court. If the authority 22334  
recommends that the board or court increase the duration of 22335  
post-release control, the board or court shall review the 22336  
releasee's behavior and may increase the duration of the period of 22337  
post-release control imposed by the court up to eight years. If 22338  
the authority recommends that the board or court reduce the 22339  
duration of control for an offense described in division (B) or 22340  
(C) of this section, the board or court shall review the 22341  
releasee's behavior and may reduce the duration of the period of 22342  
control imposed by the court. In no case shall the board or court 22343  
reduce the duration of the period of control imposed for an 22344  
offense described in division (B)(1) of this section to a period 22345  
less than the length of the stated prison term originally imposed, 22346  
and in no case shall the board or court permit the releasee to 22347  
leave the state without permission of the court or the releasee's 22348  
parole or probation officer. 22349

(E) The department of rehabilitation and correction, in 22350  
accordance with Chapter 119. of the Revised Code, shall adopt 22351  
rules that do all of the following: 22352

(1) Establish standards for the imposition by the parole 22353  
board of post-release control sanctions under this section that 22354  
are consistent with the overriding purposes and sentencing 22355  
principles set forth in section 2929.11 of the Revised Code and 22356  
that are appropriate to the needs of releasees; 22357

(2) Establish standards that provide for a period of 22358  
post-release control of up to three years for all prisoners 22359  
described in division (C) of this section who are to be released 22360  
before the expiration of their stated prison term under a risk 22361  
reduction sentence and standards by which the parole board can 22362  
determine which prisoners described in division (C) of this 22363  
section who are not to be released before the expiration of their 22364  
stated prison term under a risk reduction sentence should be 22365  
placed under a period of post-release control; 22366

(3) Establish standards to be used by the parole board in 22367  
reducing the duration of the period of post-release control 22368  
imposed by the court when authorized under division (D) of this 22369  
section, in imposing a more restrictive post-release control 22370  
sanction than monitored time upon a prisoner convicted of a felony 22371  
of the fourth or fifth degree other than a felony sex offense, or 22372  
in imposing a less restrictive control sanction upon a releasee 22373  
based on the releasee's activities including, but not limited to, 22374  
remaining free from criminal activity and from the abuse of 22375  
alcohol or other drugs, successfully participating in approved 22376  
rehabilitation programs, maintaining employment, and paying 22377  
restitution to the victim or meeting the terms of other financial 22378  
sanctions; 22379

(4) Establish standards to be used by the adult parole 22380  
authority in modifying a releasee's post-release control sanctions 22381  
pursuant to division (D)(2) of this section; 22382

(5) Establish standards to be used by the adult parole 22383  
authority or parole board in imposing further sanctions under 22384  
division (F) of this section on releasees who violate post-release 22385  
control sanctions, including standards that do the following: 22386

(a) Classify violations according to the degree of 22387  
seriousness; 22388

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                |
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| (b) Define the circumstances under which formal action by the parole board is warranted;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 22389<br>22390                                                                                                                                                 |
| (c) Govern the use of evidence at violation hearings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 22391                                                                                                                                                          |
| (d) Ensure procedural due process to an alleged violator;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 22392                                                                                                                                                          |
| (e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 22393<br>22394                                                                                                                                                 |
| (f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 22395<br>22396                                                                                                                                                 |
| (F)(1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section. | 22397<br>22398<br>22399<br>22400<br>22401<br>22402<br>22403<br>22404<br>22405<br>22406<br>22407<br>22408<br>22409<br>22410<br>22411<br>22412<br>22413<br>22414 |
| (2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 22415<br>22416<br>22417<br>22418<br>22419                                                                                                                      |

more restrictive sanction is appropriate, the authority or court 22420  
may impose a more restrictive sanction upon the releasee, in 22421  
accordance with the standards established under division (E) of 22422  
this section or in accordance with the agreement made under 22423  
section 2967.29 of the Revised Code, or may report the violation 22424  
to the parole board for a hearing pursuant to division (F)(3) of 22425  
this section. The authority or court may not, pursuant to this 22426  
division, increase the duration of the releasee's post-release 22427  
control or impose as a post-release control sanction a residential 22428  
sanction that includes a prison term, but the authority or court 22429  
may impose on the releasee any other residential sanction, 22430  
nonresidential sanction, or financial sanction that the sentencing 22431  
court was authorized to impose pursuant to sections 2929.16, 22432  
2929.17, and 2929.18 of the Revised Code. 22433

(3) The parole board or, pursuant to an agreement under 22434  
section 2967.29 of the Revised Code, the court may hold a hearing 22435  
on any alleged violation by a releasee of a post-release control 22436  
sanction or any conditions described in division (A) of section 22437  
2967.131 of the Revised Code that are imposed upon the releasee. 22438  
If after the hearing the board or court finds that the releasee 22439  
violated the sanction or condition, the board or court may 22440  
increase the duration of the releasee's post-release control up to 22441  
the maximum duration authorized by division (B) or (C) of this 22442  
section or impose a more restrictive post-release control 22443  
sanction. When appropriate, the board or court may impose as a 22444  
post-release control sanction a residential sanction that includes 22445  
a prison term. The board or court shall consider a prison term as 22446  
a post-release control sanction imposed for a violation of 22447  
post-release control when the violation involves a deadly weapon 22448  
or dangerous ordnance, physical harm or attempted serious physical 22449  
harm to a person, or sexual misconduct, or when the releasee 22450  
committed repeated violations of post-release control sanctions. 22451  
Unless a releasee's stated prison term was reduced pursuant to 22452

section 5120.032 of the Revised Code, the period of a prison term 22453  
that is imposed as a post-release control sanction under this 22454  
division shall not exceed nine months, and the maximum cumulative 22455  
prison term for all violations under this division shall not 22456  
exceed one-half of the stated prison term originally imposed upon 22457  
the offender as part of this sentence. If a releasee's stated 22458  
prison term was reduced pursuant to section 5120.032 of the 22459  
Revised Code, the period of a prison term that is imposed as a 22460  
post-release control sanction under this division and the maximum 22461  
cumulative prison term for all violations under this division 22462  
shall not exceed the period of time not served in prison under the 22463  
sentence imposed by the court. The period of a prison term that is 22464  
imposed as a post-release control sanction under this division 22465  
shall not count as, or be credited toward, the remaining period of 22466  
post-release control. 22467

If an offender is imprisoned for a felony committed while 22468  
under post-release control supervision and is again released on 22469  
post-release control for a period of time determined by division 22470  
(F)(4)(d) of this section, the maximum cumulative prison term for 22471  
all violations under this division shall not exceed one-half of 22472  
the total stated prison terms of the earlier felony, reduced by 22473  
any prison term administratively imposed by the parole board or 22474  
court, plus one-half of the total stated prison term of the new 22475  
felony. 22476

(4) Any period of post-release control shall commence upon an 22477  
offender's actual release from prison. If an offender is serving 22478  
an indefinite prison term or a life sentence in addition to a 22479  
stated prison term, the offender shall serve the period of 22480  
post-release control in the following manner: 22481

(a) If a period of post-release control is imposed upon the 22482  
offender and if the offender also is subject to a period of parole 22483  
under a life sentence or an indefinite sentence, and if the period 22484

of post-release control ends prior to the period of parole, the 22485  
offender shall be supervised on parole. The offender shall receive 22486  
credit for post-release control supervision during the period of 22487  
parole. The offender is not eligible for final release under 22488  
section 2967.16 of the Revised Code until the post-release control 22489  
period otherwise would have ended. 22490

(b) If a period of post-release control is imposed upon the 22491  
offender and if the offender also is subject to a period of parole 22492  
under an indefinite sentence, and if the period of parole ends 22493  
prior to the period of post-release control, the offender shall be 22494  
supervised on post-release control. The requirements of parole 22495  
supervision shall be satisfied during the post-release control 22496  
period. 22497

(c) If an offender is subject to more than one period of 22498  
post-release control, the period of post-release control for all 22499  
of the sentences shall be the period of post-release control that 22500  
expires last, as determined by the parole board or court. Periods 22501  
of post-release control shall be served concurrently and shall not 22502  
be imposed consecutively to each other. 22503

(d) The period of post-release control for a releasee who 22504  
commits a felony while under post-release control for an earlier 22505  
felony shall be the longer of the period of post-release control 22506  
specified for the new felony under division (B) or (C) of this 22507  
section or the time remaining under the period of post-release 22508  
control imposed for the earlier felony as determined by the parole 22509  
board or court. 22510

**Sec. 2981.11.** (A)(1) Any property that has been lost, 22511  
abandoned, stolen, seized pursuant to a search warrant, or 22512  
otherwise lawfully seized or forfeited and that is in the custody 22513  
of a law enforcement agency shall be kept safely by the agency, 22514  
pending the time it no longer is needed as evidence or for another 22515



|                                                                   |       |
|-------------------------------------------------------------------|-------|
| lawful purpose, and shall be disposed of pursuant to sections     | 22516 |
| 2981.12 and 2981.13 of the Revised Code.                          | 22517 |
| (2) This chapter does not apply to the custody and disposal       | 22518 |
| of any of the following:                                          | 22519 |
| (a) Vehicles subject to forfeiture under Title XLV of the         | 22520 |
| Revised Code, except as provided in division (A)(6) of section    | 22521 |
| 2981.12 of the Revised Code;                                      | 22522 |
| (b) Abandoned junk motor vehicles or other property of            | 22523 |
| negligible value;                                                 | 22524 |
| (c) Property held by a department of rehabilitation and           | 22525 |
| correction institution that is unclaimed, that does not have an   | 22526 |
| identified owner, that the owner agrees to dispose of, or that is | 22527 |
| identified by the department as having little value;              | 22528 |
| (d) Animals taken, and devices used in unlawfully taking          | 22529 |
| animals, under section 1531.20 of the Revised Code;               | 22530 |
| (e) Controlled substances sold by a peace officer in the          | 22531 |
| performance of the officer's official duties under section        | 22532 |
| 3719.141 of the Revised Code;                                     | 22533 |
| (f) Property recovered by a township law enforcement agency       | 22534 |
| under sections 505.105 to 505.109 of the Revised Code;            | 22535 |
| (g) Property held and disposed of under an ordinance of the       | 22536 |
| municipal corporation or under sections 737.29 to 737.33 of the   | 22537 |
| Revised Code, except that a municipal corporation that has        | 22538 |
| received notice of a citizens' reward program as provided in      | 22539 |
| division (F) of section 2981.12 of the Revised Code and disposes  | 22540 |
| of property under an ordinance shall pay twenty-five per cent of  | 22541 |
| any moneys acquired from any sale or auction to the citizens'     | 22542 |
| reward program.                                                   | 22543 |
| (B)(1) Each law enforcement agency that has custody of any        | 22544 |
| property that is subject to this section shall adopt and comply   | 22545 |

with a written internal control policy that does all of the 22546  
following: 22547

(a) Provides for keeping detailed records as to the amount of 22548  
property acquired by the agency and the date property was 22549  
acquired; 22550

(b) Provides for keeping detailed records of the disposition 22551  
of the property, which shall include, but not be limited to, both 22552  
of the following: 22553

(i) The manner in which it was disposed, the date of 22554  
disposition, detailed financial records concerning any property 22555  
sold, and the name of any person who received the property. The 22556  
record shall not identify or enable identification of the 22557  
individual officer who seized any item of property. 22558

(ii) The general types of expenditures made with amounts that 22559  
are gained from the sale of the property and that are retained by 22560  
the agency, including the specific amount expended on each general 22561  
type of expenditure, except that the policy shall not provide for 22562  
or permit the identification of any specific expenditure that is 22563  
made in an ongoing investigation. 22564

(c) Complies with section 2981.13 of the Revised Code if the 22565  
agency has a law enforcement trust fund or similar fund created 22566  
under that section. 22567

~~(2) Each law enforcement agency that during any calendar year 22568  
has any seized or forfeited property covered by this section in 22569  
its custody, including amounts distributed under section 2981.13 22570  
of the Revised Code to its law enforcement trust fund or a similar 22571  
fund created for the state highway patrol, department of public 22572  
safety, department of taxation, or state board of pharmacy, shall 22573  
prepare a report covering the calendar year that cumulates all of 22574  
the information contained in all of the public records kept by the 22575  
agency pursuant to this section for that calendar year. The agency 22576~~

~~shall send a copy of the cumulative report to the attorney general 22577  
not later than the first day of March in the calendar year 22578  
following the calendar year covered by the report. 22579~~

~~(3) The records kept under the internal control policy shall 22580  
be open to public inspection during the agency's regular business 22581  
hours. The policy adopted under this section and each report 22582  
received by the attorney general is a public record open for 22583  
inspection under section 149.43 of the Revised Code. 22584~~

~~(4) Not later than the fifteenth day of April in each 22585  
calendar year in which reports are sent to the attorney general 22586  
under division (B)(2) of this section, the attorney general shall 22587  
send to the president of the senate and the speaker of the house 22588  
of representatives a written notice that indicates that the 22589  
attorney general received reports that cover the previous calendar 22590  
year, that the reports are open for inspection under section 22591  
149.43 of the Revised Code, and that the attorney general will 22592  
provide a copy of any or all of the reports to the president of 22593  
the senate or the speaker of the house of representatives upon 22594  
request. 22595~~

~~(C) A law enforcement agency with custody of property to be 22596  
disposed of under section 2981.12 or 2981.13 of the Revised Code 22597  
shall make a reasonable effort to locate persons entitled to 22598  
possession of the property, to notify them of when and where it 22599  
may be claimed, and to return the property to them at the earliest 22600  
possible time. In the absence of evidence identifying persons 22601  
entitled to possession, it is sufficient notice to advertise in a 22602  
newspaper of general circulation in the county and to briefly 22603  
describe the nature of the property in custody and inviting 22604  
persons to view and establish their right to it. 22605~~

~~(D) As used in sections 2981.11 to 2981.13 of the Revised 22606  
Code: 22607~~

(1) "Citizens' reward program" has the same meaning as in section 9.92 of the Revised Code. 22608  
22609

(2) "Law enforcement agency" includes correctional institutions. 22610  
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(3) "Township law enforcement agency" means an organized police department of a township, a township police district, a joint police district, or the office of a township constable. 22612  
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22614

**Sec. 2981.14.** (A) Nothing in this chapter precludes the head of a law enforcement agency that seizes property from seeking forfeiture under federal law. If the property is forfeitable under this chapter and federal forfeiture is not sought, the property is subject only to this chapter. 22615  
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(B) Any law enforcement agency that receives moneys from a sale of forfeited property under federal law shall deposit, use, and account for the amounts, including any interest derived, in accordance with applicable federal law. If the state highway patrol or the investigative unit of the department of public safety receives such federal forfeiture moneys, the appropriate official shall deposit all interest or other earnings derived from the investment of the moneys into the ~~contraband, forfeiture, and other fund of the~~ highway patrol treasury contraband fund, the highway patrol justice contraband fund, the investigative unit treasury contraband fund, or the ~~department~~ investigative unit justice contraband fund, whichever is appropriate. 22620  
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(C) There is hereby created in the state treasury the highway patrol treasury contraband fund, the highway patrol justice contraband fund, the investigative unit treasury contraband fund, and the investigative unit justice contraband fund. Each fund shall consist of moneys received under division (B) of this section and shall be used in accordance with any federal or other requirements associated with moneys received. 22632  
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| <b>Sec. 3125.41.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                    | 22639                                                       |
| (1) "Cable television service" has the same meaning as in section 2913.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                       | 22640<br>22641                                              |
| (2) "Public utility" means a person or entity, including an entity owned or operated by a municipal corporation or other government entity, that is described in <del>division (A) of</del> section 4905.03 of the Revised Code as a telephone company, electric light company, gas company, natural gas company, water-works company, heating or cooling company, or sewage disposal system company, or that is providing cable television service. | 22642<br>22643<br>22644<br>22645<br>22646<br>22647<br>22648 |
| (B) Except as provided in section 3125.43 of the Revised Code, the office of child support shall have access to all of the following unless release of the information is prohibited by federal or state law:                                                                                                                                                                                                                                        | 22649<br>22650<br>22651<br>22652                            |
| (1) Any information in the possession of any officer or entity of the state or any political subdivision of the state that would aid the office in locating an absent parent or child pursuant to section 3125.06 of the Revised Code;                                                                                                                                                                                                               | 22653<br>22654<br>22655<br>22656                            |
| (2) Any information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order in the possession of any person;                                                                                                                                                                                                                                                                                      | 22657<br>22658<br>22659                                     |
| (3) The name and address of any obligor or obligee subject to a support order and the obligor's or obligee's employer in the customer records of a public utility.                                                                                                                                                                                                                                                                                   | 22660<br>22661<br>22662                                     |
| <b>Sec. 3301.55.</b> (A) A school district, county DD board, or eligible nonpublic school operating a preschool program shall house the program in buildings that meet the following requirements:                                                                                                                                                                                                                                                   | 22663<br>22664<br>22665<br>22666                            |
| (1) The building is operated by the district, county DD                                                                                                                                                                                                                                                                                                                                                                                              | 22667                                                       |

board, or eligible nonpublic school and has been approved by the 22668  
division of ~~labor~~ industrial compliance in the department of 22669  
commerce or a certified municipal, township, or county building 22670  
department for the purpose of operating a program for preschool 22671  
children. Any such structure shall be constructed, equipped, 22672  
repaired, altered, and maintained in accordance with applicable 22673  
provisions of Chapters 3781. and 3791. and with rules adopted by 22674  
the board of building standards under Chapter 3781. of the Revised 22675  
Code for the safety and sanitation of structures erected for this 22676  
purpose. 22677

(2) The building is in compliance with fire and safety laws 22678  
and regulations as evidenced by reports of annual school fire and 22679  
safety inspections as conducted by appropriate local authorities. 22680

(3) The school is in compliance with rules established by the 22681  
state board of education regarding school food services. 22682

(4) The facility includes not less than thirty-five square 22683  
feet of indoor space for each child in the program. Safe play 22684  
space, including both indoor and outdoor play space, totaling not 22685  
less than sixty square feet for each child using the space at any 22686  
one time, shall be regularly available and scheduled for use. 22687

(5) First aid facilities and space for temporary placement or 22688  
isolation of injured or ill children are provided. 22689

(B) Each school district, county DD board, or eligible 22690  
nonpublic school that operates, or proposes to operate, a 22691  
preschool program shall submit a building plan including all 22692  
information specified by the state board of education to the board 22693  
not later than the first day of September of the school year in 22694  
which the program is to be initiated. The board shall determine 22695  
whether the buildings meet the requirements of this section and 22696  
section 3301.53 of the Revised Code, and notify the superintendent 22697  
of its determination. If the board determines, on the basis of the 22698

building plan or any other information, that the buildings do not 22699  
meet those requirements, it shall cause the buildings to be 22700  
inspected by the department of education. The department shall 22701  
make a report to the superintendent specifying any aspects of the 22702  
building that are not in compliance with the requirements of this 22703  
section and section 3301.53 of the Revised Code and the time 22704  
period that will be allowed the district, county DD board, or 22705  
school to meet the requirements. 22706

Sec. 3301.75. (A) As used in this section, "affiliate" has 22707  
the same meaning as in section 3333.89 of the Revised Code. 22708

(B) The department of education, in coordination with the 22709  
chancellor of the Ohio board of regents, shall do all of the 22710  
following: 22711

(1) Make grants to institutions and other organizations as 22712  
prescribed by the general assembly for the provision of technical 22713  
assistance and other support services to enable school districts, 22714  
community schools established under Chapter 3314. of the Revised 22715  
Code, other educational institutions, and affiliates to utilize 22716  
educational technology; 22717

(2) Establish a reporting system for school districts, 22718  
community schools, other educational institutions, affiliates, and 22719  
educational technology organizations that receive financial 22720  
assistance from the office. The system may require the reporting 22721  
of information regarding the manner in which the assistance was 22722  
expended, the manner in which the equipment or services purchased 22723  
with the assistance is being utilized, the results or outcome of 22724  
the utilization, the manner in which the utilization is compatible 22725  
with the statewide academic standards adopted by the state board 22726  
of education pursuant to section 3301.079 of the Revised Code, and 22727  
any other information determined by the office. 22728

(3) Ensure that, where appropriate, products produced by any 22729

entity to which the office provides financial assistance for use 22730  
in elementary and secondary education are aligned with the 22731  
statewide academic standards adopted by the state board under 22732  
section 3301.079 of the Revised Code. 22733

(4) Promote accessibility to educational products aligned 22734  
with the statewide academic standards for school districts, 22735  
community schools, and other entities serving grades kindergarten 22736  
through twelve. 22737

(5) Execute contracts and other agreements necessary and 22738  
desirable to carry out the purposes of this section. 22739

**Sec. 3304.14.** (A) The governor shall appoint an administrator 22740  
of the rehabilitation services commission to serve at the pleasure 22741  
of the governor and shall fix the administrator's compensation. 22742  
The administrator shall devote the administrator's entire time to 22743  
the duties of the administrator's office, shall hold no other 22744  
office or position of trust and profit, and shall engage in no 22745  
other business during the administrator's term of office. The 22746  
governor may grant the administrator the authority to appoint, 22747  
remove, and discipline without regard to sex, race, creed, color, 22748  
age, or national origin, such other professional, administrative, 22749  
and clerical staff members as are necessary to carry out the 22750  
functions and duties of the commission. 22751

(B)(1) The administrator shall have exclusive authority to 22752  
administer the daily operation and provision of vocational 22753  
rehabilitation services under this chapter. 22754

(2) The administrator shall establish a fee schedule for 22755  
vocational rehabilitation services in accordance with 34 C.F.R. 22756  
361.50. 22757

**Sec. 3304.16.** In carrying out the purposes of sections 22758  
3304.11 to 3304.27 of the Revised Code, the rehabilitation 22759



|                                                                                                                                                                                                                                                                                                                                                                          |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| services commission:                                                                                                                                                                                                                                                                                                                                                     | 22760                                              |
| (A) Shall develop all necessary rules;                                                                                                                                                                                                                                                                                                                                   | 22761                                              |
| (B) Shall prepare and submit to the governor annual reports<br>of activities and expenditures and, prior to each first regular<br>session of the general assembly, an estimate of sums required to<br>carry out the commission's responsibilities;                                                                                                                       | 22762<br>22763<br>22764<br>22765                   |
| (C) Shall certify any disbursement of funds available to the<br>commission for vocational rehabilitation activities;                                                                                                                                                                                                                                                     | 22766<br>22767                                     |
| (D) Shall serve as the sole state agency designated to<br>administer the plan under the "Rehabilitation Act of 1973," 87<br>Stat. 355, 29 U.S.C. 701, as amended;                                                                                                                                                                                                        | 22768<br>22769<br>22770                            |
| (E) Shall take appropriate action to guarantee rights of and<br>services to handicapped persons;                                                                                                                                                                                                                                                                         | 22771<br>22772                                     |
| (F) Shall consult with and advise other state agencies to<br>assist them in meeting the needs of handicapped persons more<br>effectively and to achieve maximum coordination among programs for<br>the handicapped;                                                                                                                                                      | 22773<br>22774<br>22775<br>22776                   |
| (G) Shall establish an administrative division of consumer<br>affairs and advocacy within the commission to promote and help<br>guarantee the rights of handicapped persons;                                                                                                                                                                                             | 22777<br>22778<br>22779                            |
| (H) Shall maintain an inventory of state services that are<br>available to handicapped persons;                                                                                                                                                                                                                                                                          | 22780<br>22781                                     |
| (I) Shall utilize, support, assist, and cooperate with the<br>governor's committee on employment of the handicapped;                                                                                                                                                                                                                                                     | 22782<br>22783                                     |
| (J) May delegate to any officer or employee of the commission<br><u>any necessary powers and duties, except that the commission shall<br/>delegate to the administrator of the commission, as provided in<br/>section 3304.14 of the Revised Code, the power and duty to<br/>administer the daily operation and provision of vocational<br/>rehabilitation services;</u> | 22784<br>22785<br>22786<br>22787<br>22788<br>22789 |

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| (K) May take any other necessary or appropriate action for                    | 22790 |
| cooperation with public and private agencies and organizations                | 22791 |
| which may include:                                                            | 22792 |
| (1) Reciprocal agreements with other states to provide for                    | 22793 |
| the vocational rehabilitation of individuals within the states                | 22794 |
| concerned;                                                                    | 22795 |
| (2) Contracts or other arrangements with public and other                     | 22796 |
| nonprofit agencies and organizations for the construction or                  | 22797 |
| establishment and operation of vocational rehabilitation programs             | 22798 |
| and facilities;                                                               | 22799 |
| (3) Cooperative arrangements with the federal government for                  | 22800 |
| carrying out sections 3304.11 to 3304.27 of the Revised Code, the             | 22801 |
| "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C.               | 22802 |
| 31, as amended, or other federal statutes pertaining to vocational            | 22803 |
| rehabilitation, and to this end, may adopt plans and methods of               | 22804 |
| administration found necessary by the federal government for the              | 22805 |
| efficient operation of any joint arrangements or the efficient                | 22806 |
| application of any federal statutes;                                          | 22807 |
| (4) Upon the designation of the governor, performing                          | 22808 |
| functions and services for the federal government relating to                 | 22809 |
| individuals under a physical or mental disability.                            | 22810 |
| (L) <del>Shall comply with</del> <u>May take any requirements appropriate</u> | 22811 |
| <u>action</u> necessary to obtain federal funds in the maximum amount and     | 22812 |
| most advantageous proportion possible-;                                       | 22813 |
| (M) May conduct research and demonstration projects,                          | 22814 |
| including inquiries concerning the causes of blindness and its                | 22815 |
| prevention, provide training and instruction, including the                   | 22816 |
| establishment and maintenance of research fellowships and                     | 22817 |
| traineeships along with all necessary stipends and allowances,                | 22818 |
| disseminate information, and provide technical assistance relating            | 22819 |
| to vocational rehabilitation;                                                 | 22820 |

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| (N) May plan, establish, and operate programs, facilities,                          | 22821 |
| and services relating to vocational rehabilitation;                                 | 22822 |
| (O) May accept and hold, invest, reinvest, or otherwise use                         | 22823 |
| gifts made for the purpose of furthering vocational                                 | 22824 |
| rehabilitation;                                                                     | 22825 |
| (P) May ameliorate the condition of the aged blind or other                         | 22826 |
| severely disabled individuals by establishing a program of home                     | 22827 |
| visitation by commission employees for the purpose of instruction;                  | 22828 |
| (Q) May establish and manage small business enterprises that                        | 22829 |
| are operated by persons with a substantial handicap to employment,                  | 22830 |
| including blind persons;                                                            | 22831 |
| (R) May purchase from insurance companies licensed to do                            | 22832 |
| business in this state any insurance deemed necessary by the                        | 22833 |
| commission for the efficient operation of a suitable vending                        | 22834 |
| facility as defined in division (A) of section 3304.28 of the                       | 22835 |
| Revised Code;                                                                       | 22836 |
| (S) May accept directly from any state agency, and any state                        | 22837 |
| agency may transfer directly to the commission, surplus computers                   | 22838 |
| and computer equipment to be used for any purposes the commission                   | 22839 |
| considers appropriate, notwithstanding sections 125.12 to 125.14                    | 22840 |
| of the Revised Code.                                                                | 22841 |
| <b>Sec. 3304.181.</b> If the total of all funds available from                      | 22842 |
| nonfederal sources to support the activities of the rehabilitation                  | 22843 |
| services commission does not comply with the expenditure                            | 22844 |
| requirements of 34 C.F.R. 361.60 and 361.62 for those activities                    | 22845 |
| or would cause the state to lose an allotment or fail to receive a                  | 22846 |
| reallotment under 34 C.F.R. 361.65, the commission <del>shall</del> <u>may</u>      | 22847 |
| solicit additional funds from, and enter into agreements for the                    | 22848 |
| use of those funds with, private or public entities, including                      | 22849 |
| local government entities of this state. The commission <del>shall</del> <u>may</u> | 22850 |

continue to solicit additional funds and enter into agreements 22851  
until the total funding available is sufficient for the commission 22852  
to receive federal funds at the maximum amount and in the most 22853  
advantageous proportion possible. 22854

Any agreement entered into between the commission and a 22855  
private or public entity to provide funds under this section shall 22856  
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 22857  
Revised Code. 22858

**Sec. 3304.182.** Any agreement between the rehabilitation 22859  
services commission and a private or public entity providing funds 22860  
under section 3304.181 of the Revised Code may permit the 22861  
commission to receive a specified percentage of the funds, but the 22862  
percentage shall be not more than twenty-five per cent of the 22863  
total funds available under the agreement. ~~The agreement shall not~~ 22864  
~~be for less than six months or be discontinued by the commission~~ 22865  
~~without the commission first providing three months notice of~~ 22866  
~~intent to discontinue the agreement.~~ The commission may terminate 22867  
an agreement only at any time for good just cause. It may 22868  
terminate an agreement for any other reason by giving at least 22869  
thirty days' notice to the public or private entity. 22870

Any services provided under an agreement entered into under 22871  
section 3304.181 of the Revised Code shall be provided by a person 22872  
or government entity that meets the accreditation standards 22873  
established in rules adopted by the commission under section 22874  
3304.16 of the Revised Code. 22875

**Sec. 3305.01.** As used in this chapter: 22876

(A) "Public institution of higher education" means a state 22877  
university as defined in section 3345.011 of the Revised Code, the 22878  
northeast Ohio medical university, or a university branch, 22879  
technical college, state community college, community college, or 22880

municipal university established or operating under Chapter 3345., 22881  
3349., 3354., 3355., 3357., or 3358. of the Revised Code. 22882

(B) "State retirement system" means the public employees 22883  
retirement system created under Chapter 145. of the Revised Code, 22884  
the state teachers retirement system created under Chapter 3307. 22885  
of the Revised Code, or the school employees retirement system 22886  
created under Chapter 3309. of the Revised Code. 22887

(C) "Eligible employee" means any person employed as a 22888  
full-time employee of a public institution of higher education. 22889

In all cases of doubt, the board of trustees of the public 22890  
institution of higher education shall determine whether any person 22891  
is an eligible employee for purposes of this chapter, and the 22892  
board's decision shall be final. 22893

(D) "Electing employee" means any eligible employee who 22894  
elects, pursuant to section 3305.05 or 3305.051 of the Revised 22895  
Code, to participate in an alternative retirement plan provided 22896  
pursuant to this chapter or an eligible employee who is required 22897  
to participate in an alternative retirement plan pursuant to 22898  
division (C)~~(4)~~(3) of section 3305.05 or division (F) of section 22899  
3305.051 of the Revised Code. 22900

(E) "Compensation," for purposes of an electing employee, has 22901  
the same meaning as the applicable one of the following: 22902

(1) If the electing employee would be subject to Chapter 145. 22903  
of the Revised Code had the employee not made an election pursuant 22904  
to section 3305.05 or 3305.051 of the Revised Code, "earnable 22905  
salary" as defined in division (R) of section 145.01 of the 22906  
Revised Code; 22907

(2) If the electing employee would be subject to Chapter 22908  
3307. of the Revised Code had the employee not made an election 22909  
pursuant to section 3305.05 or 3305.051 of the Revised Code, 22910  
"compensation" as defined in division (L) of section 3307.01 of 22911

the Revised Code; 22912

(3) If the electing employee would be subject to Chapter 22913  
3309. of the Revised Code had the employee not made an election 22914  
pursuant to section 3305.05 or 3305.051 of the Revised Code, 22915  
"compensation" as defined in division (V) of section 3309.01 of 22916  
the Revised Code. 22917

(F) "~~Provider~~ Vendor" means an entity designated under 22918  
section 3305.03 of the Revised Code as eligible to be a provider 22919  
of investment options for an alternative retirement plan. 22920

(G) "Provider" means, with respect to each public institution 22921  
of higher education, a vendor that has entered into an agreement 22922  
with that public institution of higher education in accordance 22923  
with section 3305.04 of the Revised Code. 22924

**Sec. 3305.02.** An alternative retirement program is hereby 22925  
established in accordance with this chapter for the purpose of 22926  
providing to eligible employees the opportunity of participating 22927  
in an alternative retirement plan as an alternative to 22928  
participating in a state retirement system. The employer is the 22929  
sponsor of each alternative retirement plan offered under this 22930  
chapter. 22931

Each alternative retirement plan offered under this program 22932  
shall be a defined contribution plan qualified under section 401 22933  
(a) of the Internal Revenue Code that provides retirement and, to 22934  
the extent applicable, death benefits through investment options. 22935  
The options shall be offered to electing employees pursuant to 22936  
trust or custodial accounts or pursuant to group or individual 22937  
annuity contracts, and certificates issued under group contracts, 22938  
and. The options may include life insurance, annuities, variable 22939  
annuities, regulated investment trusts, pooled investment funds, 22940  
or other forms of investment, at the option of each electing 22941  
employee. 22942

Notwithstanding this chapter, any retirement plan established 22943  
by a public institution of higher education prior to March 31, 22944  
1997, as an alternative to participating in any state retirement 22945  
system may continue in effect and be modified without regard to 22946  
this chapter for all employees at the public institution eligible 22947  
to participate in the plan. 22948

**Sec. 3305.03.** (A) ~~The department of insurance~~ Ohio board of 22949  
regents shall designate ~~three or more~~ the entities that are 22950  
eligible to provide investment options under alternative 22951  
retirement plans ~~established~~ maintained by public institutions of 22952  
higher education ~~in accordance with this chapter. An entity shall~~ 22953  
~~be designated a provider under this section if the entity meets.~~ 22954  
The board shall accept and review applications from entities 22955  
seeking designation as a vendor. The board shall not designate an 22956  
entity as a vendor unless the entity meets the requirements 22957  
described in division (B) of this section. 22958

(B) To be eligible for designation as a vendor, an entity 22959  
must meet both of the following requirements: 22960

(1) ~~It is~~ The entity must be authorized to conduct business 22961  
in this state with regard to the investment options to be offered 22962  
under an alternative retirement plan ~~maintained by a public~~ 22963  
institution of higher education. 22964

(2) ~~It provides~~ The entity must offer the same or similar 22965  
investment options ~~to be offered~~ under alternative retirement 22966  
plans, ~~as group or individual contracts, or a combination thereof,~~ 22967  
optional retirement plans, or similar types of plans with respect 22968  
to which all of the following apply: 22969

(a) The plans are defined contribution plans that are 22970  
qualified plans under Internal Revenue Code 401(a) or 403(b). 22971

(b) The plans are maintained by institutions of higher 22972

education in at least ten other states. 22973

~~(B)(c) The plans are established as primary retirement plans~~ 22974  
that are alternatives to or a component of the applicable state 22975  
retirement system. 22976

~~(C) In designating a provider under this section determining~~ 22977  
whether to designate an entity as a vendor, the department of 22978  
~~insurance board of regents shall identify, consider, and evaluate~~ 22979  
all of the following: 22980

(1) The experience of the ~~provider~~ entity in providing in 22981  
other states investment options under alternative retirement 22982  
~~programs in other states plans, optional retirement plans, or~~ 22983  
similar types of plans that meet the requirements of division 22984  
(B)(2) of this section; 22985

(2) The potential effectiveness of the ~~provider~~ entity in 22986  
recruiting eligible employees to ~~enter into contracts~~ select that 22987  
entity for purposes of participating in an alternative retirement 22988  
plan and in retaining those ~~contracts~~ employees' accounts; 22989

(3) Whether the entity intends to offer a broad range of 22990  
investment options to the electing employees; 22991

(4) The suitability of the investment options to the needs 22992  
and interests of the electing employees and their beneficiaries; 22993

(5) The capability of the entity to offer sufficient 22994  
information to the electing employees and their beneficiaries to 22995  
make informed decisions with regard to investment options offered 22996  
by the entity; 22997

(6) The capability of the entity to perform in a manner that 22998  
is in the best interests of the electing employees and their 22999  
beneficiaries; 23000

(7) The fees and expenses associated with the entity's 23001  
investment options and the manner in which the entity intends to 23002



disclose those fees and expenses; 23003

~~(8)~~ The nature and extent of the rights and benefits to be provided under the investment options; 23004  
23005

~~(4)~~ The relationship between the rights and benefits under the investment options and the amount of the contributions made under those options; 23006  
23007  
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~~(5)~~ The suitability of the rights and benefits under the investment options to the needs and interests of eligible employees; 23009  
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~~(6)~~(9) The capability of the provider entity to provide the rights and benefits under the investment options; 23012  
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~~(7)~~(10) Comments submitted by a public institution of higher education under section 3305.031 of the Revised Code; 23014  
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~~(11)~~ Any other matters ~~it~~ the board of regents considers relevant. 23016  
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~~(C)~~(D) The ~~department of insurance~~ board of regents shall periodically review conduct periodic reviews of each ~~provider entity~~ designated under ~~division (A) of this section~~ as a vendor and the investment options being offered to ensure that the requirements and purposes of this chapter are being met. ~~If the department~~ The reviews of a vendor shall occur not less frequently than once every three years. 23018  
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If it finds that the ~~provider~~ vendor is not in compliance with ~~any requirement~~ the requirements of this chapter or the ~~provider~~ vendor is not satisfactorily meeting the purposes of this chapter, the ~~department may~~ board shall rescind the ~~provider's~~ vendor's designation. 23025  
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~~(D)~~(E) Notwithstanding sections 125.01 to 125.11 of the Revised Code, designation of a ~~provider~~ vendor or the execution of any ~~contract~~ agreement under this chapter is not subject to 23030  
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competitive bidding under those sections. 23033

Sec. 3305.031. (A) As part of the process established under 23034  
section 3305.03 of the Revised Code for designating an entity as a 23035  
vendor and conducting periodic reviews of a vendor, the Ohio board 23036  
of regents shall do all of the following: 23037

(1) Provide written notice to each public institution of 23038  
higher education that an entity has applied to be designated as a 23039  
vendor under section 3305.03 of the Revised Code; 23040

(2) Provide written notice to each public institution of 23041  
higher education that a vendor is scheduled for a review; 23042

(3) Establish a comment period of not less than thirty days 23043  
during which a public institution of higher education is 23044  
authorized to comment about an entity's application for 23045  
designation or a vendor's review and to request a meeting with the 23046  
board of regents concerning the application or review; 23047

(4) Not later than fourteen days after the board makes a 23048  
decision with respect to an application or review, including any 23049  
rescission of a vendor's designation, provide written notice to 23050  
each public institution of higher education of the board's 23051  
decision. 23052

(B) If a meeting is requested by a public institution of 23053  
higher education under division (A)(3) of this section, the board 23054  
of regents shall do all of the following: 23055

(1) Notify each public institution of higher education of the 23056  
meeting and its time and place; 23057

(2) Hold the meeting not less than ten but not more than 23058  
thirty days after the end of the comment period; 23059

(3) Continue to accept comments concerning the application or 23060  
review, as applicable, until five business days after the meeting 23061  
is held. 23062

(C) The board of regents shall adopt rules under section 3305.032 of the Revised Code specifying the method to be used by public institutions of higher education in submitting comments to the board concerning an application or review. 23063  
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Sec. 3305.032. The Ohio board of regents shall adopt rules as the board considers necessary to carry out its duties and responsibilities under this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may provide for fees to be charged providers by the board to cover administrative and marketing expenses of the board. 23067  
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Sec. 3305.04. (A) The board of trustees of each public institution of higher education shall adopt an alternative retirement plan in accordance with this chapter. Each public institution of higher education shall enter into a contract with each provider designated pursuant to section 3305.03 of the Revised Code that is willing to provide investment options under an alternative retirement plan at that public institution. Each contract shall provide for termination of the contract if the provider ceases to be a designated provider. In 23073  
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In accordance with this chapter, each board may perform such functions and provide as necessary for the administration of its alternative retirement plan. 23082  
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(B)(1) In implementing the alternative retirement plan established by the board, the public institution of higher education shall develop agreements to be entered into with entities designated under section 3305.03 of the Revised Code as vendors. Each agreement shall include such terms and conditions as are determined by the public institution of higher education in its sole discretion. 23085  
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(2) Except as provided in division (B)(3) of this section, 23092

the public institution of higher education shall enter into 23093  
agreements with a minimum of four vendors or, if fewer than four 23094  
vendors are available, with the number of vendors available. 23095

(3) Division (B)(2) of this section does not require a public 23096  
institution of higher education to enter into an agreement with a 23097  
vendor if either of the following is the case: 23098

(a) The vendor is not willing to provide investment options 23099  
under the alternative retirement plan at that public institution. 23100

(b) The vendor is not willing to agree to the terms and 23101  
conditions of the agreement. 23102

(4) After an agreement has been entered into, both of the 23103  
following apply with respect to termination of the agreement with 23104  
the provider: 23105

(a) The agreement shall be terminated if the provider ceases 23106  
to be an entity designated as a vendor. 23107

(b) The agreement may be terminated if the provider fails to 23108  
comply with the terms and conditions of such agreement. 23109

**Sec. 3305.05.** (A) As used in this section and section 23110  
3305.051 of the Revised Code, "academic or administrative 23111  
employee" means any full-time employee not receiving any benefit, 23112  
allowance, or other payment granted on the employee's account from 23113  
a state retirement system who, before ~~the effective date of this~~ 23114  
~~section~~ August 1, 2005, met one of the following requirements: 23115

(1) The employee was a member of the faculty of a public 23116  
institution of higher education. 23117

(2) The employee was a member of the administrative staff of 23118  
a public institution of higher education serving in a position in 23119  
the unclassified civil service pursuant to section 124.11 of the 23120  
Revised Code. 23121

(3) If section 124.11 of the Revised Code did not apply to 23122  
the public institution of higher education, the employee was a 23123  
member of the administrative staff of a public institution of 23124  
higher education serving in a position comparable to a position in 23125  
the unclassified civil service. 23126

In all cases of doubt, the board of trustees of the public 23127  
institution of higher education shall determine whether any person 23128  
is an academic or administrative employee for purposes of this 23129  
chapter, and the board's decision shall be final. 23130

(B)(1) Each person who, on ~~the effective date of this section~~ 23131  
August 1, 2005, is an eligible employee of a public institution of 23132  
higher education and has accrued less than five years of service 23133  
credit in a state retirement system may, not later than one 23134  
hundred twenty days after ~~the effective date of this section~~ 23135  
August 1, 2005, make an election to participate in an alternative 23136  
retirement plan available at the employing public institution, 23137  
unless, prior to ~~the effective date of this section~~ August 1, 23138  
2005, the person had an opportunity pursuant to former section 23139  
3305.05 of the Revised Code to make such an election as an 23140  
academic or administrative employee of that public institution of 23141  
higher education. 23142

(2) An eligible employee whose employment with a public 23143  
institution of higher education commences on or after ~~the~~ 23144  
~~effective date of this section~~ August 1, 2005, may, not later than 23145  
one hundred twenty days after the starting date of the employment, 23146  
make an election to participate in an alternative retirement plan 23147  
available at the employing public institution. 23148

(3) An eligible employee who, on or after ~~the effective date~~ 23149  
~~of this section~~ August 1, 2005, terminates employment at one 23150  
public institution of higher education and subsequently is 23151  
employed by another public institution of higher education in a 23152  
position for which an alternative retirement plan is available 23153

may, not later than one hundred twenty days after the starting 23154  
date of the employment, elect to participate in an alternative 23155  
retirement plan available at that public institution. 23156

(C)(1) An eligible employee who makes an election under 23157  
division (B) of this section shall submit the election in writing 23158  
to the designated officer of the employee's employing public 23159  
institution of higher education. Once submitted, the election is 23160  
irrevocable while the eligible employee continues to be employed 23161  
by the public institution of higher education. Not later than ten 23162  
days after the election becomes irrevocable, the officer shall 23163  
file a certified copy of the election with the state retirement 23164  
system to which, apart from the election, the employee's 23165  
employment would be subject. 23166

Each public institution of higher education that employs a 23167  
person eligible to make an election under division (B) of this 23168  
section shall notify, in writing, ~~within ten days of the person's~~ 23169  
~~employment,~~ the state retirement system that applies to that 23170  
employment in the manner specified by that state retirement 23171  
system. The notice shall include the person's name and address. 23172  
The notice shall be given not later than ten days after the first 23173  
date the person is on the institution's payroll. 23174

(2) Elections made under division (B) of this section take 23175  
effect as follows: 23176

(a) An election under division (B)(1) of this section is 23177  
effective as of the date on which the employee's election to 23178  
participate in the alternative retirement plan becomes 23179  
irrevocable. 23180

(b) An election under division (B)(2) or (3) of this section 23181  
is effective as of the electing employee's starting date of 23182  
employment. 23183

(3) An eligible employee's election under division (B) of 23184

this section applies to the employee's employment in all positions 23185  
at that public institution, unless the employee terminates 23186  
employment at the public institution and does not return to 23187  
employment in any position at that public institution ~~prior to one~~ 23188  
~~year~~ for at least three hundred sixty-five days after the date of 23189  
termination. 23190

(4) An eligible employee who makes an election under division 23191  
(B) of this section is forever barred from claiming or purchasing 23192  
service credit under any state retirement system for the period of 23193  
employment while the election is in effect. 23194

(D)(1) An eligible employee who fails to make an election 23195  
under division (B) of this section within the one-hundred-twenty 23196  
day election period shall be deemed to have elected to participate 23197  
in the state retirement system that applies to the employee's 23198  
employment. 23199

(2) An eligible employee who fails to make an election under 23200  
division (B) of this section shall not be permitted to make an 23201  
election for employment in any other position at the public 23202  
institution of higher education while employed at that public 23203  
institution, unless the employee terminates employment at the 23204  
public institution and does not return to employment in any 23205  
position at the public institution ~~prior to one year~~ for at least 23206  
three hundred sixty-five days after the date of termination. 23207

**Sec. 3305.053.** The board of trustees of a public institution 23208  
of higher education shall permit an employee who makes an election 23209  
under section 3305.05 or 3305.051 of the Revised Code to do all of 23210  
the following: 23211

(A) Select, from among the providers that have entered into a 23212  
~~contract~~ an agreement with the public institution of higher 23213  
education under section 3305.04 of the Revised Code, the provider 23214  
of an investment option for that employee; 23215

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| <del>(B) Except as permitted under division (C) of this section,</del>              | 23216 |
| <del>contract with only one provider in any plan year;</del>                        | 23217 |
| <del>(C) Change <u>Subject to any terms and conditions established by</u></del>     | 23218 |
| <del>the public institution of higher education, change the provider</del>          | 23219 |
| <del>selected under division (A) of this section at the following</del>             | 23220 |
| <del>times:</del>                                                                   | 23221 |
| <del>(1) Once during the first payroll period in any plan year;</del>               | 23222 |
| <del>(2) Any time the provider that the employee selected ceases,</del>             | 23223 |
| <del>under division (C) of section 3305.03 of the Revised Code, to be</del>         | 23224 |
| <del>designated <u>any time during the plan year.</u></del>                         | 23225 |
| <del>(D)</del> (C) If under division <del>(C)</del> (B) of this section an employee | 23226 |
| changes providers, the <u>employee may direct the</u> provider <del>shall to</del>  | 23227 |
| transfer to the new provider the employee's account balance either                  | 23228 |
| in whole or in part, as directed by the employee, except that the                   | 23229 |
| provider is not required to immediately transfer any part of the                    | 23230 |
| account invested at the employee's election in a fixed annuity                      | 23231 |
| account if the contract <u>with the employee</u> under which the                    | 23232 |
| investment was made permits the provider to make such a transfer                    | 23233 |
| over a period of time not exceeding ten years and the contract was                  | 23234 |
| filed with and approved by the department of insurance pursuant to                  | 23235 |
| section 3911.011 of the Revised Code.                                               | 23236 |
| <b>Sec. 3305.06.</b> (A) Each electing employee shall contribute an                 | 23237 |
| amount, which shall be a certain percentage of the employee's                       | 23238 |
| compensation, to the provider of the investment option the                          | 23239 |
| employee has selected. This percentage shall be the percentage the                  | 23240 |
| electing employee would have otherwise been required to contribute                  | 23241 |
| to the state retirement system that applies to the employee's                       | 23242 |
| position, except that the percentage shall not be less than three                   | 23243 |
| per cent. Employee contributions under this division may be                         | 23244 |
| treated as employer contributions in accordance with Internal                       | 23245 |
| Revenue Code 414(h).                                                                | 23246 |



(B) Each public institution of higher education employing an electing employee shall contribute a percentage of the employee's compensation to the provider of the investment option the employee has selected. This percentage shall be equal to the percentage that the public institution of higher education would otherwise contribute on behalf of that employee to the state retirement system that would otherwise cover that employee's position, less the percentage contributed by the public institution of higher education under division (D) of this section.

(C)(1) In no event shall the amount contributed by the electing employee pursuant to division (A) of this section and on the electing employee's behalf pursuant to division (B) of this section be less than the amount necessary to qualify the plan as a state retirement system pursuant to Internal Revenue Code 3121(B)(b)(7) and the regulations adopted thereunder.

(2) The full amount of the electing employee's contribution under division (A) of this section and the full amount of the employer's contribution made on behalf of that employee under division (B) of this section shall be paid to the appropriate provider for application to the electing employee's investment option.

(D) Each public institution of higher education employing an electing employee shall contribute on behalf of that employee to the state retirement system that otherwise applies to the electing employee's position a percentage of the electing employee's compensation to mitigate any negative financial impact of the alternative retirement program on the state retirement system. The percentage shall be six per cent, except that the percentage may be adjusted by the Ohio retirement study council to reflect the determinations made by actuarial studies conducted under section 171.07 of the Revised Code. Any adjustment shall become effective on the first day of the second month following submission of the

actuarial study to the Ohio board of regents under section 171.07 23279  
of the Revised Code. 23280

Contributions on behalf of an electing employee shall 23281  
continue in accordance with this division until the occurrence of 23282  
the following: 23283

(1) If the electing employee would be subject to Chapter 145. 23284  
of the Revised Code had the employee not made an election pursuant 23285  
to section 3305.05 or 3305.051 of the Revised Code, until the 23286  
unfunded actuarial accrued liability for all benefits, except 23287  
health care benefits provided under section 145.325 or 145.58 of 23288  
the Revised Code and benefit increases provided after March 31, 23289  
1997, is fully amortized, as determined by the annual actuarial 23290  
valuation prepared under section 145.22 of the Revised Code; 23291

(2) If the electing employee would be subject to Chapter 23292  
3307. of the Revised Code had the employee not made an election 23293  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 23294  
the unfunded actuarial accrued liability for all benefits, except 23295  
health care benefits provided under section 3307.39 or 3307.61 of 23296  
the Revised Code and benefit increases provided after March 31, 23297  
1997, is fully amortized, as determined by the annual actuarial 23298  
valuation prepared under section 3307.51 of the Revised Code; 23299

(3) If the electing employee would be subject to Chapter 23300  
3309. of the Revised Code had the employee not made an election 23301  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 23302  
the unfunded actuarial accrued liability for all benefits, except 23303  
health care benefits provided under section 3309.375 or 3309.69 of 23304  
the Revised Code and benefit increases provided after March 31, 23305  
1997, is fully amortized, as determined by the annual actuarial 23306  
valuation prepared under section 3309.21 of the Revised Code. 23307

**Sec. 3313.603.** (A) As used in this section: 23308

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 23309  
23310  
23311  
23312

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 23313  
23314  
23315  
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 23317  
23318  
23319  
23320  
23321

(1) English language arts, four units; 23322

(2) Health, one-half unit; 23323

(3) Mathematics, three units; 23324

(4) Physical education, one-half unit; 23325

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 23326  
23327  
23328

(a) Biological sciences, one unit; 23329

(b) Physical sciences, one unit. 23330

(6) Social studies, three units, which shall include both of the following: 23331  
23332

(a) American history, one-half unit; 23333

(b) American government, one-half unit. 23334

(7) Elective units, seven units until September 15, 2003, and six units thereafter. 23335  
23336

Each student's electives shall include at least one unit, or 23337

|                                                                  |       |
|------------------------------------------------------------------|-------|
| two half units, chosen from among the areas of                   | 23338 |
| business/technology, fine arts, and/or foreign language.         | 23339 |
| (C) Beginning with students who enter ninth grade for the        | 23340 |
| first time on or after July 1, 2010, except as provided in       | 23341 |
| divisions (D) to (F) of this section, the requirements for       | 23342 |
| graduation from every public and chartered nonpublic high school | 23343 |
| shall include twenty units that are designed to prepare students | 23344 |
| for the workforce and college. The units shall be distributed as | 23345 |
| follows:                                                         | 23346 |
| (1) English language arts, four units;                           | 23347 |
| (2) Health, one-half unit, which shall include instruction in    | 23348 |
| nutrition and the benefits of nutritious foods and physical      | 23349 |
| activity for overall health;                                     | 23350 |
| (3) Mathematics, four units, which shall include one unit of     | 23351 |
| algebra II or the equivalent of algebra II;                      | 23352 |
| (4) Physical education, one-half unit;                           | 23353 |
| (5) Science, three units with inquiry-based laboratory           | 23354 |
| experience that engages students in asking valid scientific      | 23355 |
| questions and gathering and analyzing information, which shall   | 23356 |
| include the following, or their equivalent:                      | 23357 |
| (a) Physical sciences, one unit;                                 | 23358 |
| (b) Life sciences, one unit;                                     | 23359 |
| (c) Advanced study in one or more of the following sciences,     | 23360 |
| one unit:                                                        | 23361 |
| (i) Chemistry, physics, or other physical science;               | 23362 |
| (ii) Advanced biology or other life science;                     | 23363 |
| (iii) Astronomy, physical geology, or other earth or space       | 23364 |
| science.                                                         | 23365 |
| (6) Social studies, three units, which shall include both of     | 23366 |

the following: 23367

(a) American history, one-half unit; 23368

(b) American government, one-half unit. 23369

Each school shall integrate the study of economics and 23370  
financial literacy, as expressed in the social studies academic 23371  
content standards adopted by the state board of education under 23372  
division (A)(1) of section 3301.079 of the Revised Code and the 23373  
academic content standards for financial literacy and 23374  
entrepreneurship adopted under division (A)(2) of that section, 23375  
into one or more existing social studies credits required under 23376  
division (C)(6) of this section, or into the content of another 23377  
class, so that every high school student receives instruction in 23378  
those concepts. In developing the curriculum required by this 23379  
paragraph, schools shall use available public-private partnerships 23380  
and resources and materials that exist in business, industry, and 23381  
through the centers for economics education at institutions of 23382  
higher education in the state. 23383

(7) Five units consisting of one or any combination of 23384  
foreign language, fine arts, business, career-technical education, 23385  
family and consumer sciences, technology, agricultural education, 23386  
a junior reserve officer training corps (JROTC) program approved 23387  
by the congress of the United States under title 10 of the United 23388  
States Code, or English language arts, mathematics, science, or 23389  
social studies courses not otherwise required under division (C) 23390  
of this section. 23391

Ohioans must be prepared to apply increased knowledge and 23392  
skills in the workplace and to adapt their knowledge and skills 23393  
quickly to meet the rapidly changing conditions of the 23394  
twenty-first century. National studies indicate that all high 23395  
school graduates need the same academic foundation, regardless of 23396  
the opportunities they pursue after graduation. The goal of Ohio's 23397

system of elementary and secondary education is to prepare all 23398  
students for and seamlessly connect all students to success in 23399  
life beyond high school graduation, regardless of whether the next 23400  
step is entering the workforce, beginning an apprenticeship, 23401  
engaging in post-secondary training, serving in the military, or 23402  
pursuing a college degree. 23403

The Ohio core curriculum is the standard expectation for all 23404  
students entering ninth grade for the first time at a public or 23405  
chartered nonpublic high school on or after July 1, 2010. A 23406  
student may satisfy this expectation through a variety of methods, 23407  
including, but not limited to, integrated, applied, 23408  
career-technical, and traditional coursework. 23409

Whereas teacher quality is essential for student success in 23410  
completing the Ohio core curriculum, the general assembly shall 23411  
appropriate funds for strategic initiatives designed to strengthen 23412  
schools' capacities to hire and retain highly qualified teachers 23413  
in the subject areas required by the curriculum. Such initiatives 23414  
are expected to require an investment of \$120,000,000 over five 23415  
years. 23416

Stronger coordination between high schools and institutions 23417  
of higher education is necessary to prepare students for more 23418  
challenging academic endeavors and to lessen the need for academic 23419  
remediation in college, thereby reducing the costs of higher 23420  
education for Ohio's students, families, and the state. The state 23421  
board and the chancellor of the Ohio board of regents shall 23422  
develop policies to ensure that only in rare instances will 23423  
students who complete the Ohio core curriculum require academic 23424  
remediation after high school. 23425

School districts, community schools, and chartered nonpublic 23426  
schools shall integrate technology into learning experiences 23427  
across the curriculum in order to maximize efficiency, enhance 23428  
learning, and prepare students for success in the 23429

technology-driven twenty-first century. Districts and schools 23430  
shall use distance and web-based course delivery as a method of 23431  
providing or augmenting all instruction required under this 23432  
division, including laboratory experience in science. Districts 23433  
and schools shall utilize technology access and electronic 23434  
learning opportunities provided by the ~~eTech Ohio commission~~ 23435  
department of education, the chancellor, the Ohio ~~learning network~~ 23436  
technology consortium, education technology centers, public 23437  
television stations, and other public and private providers. 23438

(D) Except as provided in division (E) of this section, a 23439  
student who enters ninth grade on or after July 1, 2010, and 23440  
before July 1, 2014, may qualify for graduation from a public or 23441  
chartered nonpublic high school even though the student has not 23442  
completed the Ohio core curriculum prescribed in division (C) of 23443  
this section if all of the following conditions are satisfied: 23444

(1) After the student has attended high school for two years, 23445  
as determined by the school, the student and the student's parent, 23446  
guardian, or custodian sign and file with the school a written 23447  
statement asserting the parent's, guardian's, or custodian's 23448  
consent to the student's graduating without completing the Ohio 23449  
core curriculum and acknowledging that one consequence of not 23450  
completing the Ohio core curriculum is ineligibility to enroll in 23451  
most state universities in Ohio without further coursework. 23452

(2) The student and parent, guardian, or custodian fulfill 23453  
any procedural requirements the school stipulates to ensure the 23454  
student's and parent's, guardian's, or custodian's informed 23455  
consent and to facilitate orderly filing of statements under 23456  
division (D)(1) of this section. 23457

(3) The student and the student's parent, guardian, or 23458  
custodian and a representative of the student's high school 23459  
jointly develop an individual career plan for the student that 23460  
specifies the student matriculating to a two-year degree program, 23461

acquiring a business and industry credential, or entering an apprenticeship. 23462  
23463

(4) The student's high school provides counseling and support 23464  
for the student related to the plan developed under division 23465  
(D)(3) of this section during the remainder of the student's high 23466  
school experience. 23467

(5) The student successfully completes, at a minimum, the 23468  
curriculum prescribed in division (B) of this section. 23469

The department ~~of education~~, in collaboration with the 23470  
chancellor, shall analyze student performance data to determine if 23471  
there are mitigating factors that warrant extending the exception 23472  
permitted by division (D) of this section to high school classes 23473  
beyond those entering ninth grade before July 1, 2014. The 23474  
department shall submit its findings and any recommendations not 23475  
later than August 1, 2014, to the speaker and minority leader of 23476  
the house of representatives, the president and minority leader of 23477  
the senate, the chairpersons and ranking minority members of the 23478  
standing committees of the house of representatives and the senate 23479  
that consider education legislation, the state board of education, 23480  
and the superintendent of public instruction. 23481

(E) Each school district and chartered nonpublic school 23482  
retains the authority to require an even more rigorous minimum 23483  
curriculum for high school graduation than specified in division 23484  
(B) or (C) of this section. A school district board of education, 23485  
through the adoption of a resolution, or the governing authority 23486  
of a chartered nonpublic school may stipulate any of the 23487  
following: 23488

(1) A minimum high school curriculum that requires more than 23489  
twenty units of academic credit to graduate; 23490

(2) An exception to the district's or school's minimum high 23491  
school curriculum that is comparable to the exception provided in 23492



division (D) of this section but with additional requirements, 23493  
which may include a requirement that the student successfully 23494  
complete more than the minimum curriculum prescribed in division 23495  
(B) of this section; 23496

(3) That no exception comparable to that provided in division 23497  
(D) of this section is available. 23498

(F) A student enrolled in a dropout prevention and recovery 23499  
program, which program has received a waiver from the department, 23500  
may qualify for graduation from high school by successfully 23501  
completing a competency-based instructional program administered 23502  
by the dropout prevention and recovery program in lieu of 23503  
completing the Ohio core curriculum prescribed in division (C) of 23504  
this section. The department shall grant a waiver to a dropout 23505  
prevention and recovery program, within sixty days after the 23506  
program applies for the waiver, if the program meets all of the 23507  
following conditions: 23508

(1) The program serves only students not younger than sixteen 23509  
years of age and not older than twenty-one years of age. 23510

(2) The program enrolls students who, at the time of their 23511  
initial enrollment, either, or both, are at least one grade level 23512  
behind their cohort age groups or experience crises that 23513  
significantly interfere with their academic progress such that 23514  
they are prevented from continuing their traditional programs. 23515

(3) The program requires students to attain at least the 23516  
applicable score designated for each of the assessments prescribed 23517  
under division (B)(1) of section 3301.0710 of the Revised Code or, 23518  
to the extent prescribed by rule of the state board under division 23519  
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 23520  
of that section. 23521

(4) The program develops an individual career plan for the 23522  
student that specifies the student's matriculating to a two-year 23523

degree program, acquiring a business and industry credential, or 23524  
entering an apprenticeship. 23525

(5) The program provides counseling and support for the 23526  
student related to the plan developed under division (F)(4) of 23527  
this section during the remainder of the student's high school 23528  
experience. 23529

(6) The program requires the student and the student's 23530  
parent, guardian, or custodian to sign and file, in accordance 23531  
with procedural requirements stipulated by the program, a written 23532  
statement asserting the parent's, guardian's, or custodian's 23533  
consent to the student's graduating without completing the Ohio 23534  
core curriculum and acknowledging that one consequence of not 23535  
completing the Ohio core curriculum is ineligibility to enroll in 23536  
most state universities in Ohio without further coursework. 23537

(7) Prior to receiving the waiver, the program has submitted 23538  
to the department an instructional plan that demonstrates how the 23539  
academic content standards adopted by the state board under 23540  
section 3301.079 of the Revised Code will be taught and assessed. 23541

If the department does not act either to grant the waiver or 23542  
to reject the program application for the waiver within sixty days 23543  
as required under this section, the waiver shall be considered to 23544  
be granted. 23545

(G) Every high school may permit students below the ninth 23546  
grade to take advanced work. If a high school so permits, it shall 23547  
award high school credit for successful completion of the advanced 23548  
work and shall count such advanced work toward the graduation 23549  
requirements of division (B) or (C) of this section if the 23550  
advanced work was both: 23551

(1) Taught by a person who possesses a license or certificate 23552  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 23553  
Code that is valid for teaching high school; 23554

(2) Designated by the board of education of the city, local, 23555  
or exempted village school district, the board of the cooperative 23556  
education school district, or the governing authority of the 23557  
chartered nonpublic school as meeting the high school curriculum 23558  
requirements. 23559

Each high school shall record on the student's high school 23560  
transcript all high school credit awarded under division (G) of 23561  
this section. In addition, if the student completed a seventh- or 23562  
eighth-grade fine arts course described in division (K) of this 23563  
section and the course qualified for high school credit under that 23564  
division, the high school shall record that course on the 23565  
student's high school transcript. 23566

(H) The department shall make its individual academic career 23567  
plan available through its Ohio career information system web site 23568  
for districts and schools to use as a tool for communicating with 23569  
and providing guidance to students and families in selecting high 23570  
school courses. 23571

(I) Units earned in English language arts, mathematics, 23572  
science, and social studies that are delivered through integrated 23573  
academic and career-technical instruction are eligible to meet the 23574  
graduation requirements of division (B) or (C) of this section. 23575

(J) The state board, in consultation with the chancellor, 23576  
shall adopt a statewide plan implementing methods for students to 23577  
earn units of high school credit based on a demonstration of 23578  
subject area competency, instead of or in combination with 23579  
completing hours of classroom instruction. The state board shall 23580  
adopt the plan not later than March 31, 2009, and commence phasing 23581  
in the plan during the 2009-2010 school year. The plan shall 23582  
include a standard method for recording demonstrated proficiency 23583  
on high school transcripts. Each school district and community 23584  
school shall comply with the state board's plan adopted under this 23585  
division and award units of high school credit in accordance with 23586

the plan. The state board may adopt existing methods for earning 23587  
high school credit based on a demonstration of subject area 23588  
competency as necessary prior to the 2009-2010 school year. 23589

(K) This division does not apply to students who qualify for 23590  
graduation from high school under division (D) or (F) of this 23591  
section, or to students pursuing a career-technical instructional 23592  
track as determined by the school district board of education or 23593  
the chartered nonpublic school's governing authority. 23594  
Nevertheless, the general assembly encourages such students to 23595  
consider enrolling in a fine arts course as an elective. 23596

Beginning with students who enter ninth grade for the first 23597  
time on or after July 1, 2010, each student enrolled in a public 23598  
or chartered nonpublic high school shall complete two semesters or 23599  
the equivalent of fine arts to graduate from high school. The 23600  
coursework may be completed in any of grades seven to twelve. Each 23601  
student who completes a fine arts course in grade seven or eight 23602  
may elect to count that course toward the five units of electives 23603  
required for graduation under division (C)(7) of this section, if 23604  
the course satisfied the requirements of division (G) of this 23605  
section. In that case, the high school shall award the student 23606  
high school credit for the course and count the course toward the 23607  
five units required under division (C)(7) of this section. If the 23608  
course in grade seven or eight did not satisfy the requirements of 23609  
division (G) of this section, the high school shall not award the 23610  
student high school credit for the course but shall count the 23611  
course toward the two semesters or the equivalent of fine arts 23612  
required by this division. 23613

(L) Notwithstanding anything to the contrary in this section, 23614  
the board of education of each school district and the governing 23615  
authority of each chartered nonpublic school may adopt a policy to 23616  
excuse from the high school physical education requirement each 23617  
student who, during high school, has participated in 23618

interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

**Sec. 3313.65.** (A) As used in this section and section 3313.64 of the Revised Code:

(1) A person is "in a residential facility" if the person is a resident or a resident patient of an institution, home, or other residential facility that is:

(a) Licensed as a nursing home, residential care facility, or home for the aging by the director of health under section 3721.02 of the Revised Code;

~~(b) Licensed as an adult care facility by the director of mental health under sections 5119.70 to 5119.88 of the Revised Code;~~

~~(e)~~ Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;

~~(d)~~(c) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 or 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 23649                                                                                           |
| <del>(e)</del> (d) Maintained as a state institution for the mentally ill<br>under Chapter 5119. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 23650<br>23651                                                                                  |
| <del>(f)</del> (e) Licensed by the department of mental health under<br>section 5119.20 or 5119.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 23652<br>23653                                                                                  |
| <del>(g)</del> (f) Licensed as a residential facility by the department<br>of developmental disabilities under section 5123.19 of the Revised<br>Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 23654<br>23655<br>23656                                                                         |
| <del>(h)</del> (g) Operated by the veteran's administration or another<br>agency of the United States government;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 23657<br>23658                                                                                  |
| <del>(i)</del> (h) Operated by the Ohio veterans' home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 23659                                                                                           |
| (2) A person is "in a correctional facility" if any of the<br>following apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 23660<br>23661                                                                                  |
| (a) The person is an Ohio resident and is:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 23662                                                                                           |
| (i) Imprisoned, as defined in section 1.05 of the Revised<br>Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 23663<br>23664                                                                                  |
| (ii) Serving a term in a community-based correctional<br>facility or a district community-based correctional facility;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 23665<br>23666                                                                                  |
| (iii) Required, as a condition of parole, a post-release<br>control sanction, a community control sanction, transitional<br>control, or early release from imprisonment, as a condition of<br>shock parole or shock probation granted under the law in effect<br>prior to July 1, 1996, or as a condition of a furlough granted<br>under the version of section 2967.26 of the Revised Code in effect<br>prior to March 17, 1998, to reside in a halfway house or other<br>community residential center licensed under section 2967.14 of the<br>Revised Code or a similar facility designated by the court of<br>common pleas that established the condition or by the adult parole<br>authority. | 23667<br>23668<br>23669<br>23670<br>23671<br>23672<br>23673<br>23674<br>23675<br>23676<br>23677 |
| (b) The person is imprisoned in a state correctional                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 23678                                                                                           |

institution of another state or a federal correctional institution 23679  
but was an Ohio resident at the time the sentence was imposed for 23680  
the crime for which the person is imprisoned. 23681

(3) A person is "in a juvenile residential placement" if the 23682  
person is an Ohio resident who is under twenty-one years of age 23683  
and has been removed, by the order of a juvenile court, from the 23684  
place the person resided at the time the person became subject to 23685  
the court's jurisdiction in the matter that resulted in the 23686  
person's removal. 23687

(4) "Community control sanction" has the same meaning as in 23688  
section 2929.01 of the Revised Code. 23689

(5) "Post-release control sanction" has the same meaning as 23690  
in section 2967.01 of the Revised Code. 23691

(B) If the circumstances described in division (C) of this 23692  
section apply, the determination of what school district must 23693  
admit a child to its schools and what district, if any, is liable 23694  
for tuition shall be made in accordance with this section, rather 23695  
than section 3313.64 of the Revised Code. 23696

(C) A child who does not reside in the school district in 23697  
which the child's parent resides and for whom a tuition obligation 23698  
previously has not been established under division (C)(2) of 23699  
section 3313.64 of the Revised Code shall be admitted to the 23700  
schools of the district in which the child resides if at least one 23701  
of the child's parents is in a residential or correctional 23702  
facility or a juvenile residential placement and the other parent, 23703  
if living and not in such a facility or placement, is not known to 23704  
reside in this state. 23705

(D) Regardless of who has custody or care of the child, 23706  
whether the child resides in a home, or whether the child receives 23707  
special education, if a district admits a child under division (C) 23708  
of this section, tuition shall be paid to that district as 23709

|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| follows:                                                                                                                                                                                                                                                                                                                                                                                                             | 23710                                                       |
| (1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;                                                                                                                                                                                                               | 23711<br>23712<br>23713<br>23714                            |
| (2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;                                                                                                                                                                                                                                                                   | 23715<br>23716<br>23717                                     |
| (3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred; | 23718<br>23719<br>23720<br>23721<br>23722<br>23723<br>23724 |
| (4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.                                                                                                                                                                                  | 23725<br>23726<br>23727<br>23728                            |
| (E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (J) of section 3313.64 of the Revised Code.                                 | 23729<br>23730<br>23731<br>23732<br>23733<br>23734          |
| <b>Sec. 3313.71.</b> School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health                                                                         | 23735<br>23736<br>23737<br>23738<br>23739                   |



of the pupils, teachers, and other school employees requires. 23740

Boards of education shall require and provide, in accordance 23741  
with section 3313.67 of the Revised Code, such tests and 23742  
examinations for tuberculosis of pupils in selected grades and of 23743  
school employees as may be required by the ~~Ohio public~~ director of 23744  
health ~~council~~. 23745

Boards may require annual tuberculin tests of any grades. All 23746  
pupils with positive reactions to the test shall have chest x-rays 23747  
and all positive reactions and x-ray findings shall be reported 23748  
promptly to the county record bureau of tuberculosis cases 23749  
provided for in section 339.74 of the Revised Code. Boards shall 23750  
waive the required test where a pupil presents a written statement 23751  
from the pupil's family physician certifying that such test has 23752  
been given and that such pupil is free from tuberculosis in a 23753  
communicable stage, or that such test is inadvisable for medical 23754  
reasons, or from the pupil's parent or guardian objecting to such 23755  
test because of religious convictions. 23756

Whenever a pupil, teacher, or other school employee is found 23757  
to be ill or suffering from tuberculosis in a communicable stage 23758  
or other communicable disease, the school physician shall promptly 23759  
send such pupil, teacher, or other school employee home, with a 23760  
statement, in the case of a pupil, to the pupil's parents or 23761  
guardian, briefly setting forth the discovered facts, and advising 23762  
that the family physician be consulted. School physicians shall 23763  
keep accurate card-index records of all examinations, and said 23764  
records, that they may be uniform throughout the state, shall be 23765  
according to the form prescribed by the state board of education, 23766  
and the reports shall be made according to the method of said 23767  
form. If the parent or guardian of any pupil or any teacher or 23768  
other school employee, after notice from the board of education, 23769  
furnishes within two weeks thereafter the written certificate of 23770  
any reputable physician that the pupil, teacher, or other school 23771

employee has been examined, in such cases the service of the 23772  
school physician shall be dispensed with, and such certificate 23773  
shall be furnished by such parent or guardian, as required by the 23774  
board of education. Such individual records shall not be open to 23775  
the public and shall be solely for the use of the boards of 23776  
education and boards of health officer. If any teacher or other 23777  
school employee is found to have tuberculosis in a communicable 23778  
stage or other communicable disease, the teacher's or employee's 23779  
employment shall be discontinued or suspended upon such terms as 23780  
to salary as the board deems just until the school physician has 23781  
certified to a recovery from such disease. The methods of making 23782  
the tuberculin tests and chest x-rays required by this section 23783  
shall be such as are approved by the director of health. 23784

**Sec. 3313.976.** (A) No private school may receive scholarship 23785  
payments from parents pursuant to section 3313.979 of the Revised 23786  
Code until the chief administrator of the private school registers 23787  
the school with the superintendent of public instruction. The 23788  
state superintendent shall register any school that meets the 23789  
following requirements: 23790

(1) The school is located within the boundaries of the pilot 23791  
project school district; 23792

(2) The school indicates in writing its commitment to follow 23793  
all requirements for a state-sponsored scholarship program 23794  
specified under sections 3313.974 to 3313.979 of the Revised Code, 23795  
including, but not limited to, the requirements for admitting 23796  
students pursuant to section 3313.977 of the Revised Code; 23797

(3) The school meets all state minimum standards for 23798  
chartered nonpublic schools in effect on July 1, 1992, except that 23799  
the state superintendent at the superintendent's discretion may 23800  
register nonchartered nonpublic schools meeting the other 23801  
requirements of this division; 23802

- (4) The school does not discriminate on the basis of race, religion, or ethnic background; 23803  
23804
- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 23805  
23806
- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 23807  
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 23810  
23811  
23812
- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition ~~to low income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code,~~ in excess of ten per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. ~~The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low income family's provision of in-kind contributions or services.~~ 23813  
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- (9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition ~~to low income families receiving a seventy five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code,~~ in excess of the difference between the actual tuition charge of the school and 23826  
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~~seventy five per cent of the scholarship amount established~~ 23834  
pursuant to division (C)(1) of section 3313.978 of the Revised 23835  
Code, excluding any increase described in division (C)(2) of that 23836  
section. The school shall permit such tuition, at the discretion 23837  
of the parent, to be satisfied by the ~~low income~~ family's 23838  
provision of in-kind contributions or services. 23839

(10) The school agrees not to charge any tuition to families 23840  
of students in grades nine through twelve receiving a scholarship 23841  
in excess of the actual tuition charge of the school less 23842  
~~seventy five or ninety per cent of the scholarship amount~~ 23843  
established pursuant to division (C)(1) of section 3313.978 of the 23844  
Revised Code, ~~as applicable~~, excluding any increase described in 23845  
division (C)(2) of that section. 23846

(11) Notwithstanding division (K) of section 3301.0711 of the 23847  
Revised Code, the school annually administers the assessments 23848  
prescribed by section 3301.0710 of the Revised Code to each 23849  
scholarship student enrolled in the school in accordance with 23850  
section 3301.0711 of the Revised Code and reports to the 23851  
department of education the results of each such assessment 23852  
administered to each scholarship student. 23853

(B) The state superintendent shall revoke the registration of 23854  
any school if, after a hearing, the superintendent determines that 23855  
the school is in violation of any of the provisions of division 23856  
(A) of this section. 23857

(C) Any public school located in a school district adjacent 23858  
to the pilot project district may receive scholarship payments on 23859  
behalf of parents pursuant to section 3313.979 of the Revised Code 23860  
if the superintendent of the district in which such public school 23861  
is located notifies the state superintendent prior to the first 23862  
day of March that the district intends to admit students from the 23863  
pilot project district for the ensuing school year pursuant to 23864  
section 3327.06 of the Revised Code. 23865

(D) Any parent wishing to purchase tutorial assistance from 23866  
any person or governmental entity pursuant to the pilot project 23867  
program under sections 3313.974 to 3313.979 of the Revised Code 23868  
shall apply to the state superintendent. The state superintendent 23869  
shall approve providers who appear to possess the capability of 23870  
furnishing the instructional services they are offering to 23871  
provide. 23872

**Sec. 3313.978.** (A) Annually by the first day of November, the 23873  
superintendent of public instruction shall notify the pilot 23874  
project school district of the number of initial scholarships that 23875  
the state superintendent will be awarding in each of grades 23876  
kindergarten through twelve. 23877

The state superintendent shall provide information about the 23878  
scholarship program to all students residing in the district, 23879  
shall accept applications from any such students until such date 23880  
as shall be established by the state superintendent as a deadline 23881  
for applications, and shall establish criteria for the selection 23882  
of students to receive scholarships from among all those applying 23883  
prior to the deadline, which criteria shall give preference to 23884  
students from low-income families. ~~For each student selected, the~~ 23885  
~~state superintendent shall also determine whether the student~~ 23886  
~~qualifies for seventy five or ninety per cent of the scholarship~~ 23887  
~~amount. Students whose family income is at or above two hundred~~ 23888  
~~per cent of the maximum income level established by the state~~ 23889  
~~superintendent for low income families shall qualify for~~ 23890  
~~seventy five per cent of the scholarship amount and students whose~~ 23891  
~~family income is below two hundred per cent of that maximum income~~ 23892  
~~level shall qualify for ninety per cent of the scholarship amount.~~ 23893  
The state superintendent shall notify students of their selection 23894  
prior to the fifteenth day of January and ~~whether they qualify for~~ 23895  
~~seventy five or ninety per cent of the scholarship amount.~~ 23896

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, at any time before the beginning of the school year, of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:

(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded

solely to students who are enrolled in the public schools of the 23928  
district in a grade level covered by the pilot project. Tutorial 23929  
assistance grants may be used solely to obtain tutorial assistance 23930  
from a provider approved pursuant to division (D) of section 23931  
3313.976 of the Revised Code. 23932

All students wishing to obtain tutorial assistance grants 23933  
shall make application to the state superintendent by the first 23934  
day of the school year in which the assistance will be used. The 23935  
state superintendent shall award assistance grants in accordance 23936  
with criteria the superintendent shall establish. ~~For each student~~ 23937  
~~awarded a grant, the state superintendent shall also determine~~ 23938  
~~whether the student qualifies for seventy five or ninety per cent~~ 23939  
~~of the grant amount and so notify the student. Students whose~~ 23940  
~~family income is at or above two hundred per cent of the maximum~~ 23941  
~~income level established by the state superintendent for~~ 23942  
~~low income families shall qualify for seventy five per cent of the~~ 23943  
~~grant amount and students whose family income is below two hundred~~ 23944  
~~per cent of that maximum income level shall qualify for ninety per~~ 23945  
~~cent of the grant amount.~~ 23946

(C)(1) In the case of basic scholarships for students in 23947  
grades kindergarten through eight, the scholarship amount shall 23948  
not exceed the lesser of the tuition charges of the alternative 23949  
school the scholarship recipient attends or three thousand dollars 23950  
before fiscal year 2007, three thousand four hundred fifty dollars 23951  
in fiscal year 2007 through fiscal year 2011, and four thousand 23952  
two hundred fifty dollars in fiscal year 2012 and thereafter. 23953

In the case of basic scholarships for students in grades nine 23954  
through twelve, the scholarship amount shall not exceed the lesser 23955  
of the tuition charges of the alternative school the scholarship 23956  
recipient attends or two thousand seven hundred dollars before 23957  
fiscal year 2007, three thousand four hundred fifty dollars in 23958  
fiscal year 2007 through fiscal year 2011, and five thousand 23959

dollars in fiscal year 2012 and thereafter. 23960

(2) The state superintendent shall provide for an increase in 23961  
the basic scholarship amount in the case of any student who is a 23962  
mainstreamed student with a disability and shall further increase 23963  
such amount in the case of any separately educated student with a 23964  
disability. Such increases shall take into account the 23965  
instruction, related services, and transportation costs of 23966  
educating such students. 23967

(3) In the case of tutorial assistance grants, the grant 23968  
amount shall not exceed the lesser of the provider's actual 23969  
charges for such assistance or: 23970

(a) Before fiscal year 2007, a percentage established by the 23971  
state superintendent, not to exceed twenty per cent, of the amount 23972  
of the pilot project school district's average basic scholarship 23973  
amount; 23974

(b) In fiscal year 2007 and thereafter, four hundred dollars. 23975

~~(4) No scholarship or tutorial assistance grant shall be 23976  
awarded unless the state superintendent determines that 23977  
twenty five or ten per cent, as applicable, of the amount 23978  
specified for such scholarship or grant pursuant to division 23979  
(C)(1), (2), or (3) of this section will be furnished by a 23980  
political subdivision, a private nonprofit or for profit entity, 23981  
or another person. Only seventy five or ninety per cent of such 23982  
amounts, as applicable, shall be paid from state funds pursuant to 23983  
section 3313.979 of the Revised Code. 23984~~

(D)(1) Annually by the first day of November, the state 23985  
superintendent shall estimate the maximum per-pupil scholarship 23986  
amounts for the ensuing school year. The state superintendent 23987  
shall make this estimate available to the general public at the 23988  
offices of the district board of education together with the forms 23989  
required by division (D)(2) of this section. 23990



(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or

parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| data described in division (G)(1) of this section according to the | 24053 |
| following categories:                                              | 24054 |
| (a) Age;                                                           | 24055 |
| (b) Race and ethnicity;                                            | 24056 |
| (c) Gender;                                                        | 24057 |
| (d) Students who have participated in the scholarship program      | 24058 |
| for three or more years;                                           | 24059 |
| (e) Students who have participated in the scholarship program      | 24060 |
| for more than one year and less than three years;                  | 24061 |
| (f) Students who have participated in the scholarship program      | 24062 |
| for one year or less;                                              | 24063 |
| (g) Economically disadvantaged students.                           | 24064 |
| (3) The department shall post the student performance data         | 24065 |
| required under divisions (G)(1) and (2) of this section on its web | 24066 |
| site and shall include that data in the information about the      | 24067 |
| scholarship program provided to students under division (A) of     | 24068 |
| this section. In reporting student performance data under this     | 24069 |
| division, the department shall not include any data that is        | 24070 |
| statistically unreliable or that could result in the               | 24071 |
| identification of individual students. For this purpose, the       | 24072 |
| department shall not report performance data for any group that    | 24073 |
| contains less than ten students.                                   | 24074 |
| (4) The department shall provide the parent of each                | 24075 |
| scholarship student enrolled in a registered private school with   | 24076 |
| information comparing the student's performance on the assessments | 24077 |
| administered pursuant to division (A)(11) of section 3313.976 of   | 24078 |
| the Revised Code with the average performance of similar students  | 24079 |
| enrolled in the building operated by the pilot project school      | 24080 |
| district that the scholarship student would otherwise attend. In   | 24081 |
| calculating the performance of similar students, the department    | 24082 |

shall consider age, grade, race and ethnicity, gender, and 24083  
socioeconomic status. 24084

**Sec. 3313.979.** Each scholarship to be used for payments to a 24085  
registered private school is payable to the parents of the student 24086  
entitled to the scholarship. Each scholarship to be used for 24087  
payments to a public school in an adjacent school district is 24088  
payable to the school district of attendance by the superintendent 24089  
of public instruction. Each grant to be used for payments to an 24090  
approved tutorial assistance provider is payable to the approved 24091  
tutorial assistance provider. 24092

(A)(1) By the fifteenth day of each month of the school year 24093  
that any scholarship students are enrolled in a registered private 24094  
school, the chief administrator of that school shall notify the 24095  
state superintendent of: 24096

(a) The number of scholarship students who were reported to 24097  
the school district as having been admitted by that private school 24098  
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 24099  
Code and who were still enrolled in the private school as of the 24100  
first day of such month, ~~and the numbers of such students who~~ 24101  
~~qualify for seventy five and ninety per cent of the scholarship~~ 24102  
~~amount;~~ 24103

(b) The number of scholarship students who were reported to 24104  
the school district as having been admitted by another private 24105  
school pursuant to division (A)(2)(b) of section 3313.978 of the 24106  
Revised Code and since the date of admission have transferred to 24107  
the school providing the notification under division (A)(1) of 24108  
this section, ~~and the numbers of such students who qualify for~~ 24109  
~~seventy five and ninety per cent of the scholarship amount.~~ 24110

(2) From time to time, the state superintendent shall make a 24111  
payment to the parent of each student entitled to a scholarship. 24112  
Each payment shall include for each student reported under 24113

division (A)(1) of this section, a portion of ~~seventy five or~~ 24114  
~~ninety per cent, as applicable,~~ of the scholarship amount 24115  
specified in divisions (C)(1) and (2) of section 3313.978 of the 24116  
Revised Code. This amount shall be proportionately reduced in the 24117  
case of any such student who is not enrolled in a registered 24118  
private school for the entire school year. 24119

(3) The first payment under this division shall be made by 24120  
the last day of November and shall equal one-third of ~~seventy five~~ 24121  
~~or ninety per cent, as applicable,~~ of the estimated total amount 24122  
that will be due to the parent for the school year pursuant to 24123  
division (A)(2) of this section. 24124

(B) The state superintendent, on behalf of the parents of a 24125  
scholarship student enrolled in a public school in an adjacent 24126  
school district pursuant to section 3327.06 of the Revised Code, 24127  
shall make the tuition payments required by that section to the 24128  
school district admitting the student, except that, 24129  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 24130  
Revised Code, the total payments in any school year shall not 24131  
exceed ~~seventy five or ninety per cent, as applicable,~~ of the 24132  
scholarship amount provided in divisions (C)(1) and (2) of section 24133  
3313.978 of the Revised Code. 24134

(C) Whenever an approved provider provides tutorial 24135  
assistance to a student, the state superintendent shall pay the 24136  
approved provider for such costs upon receipt of a statement 24137  
specifying the services provided and the costs of the services, 24138  
which statement shall be signed by the provider and verified by 24139  
the chief administrator having supervisory control over the 24140  
tutoring site. The total payments to any approved provider under 24141  
this division for all provider services to any individual student 24142  
in any school year shall not exceed ~~seventy five or ninety per~~ 24143  
~~cent, as applicable,~~ of the grant amount provided in division 24144  
(C)(3) of section 3313.978 of the Revised Code. 24145

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 24146  
only to the extent permitted under Chapter 1702. of the Revised 24147  
Code. 24148

(A) If any community school established under this chapter 24149  
permanently closes and ceases its operation as a community school, 24150  
the assets of that school shall be distributed first to the 24151  
retirement funds of employees of the school, employees of the 24152  
school, and private creditors who are owed compensation, and then 24153  
any remaining funds shall be paid to the department of education 24154  
for redistribution to the school districts in which the students 24155  
who were enrolled in the school at the time it ceased operation 24156  
were entitled to attend school under section 3313.64 or 3313.65 of 24157  
the Revised Code. The amount distributed to each school district 24158  
shall be proportional to the district's share of the total 24159  
enrollment in the community school. 24160

(B) If a community school closes and ceases to operate as a 24161  
community school and the school has received computer hardware or 24162  
software from the former Ohio SchoolNet commission or the former 24163  
eTech Ohio commission, such hardware or software shall be ~~returned~~ 24164  
turned over to the ~~eTech Ohio commission~~ department of education, 24165  
~~and the eTech Ohio commission~~ which shall redistribute the 24166  
hardware and software, to the extent such redistribution is 24167  
possible, to school districts in conformance with the provisions 24168  
of the programs operated and administered by the eTech Ohio 24169  
commission. 24170

(C) If the assets of the school are insufficient to pay all 24171  
persons or entities to whom compensation is owed, the 24172  
prioritization of the distribution of the assets to individual 24173  
persons or entities within each class of payees may be determined 24174  
by decree of a court in accordance with this section and Chapter 24175  
1702. of the Revised Code. 24176

Sec. 3317.06. Moneys paid to school districts under division 24177  
(E) of section 3317.024 of the Revised Code shall be used for the 24178  
following independent and fully severable purposes: 24179

(A) To purchase such secular textbooks or electronic 24180  
textbooks as have been approved by the superintendent of public 24181  
instruction for use in public schools in the state and to loan 24182  
such textbooks or electronic textbooks to pupils attending 24183  
nonpublic schools within the district or to their parents and to 24184  
hire clerical personnel to administer such lending program. Such 24185  
loans shall be based upon individual requests submitted by such 24186  
nonpublic school pupils or parents. Such requests shall be 24187  
submitted to the school district in which the nonpublic school is 24188  
located. Such individual requests for the loan of textbooks or 24189  
electronic textbooks shall, for administrative convenience, be 24190  
submitted by the nonpublic school pupil or the pupil's parent to 24191  
the nonpublic school, which shall prepare and submit collective 24192  
summaries of the individual requests to the school district. As 24193  
used in this section: 24194

(1) "Textbook" means any book or book substitute that a pupil 24195  
uses as a consumable or nonconsumable text, text substitute, or 24196  
text supplement in a particular class or program in the school the 24197  
pupil regularly attends. 24198

(2) "Electronic textbook" means any book or book substitute 24199  
that a student accesses through the use of a computer or other 24200  
electronic medium or that is available through an internet-based 24201  
provider of course content, or any other material that contributes 24202  
to the learning process through electronic means. 24203

(B) To provide speech and hearing diagnostic services to 24204  
pupils attending nonpublic schools within the district. Such 24205  
service shall be provided in the nonpublic school attended by the 24206  
pupil receiving the service. 24207

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.



(H) To supply for use by pupils attending nonpublic schools 24240  
within the district such standardized tests and scoring services 24241  
as are in use in the public schools of the state; 24242

(I) To provide programs for children who attend nonpublic 24243  
schools within the district and are children with disabilities as 24244  
defined in section 3323.01 of the Revised Code or gifted children. 24245  
Such programs shall be provided in the public school, in nonpublic 24246  
schools, in public centers, or in mobile units located on or off 24247  
of the nonpublic premises. If such programs are provided in the 24248  
public school or in public centers, transportation to and from 24249  
such facilities shall be provided by the school district in which 24250  
the nonpublic school is located. 24251

(J) To hire clerical personnel to assist in the 24252  
administration of programs pursuant to divisions (B), (C), (D), 24253  
(E), (F), (G), and (I) of this section and to hire supervisory 24254  
personnel to supervise the providing of services and textbooks 24255  
pursuant to this section. 24256

(K) To purchase or lease any secular, neutral, and 24257  
nonideological computer application software designed to assist 24258  
students in performing a single task or multiple related tasks, 24259  
device management software, learning management software, 24260  
site-licensing, digital video on demand (DVD), wide area 24261  
connectivity and related technology as it relates to internet 24262  
access, mathematics or science equipment and materials, 24263  
instructional materials, and school library materials that are in 24264  
general use in the public schools of the state and loan such items 24265  
to pupils attending nonpublic schools within the district or to 24266  
their parents, and to hire clerical personnel to administer the 24267  
lending program. Only such items that are incapable of diversion 24268  
to religious use and that are susceptible of loan to individual 24269  
pupils and are furnished for the use of individual pupils shall be 24270  
purchased and loaned under this division. As used in this section, 24271

"instructional materials" means prepared learning materials that 24272  
are secular, neutral, and nonideological in character and are of 24273  
benefit to the instruction of school children, ~~and may include~~ 24274  
~~educational resources and services developed by the eTech Ohio~~ 24275  
~~commission.~~ 24276

(L) To purchase or lease instructional equipment, including 24277  
computer hardware and related equipment in general use in the 24278  
public schools of the state, for use by pupils attending nonpublic 24279  
schools within the district and to loan such items to pupils 24280  
attending nonpublic schools within the district or to their 24281  
parents, and to hire clerical personnel to administer the lending 24282  
program. "Computer hardware and related equipment" includes 24283  
desktop computers and workstations; laptop computers, computer 24284  
tablets, and other mobile handheld devices; and their operating 24285  
systems and accessories. 24286

(M) To purchase mobile units to be used for the provision of 24287  
services pursuant to divisions (E), (F), (G), and (I) of this 24288  
section and to pay for necessary repairs and operating costs 24289  
associated with these units. 24290

(N) To reimburse costs the district incurred to store the 24291  
records of a chartered nonpublic school that closes. 24292  
Reimbursements under this division shall be made one time only for 24293  
each chartered nonpublic school that closes. 24294

(O) To purchase life-saving medical or other emergency 24295  
equipment for placement in nonpublic schools within the district 24296  
or to maintain such equipment. 24297

Clerical and supervisory personnel hired pursuant to division 24298  
(J) of this section shall perform their services in the public 24299  
schools, in nonpublic schools, public centers, or mobile units 24300  
where the services are provided to the nonpublic school pupil, 24301  
except that such personnel may accompany pupils to and from the 24302

service sites when necessary to ensure the safety of the children 24303  
receiving the services. 24304

All services provided pursuant to this section may be 24305  
provided under contract with educational service centers, the 24306  
department of health, city or general health districts, or private 24307  
agencies whose personnel are properly licensed by an appropriate 24308  
state board or agency. 24309

Transportation of pupils provided pursuant to divisions (E), 24310  
(F), (G), and (I) of this section shall be provided by the school 24311  
district from its general funds and not from moneys paid to it 24312  
under division (E) of section 3317.024 of the Revised Code unless 24313  
a special transportation request is submitted by the parent of the 24314  
child receiving service pursuant to such divisions. If such an 24315  
application is presented to the school district, it may pay for 24316  
the transportation from moneys paid to it under division (E) of 24317  
section 3317.024 of the Revised Code. 24318

No school district shall provide health or remedial services 24319  
to nonpublic school pupils as authorized by this section unless 24320  
such services are available to pupils attending the public schools 24321  
within the district. 24322

Materials, equipment, computer hardware or software, 24323  
textbooks, electronic textbooks, and health and remedial services 24324  
provided for the benefit of nonpublic school pupils pursuant to 24325  
this section and the admission of pupils to such nonpublic schools 24326  
shall be provided without distinction as to race, creed, color, or 24327  
national origin of such pupils or of their teachers. 24328

No school district shall provide services, materials, or 24329  
equipment that contain religious content for use in religious 24330  
courses, devotional exercises, religious training, or any other 24331  
religious activity. 24332

As used in this section, "parent" includes a person standing 24333

in loco parentis to a child. 24334

Notwithstanding section 3317.01 of the Revised Code, payments 24335  
shall be made under this section to any city, local, or exempted 24336  
village school district within which is located one or more 24337  
nonpublic elementary or high schools and any payments made to 24338  
school districts under division (E) of section 3317.024 of the 24339  
Revised Code for purposes of this section may be disbursed without 24340  
submission to and approval of the controlling board. 24341

The allocation of payments for materials, equipment, 24342  
textbooks, electronic textbooks, health services, and remedial 24343  
services to city, local, and exempted village school districts 24344  
shall be on the basis of the state board of education's estimated 24345  
annual average daily membership in nonpublic elementary and high 24346  
schools located in the district. 24347

Payments made to city, local, and exempted village school 24348  
districts under this section shall be equal to specific 24349  
appropriations made for the purpose. All interest earned by a 24350  
school district on such payments shall be used by the district for 24351  
the same purposes and in the same manner as the payments may be 24352  
used. 24353

The department of education shall adopt guidelines and 24354  
procedures under which such programs and services shall be 24355  
provided, under which districts shall be reimbursed for 24356  
administrative costs incurred in providing such programs and 24357  
services, and under which any unexpended balance of the amounts 24358  
appropriated by the general assembly to implement this section may 24359  
be transferred to the auxiliary services personnel unemployment 24360  
compensation fund established pursuant to section 4141.47 of the 24361  
Revised Code. The department shall also adopt guidelines and 24362  
procedures limiting the purchase and loan of the items described 24363  
in division (K) of this section to items that are in general use 24364  
in the public schools of the state, that are incapable of 24365

diversion to religious use, and that are susceptible to individual 24366  
use rather than classroom use. Within thirty days after the end of 24367  
each biennium, each board of education shall remit to the 24368  
department all moneys paid to it under division (E) of section 24369  
3317.024 of the Revised Code and any interest earned on those 24370  
moneys that are not required to pay expenses incurred under this 24371  
section during the biennium for which the money was appropriated 24372  
and during which the interest was earned. If a board of education 24373  
subsequently determines that the remittal of moneys leaves the 24374  
board with insufficient money to pay all valid expenses incurred 24375  
under this section during the biennium for which the remitted 24376  
money was appropriated, the board may apply to the department of 24377  
education for a refund of money, not to exceed the amount of the 24378  
insufficiency. If the department determines the expenses were 24379  
lawfully incurred and would have been lawful expenditures of the 24380  
refunded money, it shall certify its determination and the amount 24381  
of the refund to be made to the director of job and family 24382  
services who shall make a refund as provided in section 4141.47 of 24383  
the Revised Code. 24384

Each school district shall label materials, equipment, 24385  
computer hardware or software, textbooks, and electronic textbooks 24386  
purchased or leased for loan to a nonpublic school under this 24387  
section, acknowledging that they were purchased or leased with 24388  
state funds under this section. However, a district need not label 24389  
materials, equipment, computer hardware or software, textbooks, or 24390  
electronic textbooks that the district determines are consumable 24391  
in nature or have a value of less than two hundred dollars. 24392

**Sec. 3317.50.** The ~~eTech-Ohio~~ telecommunity education fund is 24393  
hereby created in the state treasury. The fund shall consist of 24394  
certain excess local exchange telephone company contributions 24395  
transferred from the reserve fund of the Ohio telecommunications 24396  
advisory board pursuant to an agreement between the public 24397

utilities commission of Ohio and the Ohio department of education. 24398  
The fund shall be used by the department of education and the 24399  
chancellor of the Ohio board of regents, in the amounts 24400  
appropriated, to finance technology grants to state-chartered 24401  
elementary and secondary schools. Investment earnings of the fund 24402  
shall be credited to the fund. 24403

**Sec. 3317.51.** (A) The distance learning fund is hereby 24404  
created in the state treasury. The fund shall consist of moneys 24405  
paid ~~to the eTech Ohio commission~~ by any telephone company as a 24406  
part of a settlement agreement between such company and the public 24407  
utilities commission in fiscal year 1995 in part to establish 24408  
distance learning throughout the state. The ~~commission~~ chancellor 24409  
of the Ohio board of regents shall administer the fund and expend 24410  
moneys from it to finance technology grants to eligible schools 24411  
chartered by the state board of education to establish distance 24412  
learning in those schools. Chartered schools are eligible for 24413  
funds if they are within the service area of the telephone 24414  
company. Investment earnings of the fund shall be credited to the 24415  
fund. 24416

(B) For purposes of this section, "distance learning" means 24417  
the creation of a learning environment involving a school setting 24418  
and at least one other location outside of the school which allows 24419  
for information available at one site to be accessed at the other 24420  
through the use of such educational applications as one-way or 24421  
two-way transmission of data, voice, and video, singularly or in 24422  
appropriate combinations. 24423

**Sec. 3318.034.** (A) This section applies to both of the 24424  
following: 24425

(1) Any school district that has not executed an agreement 24426  
for a project under sections 3318.01 to 3318.20 of the Revised 24427

Code prior to June 24, 2008; 24428

(2) Any school district that is eligible for additional 24429  
assistance under sections 3318.01 to 3318.20 of the Revised Code 24430  
pursuant to division (B)(2) of section 3318.04 of the Revised 24431  
Code. 24432

Notwithstanding any provision of this chapter to the 24433  
contrary, with the approval of the Ohio school facilities 24434  
commission, any school district to which this section applies may 24435  
opt to divide the district's entire classroom facilities needs, as 24436  
those needs are jointly determined by the staff of the commission 24437  
and the school district, into discrete segments and shall comply 24438  
with all of the provisions of those sections unless otherwise 24439  
provided in this section. 24440

(B) Except as provided in division (C) of this section, each 24441  
segment shall comply with all of the following: 24442

(1) The segment shall consist of the new construction of one 24443  
or more entire buildings or the complete renovation of one or more 24444  
entire existing buildings, with any necessary additions to that 24445  
building. 24446

(2) The segment shall not include any construction of or 24447  
renovation or repair to any building that does not complete the 24448  
needs of the district with respect to that particular building at 24449  
the time the segment is completed. 24450

(3) The segment shall consist of new construction, 24451  
renovations, additions, reconstruction, or repair of classroom 24452  
facilities to the extent that the school district portion, as 24453  
determined under section 3318.032 of the Revised Code, is an 24454  
amount not less than the product of 0.040 times the district's 24455  
valuation at the time the agreement for the segment is executed, 24456  
unless the district previously has undertaken a segment under this 24457  
section and the district's portion of the estimated basic project 24458

cost of the remainder of its entire classroom facilities needs, as 24459  
determined jointly by the staff of the commission and the 24460  
district, is less than the amount otherwise required by this 24461  
division. 24462

(C) A district described in division (A)(2) of this section 24463  
that has not received the additional assistance authorized under 24464  
division (B)(2) of section 3318.04 of the Revised Code may 24465  
undertake a segment, with commission approval, for the purpose of 24466  
renovating or replacing work performed on a facility under the 24467  
district's prior project. The commission may approve that segment 24468  
if the commission determines that the renovation or replacement is 24469  
necessary to protect the facility. The basic project cost of the 24470  
segment shall be allocated between the state and the district in 24471  
accordance with section 3318.032 of the Revised Code. However, the 24472  
requirements of division (B) of this section shall not apply to a 24473  
segment undertaken under this division. 24474

(D) The commission shall conditionally approve and seek 24475  
controlling board approval in accordance with division (A) of 24476  
section 3318.04 of the Revised Code of each segment. 24477

(E) ~~The school district's maintenance levy requirement, as~~ 24478  
~~defined in section 3318.18 of the Revised Code, (1) When~~ 24479  
undertaking a segment under this section, a school district may 24480  
elect to prorate its full maintenance amount by setting aside for 24481  
maintenance the amount calculated under division (E)(2) of this 24482  
section to maintain the classroom facilities acquired under the 24483  
segment, if the district will use one or more of the alternative 24484  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 24485  
the Revised Code to generate the entire amount calculated under 24486  
that division. If the district so elects, the commission and the 24487  
district shall include in the agreement entered into under section 24488  
3318.08 of the Revised Code a statement specifying that the 24489  
district will use the amount calculated under that division only 24490



to maintain the classroom facilities acquired under the segment. 24491

(2) The commission shall calculate the amount for a school district to maintain the classroom facilities acquired under a segment as follows: 24492  
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24494

The full maintenance amount X (the school district's portion of the basic project cost for the segment / the school district's portion of the basic project cost for the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district) 24495  
24496  
24497  
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(3) A school district may elect to prorate its full maintenance amount for any number of segments, provided the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under division (E)(2) of this section to maintain the classroom facilities acquired under each segment for which it so elects. If the district cannot use one or more of those alternative methods to generate the entire amount calculated under that division, the district shall levy the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code in an amount necessary to generate the remainder of its full maintenance amount. The commission shall calculate the remainder of the district's full maintenance amount as follows: 24500  
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The full maintenance amount - the sum of the amounts calculated for the district under division (E)(2) of this section for each prior segment of the district's project 24515  
24516  
24517

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (E)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had 24518  
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24521

elected to undertake its project in its entirety instead of 24522  
segmenting the project under this section. 24523

(5) If a school district commenced a segment under this 24524  
section prior to the effective date of this amendment but has not 24525  
completed that segment, and has not levied the tax described in 24526  
division (B) of section 3318.05 of the Revised Code or an 24527  
extension of that tax under section 3318.061 of the Revised Code, 24528  
the district may request approval from the commission to prorate 24529  
its full maintenance amount in accordance with divisions (E)(1) to 24530  
(4) of this section. If the commission approves the request, the 24531  
commission and the district shall amend the agreement entered into 24532  
under section 3318.08 of the Revised Code to reflect the change. 24533

(F) If a school district levies the tax described in division 24534  
(B) of section 3318.05 of the Revised Code or an extension of that 24535  
tax under section 3318.061 of the Revised Code, the tax shall run 24536  
for twenty-three years from the date the ~~first~~ segment for which 24537  
the tax is initially levied is undertaken; ~~however, the~~. The 24538  
maintenance levy requirement, as defined in section 3318.18 of the 24539  
Revised Code, does not apply to a segment undertaken under 24540  
division (C) of this section. 24541

(G) As used in this section, "full maintenance amount" means 24542  
the amount of total revenue that a school district likely would 24543  
generate by one-half mill of the tax described in division (B) of 24544  
section 3318.05 of the Revised Code over the entire 24545  
twenty-three-year period required under that section, as 24546  
determined by the commission in consultation with the department 24547  
of taxation. 24548

**Sec. 3318.08.** Except in the case of a joint vocational school 24549  
district that receives assistance under sections 3318.40 to 24550  
3318.45 of the Revised Code, if the requisite favorable vote on 24551  
the election is obtained, or if the school district board has 24552

resolved to apply the proceeds of a property tax levy or the 24553  
proceeds of an income tax, or a combination of proceeds from such 24554  
taxes, as authorized in section 3318.052 of the Revised Code, the 24555  
Ohio school facilities commission, upon certification to it of 24556  
either the results of the election or the resolution under section 24557  
3318.052 of the Revised Code, shall enter into a written agreement 24558  
with the school district board for the construction and sale of 24559  
the project. In the case of a joint vocational school district 24560  
that receives assistance under sections 3318.40 to 3318.45 of the 24561  
Revised Code, if the school district board of education and the 24562  
school district electors have satisfied the conditions prescribed 24563  
in division (D)(1) of section 3318.41 of the Revised Code, the 24564  
commission shall enter into an agreement with the school district 24565  
board for the construction and sale of the project. In either 24566  
case, the agreement shall include, but need not be limited to, the 24567  
following provisions: 24568

(A) The sale and issuance of bonds or notes in anticipation 24569  
thereof, as soon as practicable after the execution of the 24570  
agreement, in an amount equal to the school district's portion of 24571  
the basic project cost, including any securities authorized under 24572  
division (J) of section 133.06 of the Revised Code and dedicated 24573  
by the school district board to payment of the district's portion 24574  
of the basic project cost of the project; provided, that if at 24575  
that time the county treasurer of each county in which the school 24576  
district is located has not commenced the collection of taxes on 24577  
the general duplicate of real and public utility property for the 24578  
year in which the controlling board approved the project, the 24579  
school district board shall authorize the issuance of a first 24580  
installment of bond anticipation notes in an amount specified by 24581  
the agreement, which amount shall not exceed an amount necessary 24582  
to raise the net bonded indebtedness of the school district as of 24583  
the date of the controlling board's approval to within five 24584  
thousand dollars of the required level of indebtedness for the 24585

preceding year. In the event that a first installment of bond 24586  
anticipation notes is issued, the school district board shall, as 24587  
soon as practicable after the county treasurer of each county in 24588  
which the school district is located has commenced the collection 24589  
of taxes on the general duplicate of real and public utility 24590  
property for the year in which the controlling board approved the 24591  
project, authorize the issuance of a second and final installment 24592  
of bond anticipation notes or a first and final issue of bonds. 24593

The combined value of the first and second installment of 24594  
bond anticipation notes or the value of the first and final issue 24595  
of bonds shall be equal to the school district's portion of the 24596  
basic project cost. The proceeds of any such bonds shall be used 24597  
first to retire any bond anticipation notes. Otherwise, the 24598  
proceeds of such bonds and of any bond anticipation notes, except 24599  
the premium and accrued interest thereon, shall be deposited in 24600  
the school district's project construction fund. In determining 24601  
the amount of net bonded indebtedness for the purpose of fixing 24602  
the amount of an issue of either bonds or bond anticipation notes, 24603  
gross indebtedness shall be reduced by moneys in the bond 24604  
retirement fund only to the extent of the moneys therein on the 24605  
first day of the year preceding the year in which the controlling 24606  
board approved the project. Should there be a decrease in the tax 24607  
valuation of the school district so that the amount of 24608  
indebtedness that can be incurred on the tax duplicates for the 24609  
year in which the controlling board approved the project is less 24610  
than the amount of the first installment of bond anticipation 24611  
notes, there shall be paid from the school district's project 24612  
construction fund to the school district's bond retirement fund to 24613  
be applied against such notes an amount sufficient to cause the 24614  
net bonded indebtedness of the school district, as of the first 24615  
day of the year following the year in which the controlling board 24616  
approved the project, to be within five thousand dollars of the 24617  
required level of indebtedness for the year in which the 24618

controlling board approved the project. The maximum amount of 24619  
indebtedness to be incurred by any school district board as its 24620  
share of the cost of the project is either an amount that will 24621  
cause its net bonded indebtedness, as of the first day of the year 24622  
following the year in which the controlling board approved the 24623  
project, to be within five thousand dollars of the required level 24624  
of indebtedness, or an amount equal to the required percentage of 24625  
the basic project costs, whichever is greater. All bonds and bond 24626  
anticipation notes shall be issued in accordance with Chapter 133. 24627  
of the Revised Code, and notes may be renewed as provided in 24628  
section 133.22 of the Revised Code. 24629

(B) The transfer of such funds of the school district board 24630  
available for the project, together with the proceeds of the sale 24631  
of the bonds or notes, except premium, accrued interest, and 24632  
interest included in the amount of the issue, to the school 24633  
district's project construction fund; 24634

(C) For all school districts except joint vocational school 24635  
districts that receive assistance under sections 3318.40 to 24636  
3318.45 of the Revised Code, the following provisions as 24637  
applicable: 24638

(1) If section 3318.052 of the Revised Code applies, the 24639  
earmarking of the proceeds of a tax levied under section 5705.21 24640  
of the Revised Code for general permanent improvements or under 24641  
section 5705.218 of the Revised Code for the purpose of permanent 24642  
improvements, or the proceeds of a school district income tax 24643  
levied under Chapter 5748. of the Revised Code, or the proceeds 24644  
from a combination of those two taxes, in an amount to pay all or 24645  
part of the service charges on bonds issued to pay the school 24646  
district portion of the project and an amount equivalent to all or 24647  
part of the tax required under division (B) of section 3318.05 of 24648  
the Revised Code; 24649

(2) If section 3318.052 of the Revised Code does not apply, 24650

one of the following: 24651

(a) The levy of the tax authorized at the election for the 24652  
payment of maintenance costs, as specified in division (B) of 24653  
section 3318.05 of the Revised Code; 24654

(b) If the school district electors have approved a 24655  
continuing tax for general permanent improvements under section 24656  
5705.21 of the Revised Code and that tax can be used for 24657  
maintenance, the earmarking of an amount of the proceeds from such 24658  
tax for maintenance of classroom facilities as specified in 24659  
division (B) of section 3318.05 of the Revised Code; 24660

(c) If, in lieu of the tax otherwise required under division 24661  
(B) of section 3318.05 of the Revised Code, the commission has 24662  
approved the transfer of money to the maintenance fund in 24663  
accordance with section 3318.051 of the Revised Code, a 24664  
requirement that the district board comply with the provisions 24665  
that section. The district board may rescind the provision 24666  
prescribed under division (C)(2)(c) of this section only so long 24667  
as the electors of the district have approved, in accordance with 24668  
section 3318.063 of the Revised Code, the levy of a tax for the 24669  
maintenance of the classroom facilities acquired under the 24670  
district's project and that levy continues to be collected as 24671  
approved by the electors. 24672

(D) For joint vocational school districts that receive 24673  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 24674  
provision for deposit of school district moneys dedicated to 24675  
maintenance of the classroom facilities acquired under those 24676  
sections as prescribed in section 3318.43 of the Revised Code; 24677

(E) Dedication of any local donated contribution as provided 24678  
for under section 3318.084 of the Revised Code, including a 24679  
schedule for depositing such moneys applied as an offset of the 24680  
district's obligation to levy the tax described in division (B) of 24681

section 3318.05 of the Revised Code as required under division 24682  
(D)(2) of section 3318.084 of the Revised Code; 24683

(F) Ownership of or interest in the project during the period 24684  
of construction, which shall be divided between the commission and 24685  
the school district board in proportion to their respective 24686  
contributions to the school district's project construction fund; 24687

(G) Maintenance of the state's interest in the project until 24688  
any obligations issued for the project under section 3318.26 of 24689  
the Revised Code are no longer outstanding; 24690

(H) The insurance of the project by the school district from 24691  
the time there is an insurable interest therein and so long as the 24692  
state retains any ownership or interest in the project pursuant to 24693  
division (F) of this section, in such amounts and against such 24694  
risks as the commission shall require; provided, that the cost of 24695  
any required insurance until the project is completed shall be a 24696  
part of the basic project cost; 24697

(I) The certification by the director of budget and 24698  
management that funds are available and have been set aside to 24699  
meet the state's share of the basic project cost as approved by 24700  
the controlling board pursuant to either section 3318.04 or 24701  
division (B)(1) of section 3318.41 of the Revised Code; 24702

(J) Authorization of the school district board to advertise 24703  
for and receive construction bids for the project, for and on 24704  
behalf of the commission, and to award contracts in the name of 24705  
the state subject to approval by the commission; 24706

(K) Provisions for the disbursement of moneys from the school 24707  
district's project account upon issuance by the commission or the 24708  
commission's designated representative of vouchers for work done 24709  
to be certified to the commission by the treasurer of the school 24710  
district board; 24711

(L) Disposal of any balance left in the school district's 24712

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| project construction fund upon completion of the project;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 24713                                                                                           |
| (M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 24714<br>24715<br>24716                                                                         |
| (N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 24717<br>24718<br>24719<br>24720                                                                |
| (O) Provision for deposit of an executed copy of the agreement in the office of the commission;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 24721<br>24722                                                                                  |
| (P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;                                                                                                                                                                                                                                                               | 24723<br>24724<br>24725<br>24726<br>24727<br>24728<br>24729                                     |
| (Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission <u>and to comply with the plan</u> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 24730<br>24731<br>24732                                                                         |
| (R) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the school district to pay for its share of the project cost, including the respective shares of the cost of a segment if the project is divided into segments, be spent on the construction and acquisition of the project or segment simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the district is a joint vocational school district, under section 3318.42 of the Revised Code. However, if the school district | 24733<br>24734<br>24735<br>24736<br>24737<br>24738<br>24739<br>24740<br>24741<br>24742<br>24743 |



certifies to the commission that expenditure by the school 24744  
district is necessary to maintain the federal tax status or 24745  
tax-exempt status of notes or bonds issued by the school district 24746  
to pay for its share of the project cost or to comply with 24747  
applicable temporary investment periods or spending exceptions to 24748  
rebate as provided for under federal law in regard to those notes 24749  
or bonds, the school district may commit to spend, or spend, a 24750  
greater portion of the funds it provides during any specific 24751  
period than would otherwise be required under this division. 24752

(S) A provision stipulating that the commission may prohibit 24753  
the district from proceeding with any project if the commission 24754  
determines that the site is not suitable for construction 24755  
purposes. The commission may perform soil tests in its 24756  
determination of whether a site is appropriate for construction 24757  
purposes. 24758

(T) A provision stipulating that, unless otherwise authorized 24759  
by the commission, any contingency reserve portion of the 24760  
construction budget prescribed by the commission shall be used 24761  
only to pay costs resulting from unforeseen job conditions, to 24762  
comply with rulings regarding building and other codes, to pay 24763  
costs related to design clarifications or corrections to contract 24764  
documents, and to pay the costs of settlements or judgments 24765  
related to the project as provided under section 3318.086 of the 24766  
Revised Code; 24767

(U) Provision stipulating that for continued release of 24768  
project funds the school district board shall comply with section 24769  
3313.41 of the Revised Code throughout the project and shall 24770  
notify the department of education and the Ohio community school 24771  
association when the board plans to dispose of facilities by sale 24772  
under that section; 24773

(V) Provision that the commission shall not approve a 24774  
contract for demolition of a facility until the school district 24775

board has complied with section 3313.41 of the Revised Code 24776  
relative to that facility, unless demolition of that facility is 24777  
to clear a site for construction of a replacement facility 24778  
included in the district's project. 24779

**Sec. 3318.10.** When such working drawings, specifications, and 24780  
estimates of cost have been approved by the school district board 24781  
and the Ohio school facilities commission, the treasurer of the 24782  
school district board shall advertise for construction bids in 24783  
accordance with section 3313.46 of the Revised Code. Such notices 24784  
shall state that plans and specifications for the project are on 24785  
file in the office of the commission and such other place as may 24786  
be designated in such notice, and the time and place when and 24787  
where bids therefor will be received. 24788

The form of proposal to be submitted by bidders shall be 24789  
supplied by the commission. Bidders may be permitted to bid upon 24790  
all the branches of work and materials to be furnished and 24791  
supplied, upon any branch thereof, or upon all or any thereof. 24792

When the construction bids for all branches of work and 24793  
materials have been tabulated, the commission shall cause to be 24794  
prepared a revised estimate of the basic project cost based upon 24795  
the lowest responsible bids received. If such revised estimate 24796  
exceeds the estimated basic project cost as approved by the 24797  
controlling board pursuant to section 3318.04 or division (B)(1) 24798  
of section 3318.41 of the Revised Code, no contracts may be 24799  
entered into pursuant to this section unless such revised estimate 24800  
is approved by the commission and by the controlling board. When 24801  
such revised estimate has been prepared, and after such approvals 24802  
are given, if necessary, and if the school district board has 24803  
caused to be transferred to the project construction fund the 24804  
proceeds from the sale of the first or first and final installment 24805  
of its bonds or bond anticipation notes pursuant to the provision 24806

of the written agreement required by division (B) of section 24807  
3318.08 of the Revised Code, and when the director of budget and 24808  
management has certified that there is a balance in the 24809  
appropriation, not otherwise obligated to pay precedent 24810  
obligations, pursuant to which the state's share of such revised 24811  
estimate is required to be paid, the contract for all branches of 24812  
work and materials to be furnished and supplied, or for any branch 24813  
thereof as determined by the school district board, shall be 24814  
awarded by the school district board to the lowest responsible 24815  
bidder subject to the approval of the commission. Such award shall 24816  
be made within sixty days after the date on which the bids are 24817  
opened, and the successful bidder shall enter into a contract 24818  
within ten days after the successful bidder is notified of the 24819  
award of the contract. 24820

Subject to the approval of the commission, the school 24821  
district board may reject all bids and readvertise. Any contract 24822  
made under this section shall be made in the name of the state and 24823  
executed on its behalf by the president and treasurer of the 24824  
school district board. 24825

The provisions of sections 9.312 and 3313.46 of the Revised 24826  
Code, which are applicable to construction contracts of boards of 24827  
education, shall apply to construction contracts for the project. 24828

The remedies afforded to any subcontractor, materials 24829  
supplier, laborer, mechanic, or persons furnishing material or 24830  
machinery for the project under sections 1311.26 to 1311.32 of the 24831  
Revised Code, shall apply to contracts entered into under this 24832  
section and the itemized statement required by section 1311.26 of 24833  
the Revised Code shall be filed with the school district board. 24834

Notwithstanding any other requirement of this section, a 24835  
school district, with the approval of the commission, may utilize 24836  
any otherwise lawful alternative construction delivery method for 24837  
the construction of the project. 24838

Sec. 3318.30. (A) There is hereby created the Ohio school 24839  
facilities commission as an independent agency of the state within 24840  
the Ohio facilities construction commission, which is created 24841  
under section 123.20 of the Revised Code. The Ohio school 24842  
facilities commission shall administer the provision of financial 24843  
assistance to school districts for the acquisition or construction 24844  
of classroom facilities in accordance with sections 3318.01 to 24845  
3318.33 of the Revised Code. 24846

The Ohio school facilities commission is a body corporate and 24847  
politic, an agency of state government and an instrumentality of 24848  
the state, performing essential governmental functions of this 24849  
state. The carrying out of the purposes and the exercise by the 24850  
Ohio school facilities commission of its powers conferred by 24851  
sections 3318.01 to 3318.33 of the Revised Code are essential 24852  
public functions and public purposes of the state. The Ohio school 24853  
facilities commission may, in its own name, sue and be sued, enter 24854  
into contracts, and perform all the powers and duties given to it 24855  
by sections 3318.01 to 3318.33 of the Revised Code, but it does 24856  
not have and shall not exercise the power of eminent domain. In 24857  
its discretion and as it determines appropriate, the Ohio school 24858  
facilities commission may delegate to any of its members, 24859  
executive director, or other employees any of the Ohio school 24860  
facilities commission's powers and duties to carry out its 24861  
functions. 24862

(B) The Ohio school facilities commission shall consist of 24863  
seven members, three of whom are voting members. The voting 24864  
members of the Ohio school facilities commission shall be the 24865  
director of the office of budget and management, the director of 24866  
administrative services, and the superintendent of public 24867  
instruction, or their designees. Of the nonvoting members, two 24868  
shall be members of the senate appointed by the president of the 24869  
senate, and two shall be members of the house of representatives 24870

appointed by the speaker of the house. Each of the appointees of 24871  
the president, and each of the appointees of the speaker, shall be 24872  
members of different political parties. 24873

Nonvoting members shall serve as members of the Ohio school 24874  
facilities commission during the legislative biennium for which 24875  
they are appointed, except that any such member who ceases to be a 24876  
member of the legislative house from which the member was 24877  
appointed shall cease to be a member of the Ohio school facilities 24878  
commission. Each nonvoting member shall be appointed within 24879  
thirty-one days of the end of the term of that member's 24880  
predecessor. Such members may be reappointed. Vacancies of 24881  
nonvoting members shall be filled in the manner provided for 24882  
original appointments. 24883

Members of the Ohio school facilities commission shall serve 24884  
without compensation. 24885

After the initial nonvoting members of the Ohio school 24886  
facilities commission have been appointed, the Ohio school 24887  
facilities commission shall meet and organize by electing voting 24888  
members as the chairperson and vice-chairperson of the Ohio school 24889  
facilities commission, who shall hold their offices until the next 24890  
organizational meeting of the Ohio school facilities commission. 24891  
Organizational meetings of the Ohio school facilities commission 24892  
shall be held at the first meeting of each calendar year. At each 24893  
organizational meeting, the Ohio school facilities commission 24894  
shall elect from among its voting members a chairperson and 24895  
vice-chairperson, who shall serve until the next annual 24896  
organizational meeting. The Ohio school facilities commission 24897  
shall adopt rules pursuant to section 111.15 of the Revised Code 24898  
for the conduct of its internal business and shall keep a journal 24899  
of its proceedings. Including the organizational meeting, the Ohio 24900  
school facilities commission shall meet at least once each 24901  
calendar quarter. 24902

Two voting members of the Ohio school facilities commission 24903  
constitute a quorum, and the affirmative vote of two members is 24904  
necessary for approval of any action taken by the Ohio school 24905  
facilities commission. A vacancy in the membership of the Ohio 24906  
school facilities commission does not impair a quorum from 24907  
exercising all the rights and performing all the duties of the 24908  
Ohio school facilities commission. Meetings of the Ohio school 24909  
facilities commission may be held anywhere in the state and shall 24910  
be held in compliance with section 121.22 of the Revised Code. 24911

(C) The Ohio school facilities commission shall file an 24912  
annual report of its activities and finances with the governor, 24913  
speaker of the house of representatives, president of the senate, 24914  
and chairpersons of the house and senate finance committees. 24915

(D) The Ohio school facilities commission shall be exempt 24916  
from the requirements of sections 101.82 to 101.87 of the Revised 24917  
Code. 24918

(E) The Ohio school facilities commission may share employees 24919  
and facilities with the Ohio facilities construction commission. 24920

**Sec. 3318.31.** (A) The Ohio school facilities commission may 24921  
perform any act and ensure the performance of any function 24922  
necessary or appropriate to carry out the purposes of, and 24923  
exercise the powers granted under, Chapter 3318. of the Revised 24924  
Code, including any of the following: 24925

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 24926  
the Revised Code, rules for the administration of programs 24927  
authorized under Chapter 3318. of the Revised Code. 24928

(2) Contract with, retain the services of, or designate, and 24929  
fix the compensation of, such agents, accountants, consultants, 24930  
advisers, and other independent contractors as may be necessary or 24931  
desirable to carry out the programs authorized under Chapter 3318. 24932

of the Revised Code, or authorize the executive director to 24933  
perform such powers and duties. 24934

(3) Receive and accept any gifts, grants, donations, and 24935  
pledges, and receipts therefrom, to be used for the programs 24936  
authorized under Chapter 3318. of the Revised Code. 24937

(4) Make and enter into all contracts, commitments, and 24938  
agreements, and execute all instruments, necessary or incidental 24939  
to the performance of its duties and the execution of its rights 24940  
and powers under Chapter 3318. of the Revised Code, or authorize 24941  
the executive director to perform such powers and duties. 24942

(5) Request the ~~director of administrative services~~ Ohio 24943  
facilities construction commission to debar a contractor as 24944  
provided in section 153.02 of the Revised Code. 24945

(B) The Ohio school facilities commission shall appoint and 24946  
fix the compensation of an executive director who shall serve at 24947  
the pleasure of the Ohio school facilities commission. The 24948  
executive director shall exercise all powers that the Ohio school 24949  
facilities commission possesses, supervise the operations of the 24950  
Ohio school facilities commission and perform such other duties as 24951  
delegated by the Ohio school facilities commission. The executive 24952  
director also shall employ and fix the compensation of such 24953  
employees as will facilitate the activities and purposes of the 24954  
Ohio school facilities commission, who shall serve at the pleasure 24955  
of the executive director. The employees of the Ohio school 24956  
facilities commission shall be exempt from Chapter 4117. of the 24957  
Revised Code and shall not be public employees as defined in 24958  
section 4117.01 of the Revised Code. 24959

(C) The Ohio school facilities commission may adopt, amend, 24960  
and rescind rules pertaining to the administration of the 24961  
construction of school facilities of the state under Chapter 119. 24962  
of the Revised Code. 24963

(D) The attorney general shall serve as the legal representative for the Ohio school facilities commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

**Sec. 3318.36.** (A)(1) As used in this section:

(a) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(d) "Tangible personal property phase-out impacted district" means a school district for which the taxable value of its tangible personal property certified under division (A)(2) of section 3317.021 of the Revised Code for tax year 2005, excluding the taxable value of public utility personal property, made up eighteen per cent or more of its total taxable value for tax year 2005 as certified under that section.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance



under sections 3318.01 to 3318.20 of the Revised Code, the 24994  
percentile ranking of a school district with which the commission 24995  
has entered into an agreement under this section between the first 24996  
day of July and the thirty-first day of August in each fiscal year 24997  
is the percentile ranking calculated for that district for the 24998  
immediately preceding fiscal year, and the percentile ranking of a 24999  
school district with which the commission has entered into such 25000  
agreement between the first day of September and the thirtieth day 25001  
of June in each fiscal year is the percentile ranking calculated 25002  
for that district for the current fiscal year. However, in the 25003  
case of a tangible personal property phase-out impacted district, 25004  
the district's priority for assistance under sections 3318.01 to 25005  
3318.20 of the Revised Code and its portion of the basic project 25006  
cost under those sections shall be determined in the manner 25007  
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 25008  
this section. 25009

(B)(1) There is hereby established the school building 25010  
assistance expedited local partnership program. Under the program, 25011  
the Ohio school facilities commission may enter into an agreement 25012  
with the school district board of any school district under which 25013  
the school district board may proceed with the new construction or 25014  
major repairs of a part of the school district's classroom 25015  
facilities needs, as determined under sections 3318.01 to 3318.20 25016  
of the Revised Code, through the expenditure of local resources 25017  
prior to the school district's eligibility for state assistance 25018  
under those sections and may apply that expenditure toward meeting 25019  
the school district's portion of the basic project cost of the 25020  
total of the school district's classroom facilities needs, as 25021  
determined under sections 3318.01 to 3318.20 of the Revised Code 25022  
and as recalculated under division (E) of this section, that are 25023  
eligible for state assistance under sections 3318.01 to 3318.20 of 25024  
the Revised Code when the school district becomes eligible for 25025  
that assistance. Any school district that is reasonably expected 25026

to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program established under this section.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this

section, as prescribed by division (A)(2) of this section; 25058

(b) For a tangible personal property phase-out impacted 25059  
district, the lesser of (i) the district's percentile ranking 25060  
determined at the time the district entered into the agreement 25061  
under this section, as prescribed by division (A)(2) of this 25062  
section, or (ii) the district's current percentile ranking under 25063  
section 3318.011 of the Revised Code. 25064

(4) Any project under this section shall comply with section 25065  
3318.03 of the Revised Code and with any specifications for plans 25066  
and materials for classroom facilities adopted by the commission 25067  
under section 3318.04 of the Revised Code. 25068

(5) If a school district that enters into an agreement under 25069  
this section has not begun a project applying local resources as 25070  
provided for under that agreement at the time the district is 25071  
notified by the commission that it is eligible to receive state 25072  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 25073  
all assessment and agreement documents entered into under this 25074  
section are void. 25075

(6) Only construction of or repairs to classroom facilities 25076  
that have been approved by the commission and have been therefore 25077  
included as part of a district's basic project cost qualify for 25078  
application of local resources under this section. 25079

(C) Based on the results of on-site visits and assessment, 25080  
the commission shall determine the basic project cost of the 25081  
school district's classroom facilities needs. The commission shall 25082  
determine the school district's portion of such basic project 25083  
cost, which shall be the greater of: 25084

(1) The required percentage of the basic project costs, 25085  
determined based on the school district's percentile ranking; 25086

(2) An amount necessary to raise the school district's net 25087  
bonded indebtedness, as of the fiscal year the commission and the 25088

school district enter into the agreement under division (B) of 25089  
this section, to within five thousand dollars of the required 25090  
level of indebtedness. 25091

(D)(1) When the commission determines the basic project cost 25092  
of the classroom facilities needs of a school district and the 25093  
school district's portion of that basic project cost under 25094  
division (C) of this section, the project shall be conditionally 25095  
approved. Such conditional approval shall be submitted to the 25096  
controlling board for approval thereof. The controlling board 25097  
shall forthwith approve or reject the commission's determination, 25098  
conditional approval, and the amount of the state's portion of the 25099  
basic project cost; however, no state funds shall be encumbered 25100  
under this section. Upon approval by the controlling board, the 25101  
school district board may identify a discrete part of its 25102  
classroom facilities needs, which shall include only new 25103  
construction of or additions or major repairs to a particular 25104  
building, to address with local resources. Upon identifying a part 25105  
of the school district's basic project cost to address with local 25106  
resources, the school district board may allocate any available 25107  
school district moneys to pay the cost of that identified part, 25108  
including the proceeds of an issuance of bonds if approved by the 25109  
electors of the school district. 25110

All local resources utilized under this division shall first 25111  
be deposited in the project construction account required under 25112  
section 3318.08 of the Revised Code. 25113

(2) Unless the school district board exercises its option 25114  
under division (D)(3) of this section, for a school district to 25115  
qualify for participation in the program authorized under this 25116  
section, one of the following conditions shall be satisfied: 25117

(a) The electors of the school district by a majority vote 25118  
shall approve the levy of taxes outside the ten-mill limitation 25119  
for a period of twenty-three years at the rate of not less than 25120

one-half mill for each dollar of valuation to be used to pay the 25121  
cost of maintaining the classroom facilities included in the basic 25122  
project cost as determined by the commission. The form of the 25123  
ballot to be used to submit the question whether to approve the 25124  
tax required under this division to the electors of the school 25125  
district shall be the form for an additional levy of taxes 25126  
prescribed in section 3318.361 of the Revised Code, which may be 25127  
combined in a single ballot question with the questions prescribed 25128  
under section 5705.218 of the Revised Code. 25129

(b) As authorized under division (C) of section 3318.05 of 25130  
the Revised Code, the school district board shall earmark from the 25131  
proceeds of a permanent improvement tax levied under section 25132  
5705.21 of the Revised Code, an amount equivalent to the 25133  
additional tax otherwise required under division (D)(2)(a) of this 25134  
section for the maintenance of the classroom facilities included 25135  
in the basic project cost as determined by the commission. 25136

(c) As authorized under section 3318.051 of the Revised Code, 25137  
the school district board shall, if approved by the commission, 25138  
annually transfer into the maintenance fund required under section 25139  
3318.05 of the Revised Code the amount prescribed in section 25140  
3318.051 of the Revised Code in lieu of the tax otherwise required 25141  
under division (D)(2)(a) of this section for the maintenance of 25142  
the classroom facilities included in the basic project cost as 25143  
determined by the commission. 25144

(d) If the school district board has rescinded the agreement 25145  
to make transfers under section 3318.051 of the Revised Code, as 25146  
provided under division (F) of that section, the electors of the 25147  
school district, in accordance with section 3318.063 of the 25148  
Revised Code, first shall approve the levy of taxes outside the 25149  
ten-mill limitation for the period specified in that section at a 25150  
rate of not less than one-half mill for each dollar of valuation. 25151

(e) The school district board shall apply the proceeds of a 25152

tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified

in division (B) of section 3318.05 of the Revised Code. 25184

(E)(1) If the school district becomes eligible for state 25185  
assistance under sections 3318.01 to 3318.20 of the Revised Code 25186  
based on its percentile ranking under division (B)(3) of this 25187  
section, the commission shall conduct a new assessment of the 25188  
school district's classroom facilities needs and shall recalculate 25189  
the basic project cost based on this new assessment. The basic 25190  
project cost recalculated under this division shall include the 25191  
amount of expenditures made by the school district board under 25192  
division (D)(1) of this section. The commission shall then 25193  
recalculate the school district's portion of the new basic project 25194  
cost, which shall be one of the following as applicable: 25195

(a) Except for a tangible personal property phase-out 25196  
impacted district, the percentage of the original basic project 25197  
cost assigned to the school district as its portion under division 25198  
(C) of this section; 25199

(b) For a tangible personal property phase-out impacted 25200  
district, the lesser of (i) the percentage of the original basic 25201  
project cost assigned to the school district as its portion under 25202  
division (C) of this section, or (ii) the percentage of the new 25203  
basic project cost determined under section 3318.032 of the 25204  
Revised Code using the district's current percentile ranking under 25205  
section 3318.011 of the Revised Code. The 25206

The commission shall deduct the expenditure of school 25207  
district moneys made under division (D)(1) of this section from 25208  
the school district's portion of the basic project cost as 25209  
recalculated under this division. If the amount of school district 25210  
resources applied by the school district board to the school 25211  
district's portion of the basic project cost under this section is 25212  
less than the total amount of such portion as recalculated under 25213  
this division, the school district board by a majority vote of all 25214  
of its members shall, if it desires to seek state assistance under 25215

sections 3318.01 to 3318.20 of the Revised Code, adopt a 25216  
resolution as specified in section 3318.06 of the Revised Code to 25217  
submit to the electors of the school district the question of 25218  
approval of a bond issue in order to pay any additional amount of 25219  
school district portion required for state assistance. Any tax 25220  
levy approved under division (D) of this section satisfies the 25221  
requirements to levy the additional tax under section 3318.06 of 25222  
the Revised Code. 25223

(2) If the amount of school district resources applied by the 25224  
school district board to the school district's portion of the 25225  
basic project cost under this section is more than the total 25226  
amount of such portion as recalculated under ~~this~~ division (E)(1) 25227  
of this section, within one year after the school district's 25228  
portion is so recalculated ~~under division (E)(1) of this section~~ 25229  
the commission may grant to the school district the difference 25230  
between the two calculated portions, but at no time shall the 25231  
commission expend any state funds on a project in an amount 25232  
greater than the state's portion of the basic project cost as 25233  
recalculated under ~~this~~ division (E)(1) of this section. 25234

Any reimbursement under this division shall be only for local 25235  
resources the school district has applied toward construction cost 25236  
expenditures for the classroom facilities approved by the 25237  
commission, which shall not include any financing costs associated 25238  
with that construction. 25239

The school district board shall use any moneys reimbursed to 25240  
the district under this division to pay off any debt service the 25241  
district owes for classroom facilities constructed under its 25242  
project under this section before such moneys are applied to any 25243  
other purpose. However, the district board first may deposit 25244  
moneys reimbursed under this division into the district's general 25245  
fund or a permanent improvement fund to replace local resources 25246  
the district withdrew from those funds, as long as, and to the 25247



extent that, those local resources were used by the district for 25248  
constructing classroom facilities included in the district's basic 25249  
project cost. 25250

(3) A tangible personal property phase-out impacted district 25251  
shall receive credit under division (E) of this section for the 25252  
expenditure of local resources pursuant to any prior agreement 25253  
authorized by this section, notwithstanding any recalculation of 25254  
its average taxable value. 25255

**Sec. 3318.37.** (A)(1) As used in this section: 25256

(a) "Full maintenance amount" has the same meaning as in 25257  
section 3318.034 of the Revised Code. 25258

(b) "Large land area school district" means a school district 25259  
with a territory of greater than three hundred square miles in any 25260  
percentile as determined under section 3318.011 of the Revised 25261  
Code. 25262

~~(b)~~(c) "Low wealth school district" means a school district 25263  
in the first through seventy-fifth percentiles as determined under 25264  
section 3318.011 of the Revised Code. 25265

~~(e)~~(d) A "school district with an exceptional need for 25266  
immediate classroom facilities assistance" means a low wealth or 25267  
large land area school district with an exceptional need for new 25268  
facilities in order to protect the health and safety of all or a 25269  
portion of its students. 25270

(2) No school district that participates in the school 25271  
building assistance expedited local partnership program under 25272  
section 3318.36 of the Revised Code shall receive assistance under 25273  
the program established under this section unless the following 25274  
conditions are satisfied: 25275

(a) The district board adopted a resolution certifying its 25276  
intent to participate in the school building assistance expedited 25277

local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000. 25278  
25279

(b) The district was selected by the Ohio school facilities commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000. 25280  
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(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance. 25285  
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(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance. 25292  
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(b) The guidelines shall include application forms and instructions for school districts to use in applying for assistance under this section. 25296  
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(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed. 25299  
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Notwithstanding section 3318.02 of the Revised Code, the commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside under division (B)(1) of this section have been encumbered. However, the commission need not 25304  
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conduct the evaluation of facilities if the commission determines 25309  
that a district's assessment conducted under section 3318.36 of 25310  
the Revised Code is sufficient for purposes of this section. 25311

(4) Notwithstanding division (A) of section 3318.05 of the 25312  
Revised Code, the school district's portion of the basic project 25313  
cost under this section shall be the "required percentage of the 25314  
basic project costs," as defined in division (K) of section 25315  
3318.01 of the Revised Code. 25316

(5) Except as otherwise specified in this section, any 25317  
project undertaken with assistance under this section shall comply 25318  
with all provisions of sections 3318.01 to 3318.20 of the Revised 25319  
Code. A school district may receive assistance under sections 25320  
3318.01 to 3318.20 of the Revised Code for the remainder of the 25321  
district's classroom facilities needs as assessed under this 25322  
section when the district is eligible for such assistance pursuant 25323  
to section 3318.02 of the Revised Code, but any classroom facility 25324  
constructed with assistance under this section shall not be 25325  
included in a district's project at that time unless the 25326  
commission determines the district has experienced the increased 25327  
enrollment specified in division (B)(1) of section 3318.04 of the 25328  
Revised Code. 25329

(C) No school district shall receive assistance under this 25330  
section for a classroom facility that has been included in the 25331  
discrete part of the district's classroom facilities needs 25332  
identified and addressed in the district's project pursuant to an 25333  
agreement entered into under section 3318.36 of the Revised Code, 25334  
unless the district's entire classroom facilities plan consists of 25335  
only a single building designed to house grades kindergarten 25336  
through twelve. 25337

(D)(1) When undertaking a project under this section, a 25338  
school district may elect to prorate its full maintenance amount 25339  
by setting aside for maintenance the amount calculated under 25340

division (D)(2) of this section to maintain the classroom 25341  
facilities acquired under the project, if the district will use 25342  
one or more of the alternative methods authorized in sections 25343  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 25344  
the entire amount calculated under that division. If the district 25345  
so elects, the commission and the district shall include in the 25346  
agreement entered into under section 3318.08 of the Revised Code a 25347  
statement specifying that the district will use the amount 25348  
calculated under that division only to maintain the classroom 25349  
facilities acquired under the project under this section. 25350

(2) The commission shall calculate the amount for a school 25351  
district to maintain the classroom facilities acquired under a 25352  
project under this section as follows: 25353

The full maintenance amount X (the school district's portion 25354  
of the basic project cost under this section / the school 25355  
district's portion of the basic project cost for the district's 25356  
entire classroom facilities needs, as determined jointly by the 25357  
staff of the commission and the district) 25358

(3) A school district may elect to prorate its full 25359  
maintenance amount for any number of projects under this section, 25360  
provided the district will use one or more of the alternative 25361  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 25362  
the Revised Code to generate the entire amount calculated under 25363  
division (D)(2) of this section to maintain the classroom 25364  
facilities acquired under each project for which it so elects. If 25365  
the district cannot use one or more of those alternative methods 25366  
to generate the entire amount calculated under that division, the 25367  
district shall levy the tax described in division (B) of section 25368  
3318.05 of the Revised Code or an extension of that tax under 25369  
section 3318.061 of the Revised Code in an amount necessary to 25370  
generate the remainder of its full maintenance amount. The 25371  
commission shall calculate the remainder of the district's full 25372

maintenance amount as follows: 25373

The full maintenance amount - the sum of the amounts 25374  
calculated for the district under division (D)(2) of this section 25375  
for each of the district's prior projects under this section 25376

(4) In no case shall the sum of the amounts calculated for a 25377  
school district's maintenance of classroom facilities under 25378  
divisions (D)(2) and (3) of this section exceed the amount that 25379  
would have been required for maintenance if the district had 25380  
elected to meet its entire classroom facilities needs with a 25381  
project under sections 3318.01 to 3318.20 of the Revised Code and 25382  
had not undertaken one or more projects under this section. 25383

(5) If a school district commenced a project under this 25384  
section prior to the effective date of this amendment but has not 25385  
completed that project, and has not levied the tax described in 25386  
division (B) of section 3318.05 of the Revised Code or an 25387  
extension of that tax under section 3318.061 of the Revised Code, 25388  
the district may request approval from the commission to prorate 25389  
its full maintenance amount in accordance with divisions (D)(1) to 25390  
(4) of this section. If the commission approves the request, the 25391  
commission and the district shall amend the agreement entered into 25392  
under section 3318.08 of the Revised Code to reflect the change. 25393

**Sec. 3319.22.** (A)(1) The state board of education shall issue 25394  
the following educator licenses: 25395

(a) A resident educator license, which shall be valid for 25396  
four years, except that the state board, on a case-by-case basis, 25397  
may extend the license's duration as necessary to enable the 25398  
license holder to complete the Ohio teacher residency program 25399  
established under section 3319.223 of the Revised Code; 25400

(b) A professional educator license, which shall be valid for 25401  
five years and shall be renewable; 25402

|                                                                                                                                                                                                                                                                                                                                              |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (c) A senior professional educator license, which shall be valid for five years and shall be renewable;                                                                                                                                                                                                                                      | 25403<br>25404                                     |
| (d) A lead professional educator license, which shall be valid for five years and shall be renewable.                                                                                                                                                                                                                                        | 25405<br>25406                                     |
| (2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.                                                                                                                                                                                                                 | 25407<br>25408<br>25409                            |
| (3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section.                                                                                                                                                                                             | 25410<br>25411<br>25412                            |
| (B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:                                                                                                                                                           | 25413<br>25414<br>25415                            |
| (1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.                                                                | 25416<br>25417<br>25418<br>25419<br>25420          |
| (2) An applicant for a professional educator license shall:                                                                                                                                                                                                                                                                                  | 25421                                              |
| (a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;                                                                                                                                                                                                             | 25422<br>25423<br>25424                            |
| (b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. | 25425<br>25426<br>25427<br>25428<br>25429<br>25430 |
| (3) An applicant for a senior professional educator license shall:                                                                                                                                                                                                                                                                           | 25431<br>25432                                     |

|                                                                                                                                                                                                                                                                                                  |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;                                                                                                                                                                   | 25433<br>25434<br>25435                   |
| (b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;                                                                                                                                      | 25436<br>25437<br>25438                   |
| (c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.                                                                                               | 25439<br>25440<br>25441<br>25442          |
| (4) An applicant for a lead professional educator license shall:                                                                                                                                                                                                                                 | 25443<br>25444                            |
| (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;                                                                                                                                                                   | 25445<br>25446<br>25447                   |
| (b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;                                                     | 25448<br>25449<br>25450<br>25451          |
| (c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;                                                                                                               | 25452<br>25453<br>25454                   |
| (d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. | 25455<br>25456<br>25457<br>25458<br>25459 |
| (C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section                                                                                                                    | 25460<br>25461<br>25462                   |

3319.61 of the Revised Code. 25463

(D) If the state board requires any examinations for educator 25464  
licensure, the department of education shall provide the results 25465  
of such examinations received by the department to the chancellor 25466  
of the Ohio board of regents, in the manner and to the extent 25467  
permitted by state and federal law. 25468

(E) Any rules the state board of education adopts, amends, or 25469  
rescinds for educator licenses under this section, division (D) of 25470  
section 3301.07 of the Revised Code, or any other law shall be 25471  
adopted, amended, or rescinded under Chapter 119. of the Revised 25472  
Code except as follows: 25473

(1) Notwithstanding division (D) of section 119.03 and 25474  
division (A)(1) of section 119.04 of the Revised Code, in the case 25475  
of the adoption of any rule or the amendment or rescission of any 25476  
rule that necessitates institutions' offering preparation programs 25477  
for educators and other school personnel that are approved by the 25478  
chancellor of the Ohio board of regents under section 3333.048 of 25479  
the Revised Code to revise the curriculum of those programs, the 25480  
effective date shall not be as prescribed in division (D) of 25481  
section 119.03 and division (A)(1) of section 119.04 of the 25482  
Revised Code. Instead, the effective date of such rules, or the 25483  
amendment or rescission of such rules, shall be the date 25484  
prescribed by section 3333.048 of the Revised Code. 25485

(2) Notwithstanding the authority to adopt, amend, or rescind 25486  
emergency rules in division (F) of section 119.03 of the Revised 25487  
Code, this authority shall not apply to the state board of 25488  
education with regard to rules for educator licenses. 25489

(F)(1) The rules adopted under this section establishing 25490  
standards requiring additional coursework for the renewal of any 25491  
educator license shall require a school district and a chartered 25492  
nonpublic school to establish local professional development 25493



committees. In a nonpublic school, the chief administrative 25494  
officer shall establish the committees in any manner acceptable to 25495  
such officer. The committees established under this division shall 25496  
determine whether coursework that a district or chartered 25497  
nonpublic school teacher proposes to complete meets the 25498  
requirement of the rules. The department of education shall 25499  
provide technical assistance and support to committees as the 25500  
committees incorporate the professional development standards 25501  
adopted by the state board of education pursuant to section 25502  
3319.61 of the Revised Code into their review of coursework that 25503  
is appropriate for license renewal. The rules shall establish a 25504  
procedure by which a teacher may appeal the decision of a local 25505  
professional development committee. 25506

(2) In any school district in which there is no exclusive 25507  
representative established under Chapter 4117. of the Revised 25508  
Code, the professional development committees shall be established 25509  
as described in division (F)(2) of this section. 25510

Not later than the effective date of the rules adopted under 25511  
this section, the board of education of each school district shall 25512  
establish the structure for one or more local professional 25513  
development committees to be operated by such school district. The 25514  
committee structure so established by a district board shall 25515  
remain in effect unless within thirty days prior to an anniversary 25516  
of the date upon which the current committee structure was 25517  
established, the board provides notice to all affected district 25518  
employees that the committee structure is to be modified. 25519  
Professional development committees may have a district-level or 25520  
building-level scope of operations, and may be established with 25521  
regard to particular grade or age levels for which an educator 25522  
license is designated. 25523

Each professional development committee shall consist of at 25524  
least three classroom teachers employed by the district, one 25525

principal employed by the district, and one other employee of the 25526  
district appointed by the district superintendent. For committees 25527  
with a building-level scope, the teacher and principal members 25528  
shall be assigned to that building, and the teacher members shall 25529  
be elected by majority vote of the classroom teachers assigned to 25530  
that building. For committees with a district-level scope, the 25531  
teacher members shall be elected by majority vote of the classroom 25532  
teachers of the district, and the principal member shall be 25533  
elected by a majority vote of the principals of the district, 25534  
unless there are two or fewer principals employed by the district, 25535  
in which case the one or two principals employed shall serve on 25536  
the committee. If a committee has a particular grade or age level 25537  
scope, the teacher members shall be licensed to teach such grade 25538  
or age levels, and shall be elected by majority vote of the 25539  
classroom teachers holding such a license and the principal shall 25540  
be elected by all principals serving in buildings where any such 25541  
teachers serve. The district superintendent shall appoint a 25542  
replacement to fill any vacancy that occurs on a professional 25543  
development committee, except in the case of vacancies among the 25544  
elected classroom teacher members, which shall be filled by vote 25545  
of the remaining members of the committee so selected. 25546

Terms of office on professional development committees shall 25547  
be prescribed by the district board establishing the committees. 25548  
The conduct of elections for members of professional development 25549  
committees shall be prescribed by the district board establishing 25550  
the committees. A professional development committee may include 25551  
additional members, except that the majority of members on each 25552  
such committee shall be classroom teachers employed by the 25553  
district. Any member appointed to fill a vacancy occurring prior 25554  
to the expiration date of the term for which a predecessor was 25555  
appointed shall hold office as a member for the remainder of that 25556  
term. 25557

The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the number of committees and the number of teacher and administrative members on each committee; the specific administrative members to be part of each committee; whether the scope of the committees will be district levels, building levels, or by type of grade or age levels for which educator licenses are designated; the lengths of terms for members; the manner of filling vacancies on the committees; and the frequency and time and place of meetings. However, in all cases, except as provided in division (F)(4) of this section, there shall be a majority of teacher members of any

professional development committee, there shall be at least five 25590  
total members of any professional development committee, and the 25591  
exclusive representative shall designate replacement members in 25592  
the case of vacancies among teacher members, unless the collective 25593  
bargaining agreement specifies a different method of selecting 25594  
such replacements. 25595

(4) Whenever an administrator's coursework plan is being 25596  
discussed or voted upon, the local professional development 25597  
committee shall, at the request of one of its administrative 25598  
members, cause a majority of the committee to consist of 25599  
administrative members by reducing the number of teacher members 25600  
voting on the plan. 25601

(G)(1) The department of education, educational service 25602  
centers, county boards of developmental disabilities, regional 25603  
professional development centers, special education regional 25604  
resource centers, college and university departments of education, 25605  
head start programs, ~~the eTech Ohio commission~~, and the Ohio 25606  
education computer network may establish local professional 25607  
development committees to determine whether the coursework 25608  
proposed by their employees who are licensed or certificated under 25609  
this section or section 3319.222 of the Revised Code, or under the 25610  
former version of either section as it existed prior to October 25611  
16, 2009, meet the requirements of the rules adopted under this 25612  
section. They may establish local professional development 25613  
committees on their own or in collaboration with a school district 25614  
or other agency having authority to establish them. 25615

Local professional development committees established by 25616  
county boards of developmental disabilities shall be structured in 25617  
a manner comparable to the structures prescribed for school 25618  
districts in divisions (F)(2) and (3) of this section, as shall 25619  
the committees established by any other entity specified in 25620  
division (G)(1) of this section that provides educational services 25621

by employing or contracting for services of classroom teachers 25622  
licensed or certificated under this section or section 3319.222 of 25623  
the Revised Code, or under the former version of either section as 25624  
it existed prior to October 16, 2009. All other entities specified 25625  
in division (G)(1) of this section shall structure their 25626  
committees in accordance with guidelines which shall be issued by 25627  
the state board. 25628

(2) Any public agency that is not specified in division 25629  
(G)(1) of this section but provides educational services and 25630  
employs or contracts for services of classroom teachers licensed 25631  
or certificated under this section or section 3319.222 of the 25632  
Revised Code, or under the former version of either section as it 25633  
existed prior to October 16, 2009, may establish a local 25634  
professional development committee, subject to the approval of the 25635  
department of education. The committee shall be structured in 25636  
accordance with guidelines issued by the state board. 25637

**Sec. 3319.235.** (A) The standards for the preparation of 25638  
teachers adopted under section 3333.048 of the Revised Code shall 25639  
require any institution that provides a course of study for the 25640  
training of teachers to ensure that graduates of such course of 25641  
study are skilled at integrating educational technology in the 25642  
instruction of children, as evidenced by the graduate having 25643  
either demonstrated proficiency in such skills in a manner 25644  
prescribed by the department of education or completed a course 25645  
that includes training in such skills. 25646

(B) The ~~eTech Ohio commission~~ chancellor of the Ohio board of 25647  
regents, in consultation with the department of education, shall 25648  
establish model professional development programs to assist 25649  
teachers who completed their teacher preparation prior to the 25650  
effective date of division (A) of this section to become skilled 25651  
at integrating educational technology in the instruction of 25652

children. The ~~commission~~ chancellor and department shall provide 25653  
technical assistance to school districts wishing to establish such 25654  
programs. 25655

(C) The chancellor may make grants to institutions of higher 25656  
education and other organizations for the provision of 25657  
professional development programs related to the implementation of 25658  
educational technology, including use of the distance learning 25659  
clearinghouse established under sections 3333.81 to 3333.88 of the 25660  
Revised Code. 25661

**Sec. 3333.04.** The chancellor of the Ohio board of regents 25662  
shall: 25663

(A) Make studies of state policy in the field of higher 25664  
education and formulate a master plan for higher education for the 25665  
state, considering the needs of the people, the needs of the 25666  
state, and the role of individual public and private institutions 25667  
within the state in fulfilling these needs; 25668

(B)(1) Report annually to the governor and the general 25669  
assembly on the findings from the chancellor's studies and the 25670  
master plan for higher education for the state; 25671

(2) Report at least semiannually to the general assembly and 25672  
the governor the enrollment numbers at each state-assisted 25673  
institution of higher education. 25674

(C) Approve or disapprove the establishment of new branches 25675  
or academic centers of state colleges and universities; 25676

(D) Approve or disapprove the establishment of state 25677  
technical colleges or any other state institution of higher 25678  
education; 25679

(E) Recommend the nature of the programs, undergraduate, 25680  
graduate, professional, state-financed research, and public 25681  
services which should be offered by the state colleges, 25682

universities, and other state-assisted institutions of higher 25683  
education in order to utilize to the best advantage their 25684  
facilities and personnel; 25685

(F) Recommend to the state colleges, universities, and other 25686  
state-assisted institutions of higher education graduate or 25687  
professional programs, including, but not limited to, doctor of 25688  
philosophy, doctor of education, and juris doctor programs, that 25689  
could be eliminated because they constitute unnecessary 25690  
duplication, as shall be determined using the process developed 25691  
pursuant to this division, or for other good and sufficient cause. 25692  
Prior to recommending a program for elimination, the chancellor 25693  
shall request the board of regents to hold at least one public 25694  
hearing on the matter and advise the chancellor on whether the 25695  
program should be recommended for elimination. The board shall 25696  
provide notice of each hearing within a reasonable amount of time 25697  
prior to its scheduled date. Following the hearing, the board 25698  
shall issue a recommendation to the chancellor. The chancellor 25699  
shall consider the board's recommendation but shall not be 25700  
required to accept it. 25701

For purposes of determining the amounts of any state 25702  
instructional subsidies paid to state colleges, universities, and 25703  
other state-assisted institutions of higher education, the 25704  
chancellor may exclude students enrolled in any program that the 25705  
chancellor has recommended for elimination pursuant to this 25706  
division except that the chancellor shall not exclude any such 25707  
student who enrolled in the program prior to the date on which the 25708  
chancellor initially commences to exclude students under this 25709  
division. 25710

The chancellor and state colleges, universities, and other 25711  
state-assisted institutions of higher education shall jointly 25712  
develop a process for determining which existing graduate or 25713  
professional programs constitute unnecessary duplication. 25714

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25715<br>25716<br>25717                                                                                                                                        |
| (H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 25718<br>25719<br>25720<br>25721                                                                                                                               |
| (I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 25722<br>25723<br>25724<br>25725<br>25726<br>25727<br>25728                                                                                                    |
| (J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal | 25729<br>25730<br>25731<br>25732<br>25733<br>25734<br>25735<br>25736<br>25737<br>25738<br>25739<br>25740<br>25741<br>25742<br>25743<br>25744<br>25745<br>25746 |



impact statement to the president of the senate, the speaker of 25747  
the house of representatives, the legislative service commission, 25748  
and the director of budget and management. The chancellor shall 25749  
work in close cooperation with the director of budget and 25750  
management in this respect and in all other matters concerning the 25751  
expenditures of appropriated funds by state colleges, 25752  
universities, and other institutions of higher education. 25753

(K) Seek the cooperation and advice of the officers and 25754  
trustees of both public and private colleges, universities, and 25755  
other institutions of higher education in the state in performing 25756  
the chancellor's duties and making the chancellor's plans, 25757  
studies, and recommendations; 25758

(L) Appoint advisory committees consisting of persons 25759  
associated with public or private secondary schools, members of 25760  
the state board of education, or personnel of the state department 25761  
of education; 25762

(M) Appoint advisory committees consisting of college and 25763  
university personnel, or other persons knowledgeable in the field 25764  
of higher education, or both, in order to obtain their advice and 25765  
assistance in defining and suggesting solutions for the problems 25766  
and needs of higher education in this state; 25767

(N) Approve or disapprove all new degrees and new degree 25768  
programs at all state colleges, universities, and other 25769  
state-assisted institutions of higher education; 25770

(O) Adopt such rules as are necessary to carry out the 25771  
chancellor's duties and responsibilities. The rules shall 25772  
prescribe procedures for the chancellor to follow when taking 25773  
actions associated with the chancellor's duties and 25774  
responsibilities and shall indicate which types of actions are 25775  
subject to those procedures. The procedures adopted under this 25776  
division shall be in addition to any other procedures prescribed 25777

by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

- (1) Provision for public notice of the proposed action;
  - (2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;
  - (3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;
  - (4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;
  - (5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;
  - (6) A timeline for the process described in divisions (0)(1) to (5) of this section.
- ~~(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:~~
- ~~(1) Increased access to higher education;~~
  - ~~(2) Job training;~~
  - ~~(3) Adult literacy;~~
  - ~~(4) Research;~~
  - ~~(5) Excellence in higher education;~~
  - ~~(6) Reduction in the number of graduate programs within the~~

~~same subject area.~~ 25807

~~In July of each odd numbered year, the chancellor shall~~ 25808  
~~submit to the governor and the general assembly a report on~~ 25809  
~~progress made toward these goals.~~ 25810

~~(Q)~~ Make recommendations to the governor and the general 25811  
assembly regarding the design and funding of the student financial 25812  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 25813  
3333.26, and 5910.02 of the Revised Code; 25814

~~(R)~~(O) Participate in education-related state or federal 25815  
programs on behalf of the state and assume responsibility for the 25816  
administration of such programs in accordance with applicable 25817  
state or federal law; 25818

~~(S)~~(R) Adopt rules for student financial aid programs as 25819  
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 25820  
3333.28, and 5910.02 of the Revised Code, and perform any other 25821  
administrative functions assigned to the chancellor by those 25822  
sections; 25823

~~(T)~~(S) Conduct enrollment audits of state-supported 25824  
institutions of higher education; 25825

~~(U)~~(T) Appoint consortia of college and university personnel 25826  
to advise or participate in the development and operation of 25827  
statewide collaborative efforts, including the Ohio supercomputer 25828  
center, the Ohio academic resources network, OhioLink, and the 25829  
Ohio learning network. For each consortium, the chancellor shall 25830  
designate a college or university to serve as that consortium's 25831  
fiscal agent, financial officer, and employer. Any funds 25832  
appropriated for the consortia shall be distributed to the fiscal 25833  
agents for the operation of the consortia. A consortium shall 25834  
follow the rules of the college or university that serves as its 25835  
fiscal agent. The chancellor may restructure existing consortia, 25836  
appointed under this division, in accordance with procedures 25837

adopted under divisions ~~(D)~~(O)(1) to (6) of this section. 25838

~~(V)~~(U) Adopt rules establishing advisory duties and 25839  
responsibilities of the board of regents not otherwise prescribed 25840  
by law; 25841

~~(W)~~(V) Respond to requests for information about higher 25842  
education from members of the general assembly and direct staff to 25843  
conduct research or analysis as needed for this purpose. 25844

**Sec. 3333.041.** (A) On or before the last day of December of 25845  
each year, the chancellor of the Ohio board of regents shall 25846  
submit ~~a report~~ to the governor and, in accordance with section 25847  
101.68 of the Revised Code, the general assembly, the state board 25848  
of education, and the board of education of each city, exempted 25849  
village, and local school district on the a report or reports 25850  
concerning all of the following: 25851

(1) The status of graduates of Ohio school districts at 25852  
~~state assisted colleges or universities~~ state institutions of 25853  
higher education during the twelve-month period ending on the 25854  
thirtieth day of September of the current calendar year. The 25855  
report shall list, by school district, the number of graduates of 25856  
each school district who attended ~~such a college or university~~ 25857  
state institution of higher education and the percentage of each 25858  
district's graduates enrolled in ~~such a college or university~~ 25859  
state institution of higher education during the reporting period 25860  
who were required during such period by the college or university, 25861  
as a prerequisite to enrolling in those courses generally required 25862  
for first-year students, to enroll in a remedial course in 25863  
English, including composition or reading, mathematics, and any 25864  
other area designated by the ~~board~~ chancellor. The chancellor also 25865  
shall make the information described in division (A)(1) of this 25866  
section available to the board of education of each city, exempted 25867  
village, and local school district. 25868

Each state-assisted college and university state institution 25869  
of higher education shall, by the first day of November of each 25870  
year, submit to the chancellor in the form specified by the 25871  
chancellor the information the chancellor requires to compile the 25872  
report. 25873

(2) Aggregate academic growth data for students assigned to 25874  
graduates of teacher preparation programs approved under section 25875  
3333.048 of the Revised Code who teach English language arts or 25876  
mathematics in any of grades four to eight in a public school in 25877  
Ohio. For this purpose, the chancellor shall use the value-added 25878  
progress dimension prescribed by section 3302.021 of the Revised 25879  
Code. The chancellor shall aggregate the data by graduating class 25880  
for each approved teacher preparation program, except that if a 25881  
particular class has ten or fewer graduates to which this section 25882  
applies, the chancellor shall report the data for a group of 25883  
classes over a three-year period. In no case shall the report 25884  
identify any individual graduate. The department of education 25885  
shall share any data necessary for the report with the chancellor. 25886

(3) The following information with respect to the Ohio 25887  
tuition trust authority: 25888

(a) The name of each investment manager that is a minority 25889  
business enterprise or a women's business enterprise with which 25890  
the chancellor contracts; 25891

(b) The amount of assets managed by investment managers that 25892  
are minority business enterprises or women's business enterprises, 25893  
expressed as a percentage of assets managed by investment managers 25894  
with which the chancellor has contracted; 25895

(c) Efforts by the chancellor to increase utilization of 25896  
investment managers that are minority business enterprises or 25897  
women's business enterprises. 25898

(4) The status of implementation of faculty improvement 25899

programs under section 3345.28 of the Revised Code. The report 25900  
shall include, but need not be limited to, the following: the 25901  
number of professional leave grants made by each institution; the 25902  
purpose of each professional leave; and a statement of the cost to 25903  
the institution of each professional leave, to the extent that the 25904  
cost exceeds the salary of the faculty member on professional 25905  
leave. 25906

(5) The number and types of biobased products purchased under 25907  
section 125.092 of the Revised Code and the amount of money spent 25908  
by state institutions of higher education for those biobased 25909  
products as that information is provided to the chancellor under 25910  
division (A) of section 3345.692 of the Revised Code. 25911

(6) A description of dual enrollment programs, as defined in 25912  
section 3313.6013 of the Revised Code, that are offered by school 25913  
districts, community schools established under Chapter 3314. of 25914  
the Revised Code, STEM schools established under Chapter 3326. of 25915  
the Revised Code, college-preparatory boarding schools established 25916  
under Chapter 3328. of the Revised Code, and chartered nonpublic 25917  
high schools. The chancellor also shall post the information on 25918  
the chancellor's web site. 25919

(7) The academic and economic impact of the Ohio innovation 25920  
partnership established under section 3333.61 of the Revised Code. 25921  
At a minimum, the report shall include the following: 25922

(a) Progress and performance metrics for each initiative that 25923  
received an award in the previous fiscal year; 25924

(b) Economic indicators of the impact of each initiative, and 25925  
all initiatives as a whole, on the regional economies and the 25926  
statewide economy; 25927

(c) The chancellor's strategy in assigning choose Ohio first 25928  
scholarships among state universities and colleges and how the 25929  
actual awards fit that strategy. 25930

(8) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following: 25931  
25932  
25933  
25934

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 25935  
25936

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 25937  
25938  
25939

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy. 25940  
25941  
25942

~~(B) As used in this section, "state-assisted college or university" means a state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community colleges, state community colleges, university branches, and technical colleges.:~~ 25943  
25944  
25945  
25946  
25947

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 25948  
25949

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 25950  
25951  
25952

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 25953  
25954

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 25955  
25956  
25957  
25958

**Sec. 3333.123.** (A) As used in this section: 25959

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code.

(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division ~~(S)~~(R) of section 3333.04 of the Revised Code for the implementation of the program.

(B) In adopting rules for the Ohio college opportunity grant program, the chancellor of the Ohio board of regents may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the assessments prescribed in section 3301.0710 of the Revised Code, or meet other high academic performance standards determined by the chancellor to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the timeline for implementation of the provisions authorized by this section.

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of the Ohio board of regents.

The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time



undergraduate student in an Ohio institution of higher education 25991  
that meets the requirements of Title VI of the "Civil Rights Act 25992  
of 1964" and is state-assisted, is nonprofit and holds a 25993  
certificate of authorization issued under section 1713.02 of the 25994  
Revised Code, is a private institution exempt from regulation 25995  
under Chapter 3332. of the Revised Code as prescribed in section 25996  
3333.046 of the Revised Code, or holds a certificate of 25997  
registration and program authorization issued under section 25998  
3332.05 of the Revised Code and awards an associate or bachelor's 25999  
degree. Students who attend an institution holding a certificate 26000  
of registration shall be enrolled in a program leading to an 26001  
associate or bachelor's degree for which associate or bachelor's 26002  
degree program the institution has program authorization to offer 26003  
the program issued under section 3332.05 of the Revised Code. 26004

"Resident" and "full-time student" shall be defined in rules 26005  
adopted by the chancellor. 26006

The chancellor shall award the scholarships on the basis of a 26007  
formula designed by the chancellor to identify students with the 26008  
highest capability for successful college study. The formula shall 26009  
weigh the factor of achievement, as measured by grade point 26010  
average, and the factor of ability, as measured by performance on 26011  
a competitive examination specified by the chancellor. Students 26012  
receiving scholarships shall be known as "Ohio academic scholars." 26013  
~~Annually, not later than the thirty first day of July, the 26014~~  
~~chancellor shall report to the governor and the general assembly 26015~~  
~~on the performance of current Ohio academic scholars and the 26016~~  
~~effectiveness of the formula. 26017~~

**Sec. ~~3333.90~~ 3333.59.** (A) As used in this section: 26018

(1) "Allocated state share of instruction" means, for any 26019  
fiscal year, the amount of the state share of instruction 26020  
appropriated to the Ohio board of regents by the general assembly 26021

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| that is allocated to a community or technical college or community | 26022 |
| or technical college district for such fiscal year.                | 26023 |
| (2) "Issuing authority" has the same meaning as in section         | 26024 |
| 154.01 of the Revised Code.                                        | 26025 |
| (3) "Bond service charges" has the same meaning as in section      | 26026 |
| 154.01 of the Revised Code.                                        | 26027 |
| (4) "Chancellor" means the chancellor of the Ohio board of         | 26028 |
| regents.                                                           | 26029 |
| (5) "Community or technical college" or "college" means any        | 26030 |
| of the following state-supported or state-assisted institutions of | 26031 |
| higher education:                                                  | 26032 |
| (a) A community college as defined in section 3354.01 of the       | 26033 |
| Revised Code;                                                      | 26034 |
| (b) A technical college as defined in section 3357.01 of the       | 26035 |
| Revised Code;                                                      | 26036 |
| (c) A state community college as defined in section 3358.01        | 26037 |
| of the Revised Code.                                               | 26038 |
| (6) "Community or technical college district" or "district"        | 26039 |
| means any of the following institutions of higher education that   | 26040 |
| are state-supported or state-assisted:                             | 26041 |
| (a) A community college district as defined in section             | 26042 |
| 3354.01 of the Revised Code;                                       | 26043 |
| (b) A technical college district as defined in section             | 26044 |
| 3357.01 of the Revised Code;                                       | 26045 |
| (c) A state community college district as defined in section       | 26046 |
| 3358.01 of the Revised Code.                                       | 26047 |
| (7) "Credit enhancement facilities" has the same meaning as        | 26048 |
| in section 133.01 of the Revised Code.                             | 26049 |
| (8) "Obligations" has the meaning as in section 154.01 or          | 26050 |

3345.12 of the Revised Code, as the context requires. 26051

(B) The board of trustees of any community or technical 26052  
college district authorizing the issuance of obligations under 26053  
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 26054  
Revised Code, or for whose benefit and on whose behalf the issuing 26055  
authority proposes to issue obligations under section 154.25 of 26056  
the Revised Code, may adopt a resolution requesting the chancellor 26057  
to enter into an agreement with the community or technical college 26058  
district and the primary paying agent or fiscal agent for such 26059  
obligations, providing for the withholding and deposit of funds 26060  
otherwise due the district or the community or technical college 26061  
it operates in respect of its allocated state share of 26062  
instruction, for the payment of bond service charges on such 26063  
obligations. 26064

The board of trustees shall deliver to the chancellor a copy 26065  
of the resolution and any additional pertinent information the 26066  
chancellor may require. 26067

The chancellor and the office of budget and management, and 26068  
the issuing authority in the case of obligations to be issued by 26069  
the issuing authority, shall evaluate each request received from a 26070  
community or technical college district under this section. The 26071  
chancellor, with the advice and consent of the director of budget 26072  
and management and the issuing authority in the case of 26073  
obligations to be issued by the issuing authority, shall approve 26074  
each request if all of the following conditions are met: 26075

(1) Approval of the request will enhance the marketability of 26076  
the obligations for which the request is made; 26077

(2) The chancellor and the office of budget and management, 26078  
and the issuing authority in the case of obligations to be issued 26079  
by the issuing authority, have no reason to believe the requesting 26080  
community or technical college district or the community or 26081

technical college it operates will be unable to pay when due the 26082  
bond service charges on the obligations for which the request is 26083  
made, and bond service charges on those obligations are therefore 26084  
not anticipated to be paid pursuant to this section from the 26085  
allocated state share of instruction for purposes of Section 17 of 26086  
Article VIII, Ohio Constitution. 26087

(3) Any other pertinent conditions established in rules 26088  
adopted under division (H) of this section. 26089

(C) If the chancellor approves the request of a community or 26090  
technical college district to withhold and deposit funds pursuant 26091  
to this section, the chancellor shall enter into a written 26092  
agreement with the district and the primary paying agent or fiscal 26093  
agent for the obligations, which agreement shall provide for the 26094  
withholding of funds pursuant to this section for the payment of 26095  
bond service charges on those obligations. The agreement may also 26096  
include both of the following: 26097

(1) Provisions for certification by the district to the 26098  
chancellor, prior to the deadline for payment of the applicable 26099  
bond service charges, whether the district and the community or 26100  
technical college it operates are able to pay those bond service 26101  
charges when due; 26102

(2) Requirements that the district or the community or 26103  
technical college it operates deposits amounts for the payment of 26104  
those bond service charges with the primary paying agent or fiscal 26105  
agent for the obligations prior to the date on which the bond 26106  
service charges are due to the owners or holders of the 26107  
obligations. 26108

(D) Whenever a district or the community or technical college 26109  
it operates notifies the chancellor that it will not be able to 26110  
pay the bond service charges when they are due, subject to the 26111  
withholding provisions of this section, or whenever the applicable 26112

paying agent or fiscal agent notifies the chancellor that it has 26113  
not timely received from a district or from the college it 26114  
operates the full amount needed for payment of the bond service 26115  
charges when due to the holders or owners of such obligations, the 26116  
chancellor shall immediately contact the district or college and 26117  
the paying agent or fiscal agent to confirm that the district and 26118  
the college are not able to make the required payment by the date 26119  
on which it is due. 26120

If the chancellor confirms that the district and the college 26121  
are not able to make the payment and the payment will not be made 26122  
pursuant to a credit enhancement facility, the chancellor shall 26123  
promptly pay to the applicable primary paying agent or fiscal 26124  
agent the lesser of the amount due for bond service charges or the 26125  
amount of the next periodic distribution scheduled to be made to 26126  
the district or to the college in respect of its allocated state 26127  
share of instruction. If this amount is insufficient to pay the 26128  
total amount then due the agent for the payment of bond service 26129  
charges, the chancellor shall continue to pay to the agent from 26130  
each periodic distribution thereafter, and until the full amount 26131  
due the agent for unpaid bond service charges is paid in full, the 26132  
lesser of the remaining amount due the agent for bond service 26133  
charges or the amount of the next periodic distribution scheduled 26134  
to be made to the district or college in respect of its allocated 26135  
state share of instruction. 26136

(E) The chancellor may make any payments under this section 26137  
by direct deposit of funds by electronic transfer. 26138

Any amount received by a paying agent or fiscal agent under 26139  
this section shall be applied only to the payment of bond service 26140  
charges on the obligations of the community or technical college 26141  
district or community or technical college subject to this section 26142  
or to the reimbursement of the provider of a credit enhancement 26143  
facility that has paid the bond service charges. 26144

(F) The chancellor may make payments under this section to 26145  
paying agents or fiscal agents during any fiscal biennium of the 26146  
state only from and to the extent that money is appropriated to 26147  
the board of regents by the general assembly for distribution 26148  
during such biennium for the state share of instruction and only 26149  
to the extent that a portion of the state share of instruction has 26150  
been allocated to the community or technical college district or 26151  
community or technical college. Obligations of the issuing 26152  
authority or of a community or technical college district to which 26153  
this section is made applicable do not constitute an obligation or 26154  
a debt or a pledge of the faith, credit, or taxing power of the 26155  
state, and the holders or owners of those obligations have no 26156  
right to have excises or taxes levied or appropriations made by 26157  
the general assembly for the payment of bond service charges on 26158  
the obligations, and the obligations shall contain a statement to 26159  
that effect. The agreement for or the actual withholding and 26160  
payment of money under this section does not constitute the 26161  
assumption by the state of any debt of a community or technical 26162  
college district or a community or technical college, and bond 26163  
service charges on the related obligations are not anticipated to 26164  
be paid from the state general revenue fund for purposes of 26165  
Section 17 of Article VIII, Ohio Constitution. 26166

(G) In the case of obligations subject to the withholding 26167  
provisions of this section, the issuing community or technical 26168  
college district, or the issuing authority in the case of 26169  
obligations issued by the issuing authority, shall appoint a 26170  
paying agent or fiscal agent who is not an officer or employee of 26171  
the district or college. 26172

(H) The chancellor, with the advice and consent of the office 26173  
of budget and management, may adopt reasonable rules not 26174  
inconsistent with this section for the implementation of this 26175  
section to secure payment of bond service charges on obligations 26176

issued by a community or technical college district or by the 26177  
issuing authority for the benefit of a community or technical 26178  
college district or the community or technical college it 26179  
operates. Those rules shall include criteria for the evaluation 26180  
and approval or denial of community or technical college district 26181  
requests for withholding under this section. 26182

(I) The authority granted by this section is in addition to 26183  
and not a limitation on any other authorizations granted by or 26184  
pursuant to law for the same or similar purposes. 26185

**Sec. 3333.60.** As used in sections 3333.61 to ~~3333.70~~ 3333.69 26186  
of the Revised Code: 26187

(A) "State university or college" has the same meaning as in 26188  
section 3345.12 of the Revised Code. 26189

(B) "State university" and "state institution of higher 26190  
education" have the same meanings as in section 3345.011 of the 26191  
Revised Code. 26192

**Sec. 3333.61.** The chancellor of the Ohio board of regents 26193  
shall establish and administer the Ohio innovation partnership, 26194  
which shall consist of the choose Ohio first scholarship program 26195  
and the Ohio research scholars program. Under the programs, the 26196  
chancellor, subject to approval by the controlling board, shall 26197  
make awards to state universities or colleges for programs and 26198  
initiatives that recruit students and scientists in the fields of 26199  
science, technology, engineering, mathematics, and medicine to 26200  
state universities or colleges, in order to enhance regional 26201  
educational and economic strengths and meet the needs of the 26202  
state's regional economies. Awards may be granted for programs and 26203  
initiatives to be implemented by a state university or college 26204  
alone or in collaboration with other state institutions of higher 26205  
education, nonpublic Ohio universities and colleges, or other 26206

public or private Ohio entities. If the chancellor makes an award 26207  
to a program or initiative that is intended to be implemented by a 26208  
state university or college in collaboration with other state 26209  
institutions of higher education or nonpublic Ohio universities or 26210  
colleges, the chancellor may provide that some portion of the 26211  
award be received directly by the collaborating universities or 26212  
colleges consistent with all terms of the Ohio innovation 26213  
partnership. 26214

The choose Ohio first scholarship program shall assign a 26215  
number of scholarships to state universities and colleges to 26216  
recruit Ohio residents as undergraduate, or as provided in section 26217  
3333.66 of the Revised Code graduate, students in the fields of 26218  
science, technology, engineering, mathematics, and medicine, or in 26219  
science, technology, engineering, mathematics, or medical 26220  
education. Choose Ohio first scholarships shall be awarded to each 26221  
participating eligible student as a grant to the state university 26222  
or college the student is attending and shall be reflected on the 26223  
student's tuition bill. Choose Ohio first scholarships are 26224  
student-centered grants from the state to students to use to 26225  
attend a university or college and are not grants from the state 26226  
to universities or colleges. 26227

Notwithstanding any other provision of this section or 26228  
sections 3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, a 26229  
nonpublic four-year Ohio institution of higher education may 26230  
submit a proposal for choose Ohio first scholarships or Ohio 26231  
research scholars grants. If the chancellor awards a nonpublic 26232  
institution scholarships or grants, the nonpublic institution 26233  
shall comply with all requirements of this section, sections 26234  
3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, and the rules 26235  
adopted under this section that apply to state universities or 26236  
colleges awarded choose Ohio first scholarships or Ohio research 26237  
scholars grants. 26238



The Ohio research scholars program shall award grants to use 26239  
in recruiting scientists to the faculties of state universities or 26240  
colleges. 26241

The chancellor shall adopt rules in accordance with Chapter 26242  
119. of the Revised Code to administer the programs. 26243

**Sec. 3333.71.** As used in sections 3333.71 to ~~3333.80~~ 3333.79 26244  
of the Revised Code: 26245

(A) "Cooperative education program" means a partnership 26246  
between students, institutions of higher education, and employers 26247  
that formally integrates students' academic study with work 26248  
experience in cooperating employer organizations and that meets 26249  
all of the following conditions: 26250

(1) Alternates or combines periods of academic study and work 26251  
experience in appropriate fields as an integral part of student 26252  
education; 26253

(2) Provides students with compensation from the cooperative 26254  
employer in the form of wages or salaries for work performed; 26255

(3) Evaluates each participating student's performance in the 26256  
cooperative position, both from the perspective of the student's 26257  
institution of higher education and the student's cooperative 26258  
employer; 26259

(4) Provides participating students with academic credit from 26260  
the institution of higher education upon successful completion of 26261  
their cooperative education; 26262

(5) Is part of an overall degree or certificate program for 26263  
which a percentage of the total program acceptable to the 26264  
chancellor of the Ohio board of regents involves cooperative 26265  
education. 26266

(B) "Internship program" means a partnership between 26267  
students, institutions of higher education, and employers that 26268

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| formally integrates students' academic study with work or          | 26269 |
| community service experience and that does both of the following:  | 26270 |
| (1) Offers internships of specified and definite duration;         | 26271 |
| (2) Evaluates each participating student's performance in the      | 26272 |
| internship position, both from the perspective of the student's    | 26273 |
| institution of higher education and the student's internship       | 26274 |
| employer.                                                          | 26275 |
| An internship program may provide participating students with      | 26276 |
| academic credit upon successful completion of the internship, and  | 26277 |
| may provide students with compensation in the form of wages or     | 26278 |
| salaries, stipends, or scholarships.                               | 26279 |
| (C) "Nonpublic university or college" means a nonprofit            | 26280 |
| institution holding a certificate of authorization issued under    | 26281 |
| Chapter 1713. of the Revised Code.                                 | 26282 |
| (D) "State institution of higher education" has the same           | 26283 |
| meaning as in section 3345.011 of the Revised Code.                | 26284 |
| <b>Sec. 3333.72.</b> The chancellor of the Ohio board of regents   | 26285 |
| shall establish and administer the Ohio co-op/internship program   | 26286 |
| to promote and encourage cooperative education programs or         | 26287 |
| internship programs at Ohio institutions of higher education for   | 26288 |
| the purpose of recruiting Ohio students to stay in the state, and  | 26289 |
| recruiting Ohio residents who left Ohio to attend out-of-state     | 26290 |
| institutions of higher education back to Ohio institutions of      | 26291 |
| higher education, to participate in high quality academic programs | 26292 |
| that use cooperative education programs or significant internship  | 26293 |
| programs, in order to support the growth of Ohio's businesses by   | 26294 |
| providing businesses with Ohio's most talented students and        | 26295 |
| providing Ohio graduates with job opportunities with Ohio's        | 26296 |
| growing companies.                                                 | 26297 |
| The chancellor, subject to approval by the controlling board,      | 26298 |

shall make awards to state institutions of higher education for 26299  
new or existing programs and initiatives meeting the goals of the 26300  
Ohio co-op/internship program. Awards may be granted for programs 26301  
and initiatives to be implemented by a state institution of higher 26302  
education alone or in collaboration with other state institutions 26303  
of higher education or nonpublic Ohio universities and colleges. 26304  
If the chancellor makes an award to a program or initiative that 26305  
is intended to be implemented by a state institution of higher 26306  
education in collaboration with other state institutions of higher 26307  
education or nonpublic Ohio universities or colleges, the 26308  
chancellor may provide that some portion of the award be received 26309  
directly by the collaborating universities or colleges consistent 26310  
with all terms of the Ohio co-op/internship program. 26311

The Ohio co-op/internship program shall support the creation 26312  
and maintenance of high quality academic programs that utilize an 26313  
intensive cooperative education or internship program for students 26314  
at state institutions of higher education, or assign a number of 26315  
scholarships to institutions to recruit Ohio residents as students 26316  
in a high quality academic program, or both. If scholarships are 26317  
included in an award to an institution of higher education, the 26318  
scholarships shall be awarded to each participating eligible 26319  
student as a grant to the state institution of higher education 26320  
the student is attending and shall be reflected on the student's 26321  
tuition bill. 26322

Notwithstanding any other provision of this section or 26323  
sections 3333.73 to ~~3333.80~~ 3333.79 of the Revised Code, an Ohio 26324  
four-year nonpublic university or college may submit a proposal as 26325  
lead applicant or co-lead applicant for an award under the Ohio 26326  
co-op/internship program if the proposal is to be implemented in 26327  
collaboration with a state institution of higher education. If the 26328  
chancellor grants a nonpublic university or college an award, the 26329  
nonpublic university or college shall comply with all requirements 26330

of this section, sections 3333.73 to ~~3333.80~~ 3333.79 of the Revised Code, and the rules adopted under this section that apply to state institutions of higher education that receive awards under the program.

The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the Ohio co-op/internship program.

**Sec. 3333.82.** (A) The chancellor of the Ohio board of regents shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and other nonprofit and for-profit course providers for sharing with other school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and individuals for the fee set pursuant to section 3333.84 of the Revised Code. The chancellor shall not be responsible for the content of courses offered through the clearinghouse; however, all such courses shall be delivered only in accordance with technical specifications approved by the chancellor and on a common statewide platform administered by the chancellor.

The clearinghouse's distance learning program for students in grades kindergarten to twelve shall be based on the following principles:

(1) All Ohio students shall have access to high quality distance learning courses at any point in their educational careers.

(2) All students shall be able to customize their education using distance learning courses offered through the clearinghouse and no student shall be denied access to any course in the

clearinghouse in which the student is eligible to enroll. 26362

(3) Students may take distance learning courses for all or 26363  
any portion of their curriculum requirements and may utilize a 26364  
combination of distance learning courses and courses taught in a 26365  
traditional classroom setting. 26366

(4) Students may earn an unlimited number of academic credits 26367  
through distance learning courses. 26368

(5) Students may take distance learning courses at any time 26369  
of the calendar year. 26370

(6) Student advancement to higher coursework shall be based 26371  
on a demonstration of subject area competency instead of 26372  
completion of any particular number of hours of instruction. 26373

(B) To offer a course through the clearinghouse, a course 26374  
provider shall apply to the chancellor in a form and manner 26375  
prescribed by the chancellor. The application for each course 26376  
shall describe the course of study in as much detail as required 26377  
by the chancellor, whether an instructor is provided, the 26378  
qualification and credentials of the instructor, the number of 26379  
hours of instruction, and any other information required by the 26380  
chancellor. The chancellor may require course providers to include 26381  
in their applications information recommended by the state board 26382  
of education under former section 3353.30 of the Revised Code. 26383

(C) The chancellor shall review the technical specifications 26384  
of each application submitted under division (B) of this section. 26385  
In reviewing applications, the chancellor may consult with the 26386  
department of education; however, the responsibility to either 26387  
approve or not approve a course for the clearinghouse belongs to 26388  
the chancellor. The chancellor may request additional information 26389  
from a course provider that submits an application under division 26390  
(B) of this section, if the chancellor determines that such 26391  
information is necessary. The chancellor may negotiate changes in 26392

the proposal to offer a course, if the chancellor determines that 26393  
changes are necessary in order to approve the course. 26394

(D) The chancellor shall catalog each course approved for the 26395  
clearinghouse, through a print or electronic medium, displaying 26396  
the following: 26397

(1) Information necessary for a student and the student's 26398  
parent, guardian, or custodian and the student's school district, 26399  
community school, STEM school, college, or university to decide 26400  
whether to enroll in or subscribe to the course; 26401

(2) Instructions for enrolling in that course, including 26402  
deadlines for enrollment. 26403

(E) Any expenses related to the installation of a course into 26404  
the common statewide platform shall be borne by the course 26405  
provider. 26406

(F) The ~~eTech Ohio commission, in consultation with the~~ 26407  
chancellor and the state board, shall distribute information to 26408  
students and parents describing the clearinghouse. The information 26409  
shall be provided in an easily understandable format. 26410

**Sec. ~~3353.01~~ 3333.89.** As used in ~~this chapter~~ sections 26411  
3333.90 to 3333.92 of the Revised Code: 26412

(A) "Educational television or radio" means television or 26413  
radio programs which serve the educational needs of the community 26414  
and which meet the requirements of the federal communications 26415  
commission for noncommercial educational television or radio. 26416

(B) "Educational telecommunications network" means a system 26417  
of connected educational television, radio, or radio reading 26418  
service facilities and coordinated programs established and 26419  
operated or controlled by the eTech Ohio commission, pursuant to 26420  
this chapter. 26421

(C) "Transmission" means the sending out of television, 26422

radio, or radio reading service programs, either directly to the public, or to broadcasting stations or services for simultaneous broadcast or rebroadcast.

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television, radio, or radio reading service programs.

(E) "Interconnection facilities" means the equipment, material, and services used to link one location to another location or to several locations by means of telephone line, coaxial cable, microwave relays, or other available technologies.

(F) "Broadcasting station" means a properly licensed noncommercial educational television or radio station, appropriately staffed and equipped to produce programs or lessons and to broadcast programs.

(G) "Radio reading service" means a nonprofit organization that disseminates news and other information to blind and physically handicapped persons.

(H) "Affiliate" means an educational telecommunication entity, including a television or radio broadcasting station or radio reading service.

Sec. 3333.90. (A) The chancellor of the Ohio board of regents shall do all of the following regarding the management and oversight of the state's educational telecommunications activities:

(1) Own or operate transmission facilities and interconnection facilities, or contract for transmission facilities and interconnection facilities, for an educational television, radio, or radio reading service network;

(2) Establish standards for interconnection facilities used by the chancellor in the transmission of educational television,

radio, or radio reading service programming; 26453

(3) Enter into agreements with noncommercial educational television or radio broadcasting stations or radio reading services for the operation of the interconnection; 26454  
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26456

(4) Enter into agreements with noncommercial educational television or radio broadcasting stations or radio reading services for the production and use of educational television, radio, or radio reading service programs to be transmitted by the educational telecommunications network; 26457  
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(5) Act as consultant with educational television and educational radio stations and radio reading services toward coordination within the state of the distribution of federal funds that may become available for equipment for educational broadcasting or radio reading services; 26462  
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(6) Make payments to noncommercial Ohio educational television or radio broadcasting stations or radio reading services to sustain the operation of such stations or services; 26467  
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(7) Execute contracts and other agreements necessary and desirable to carry out the purposes of this section. 26470  
26471

(B) Sections 9.331 to 9.335 and Chapters 123., 124., 125., and 153. of the Revised Code do not apply to contracts, programs, projects, or activities of the chancellor carried out under this section. 26472  
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(C) All employees of the former eTech Ohio commission who transferred to the office of the chancellor, as a result of the transfer to the chancellor of the state's educational telecommunications activities upon the effective date of this section, and who when employed by that commission or a predecessor agency were included in a bargaining unit established under Chapter 4117. of the Revised Code, shall continue to be included in that bargaining unit, are public employees as defined in 26476  
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section 4117.01 of the Revised Code, and may collectively bargain 26484  
with the chancellor in accordance with that chapter. Otherwise, 26485  
any employee hired by the chancellor on or after the effective 26486  
date of this section, either to fill vacancies or to fill new 26487  
positions related to the chancellor's duties under this section, 26488  
shall be exempt from Chapter 4117. of the Revised Code and shall 26489  
not be public employees as defined in section 4117.01 of the 26490  
Revised Code. 26491

**Sec. ~~3353.05~~ 3333.91.** Any taxing authority as defined in 26492  
section 5705.01 of the Revised Code located in a county may pay to 26493  
any noncommercial educational television or radio broadcasting 26494  
station or radio reading service located in the county or serving 26495  
any part of the county an amount not to exceed five cents annually 26496  
on each one thousand dollars of the total value of all property 26497  
within the county as listed and assessed for taxation at the close 26498  
of the fiscal year immediately preceding the year in which the 26499  
payment is made. 26500

**Sec. ~~3353.06~~ 3333.92.** (A) The affiliates services fund is 26501  
hereby created in the state treasury. The ~~eTech Ohio commission~~ 26502  
chancellor of the Ohio board of regents shall deposit any money it 26503  
receives for services provided to affiliates to the credit of the 26504  
fund, including: 26505

(1) Reimbursements for services provided to stations; 26506

(2) Charges levied for maintenance of telecommunications, 26507  
broadcasting, or transmission equipment; 26508

(3) Contract or grant payments from affiliates. 26509

(B) The ~~commission~~ chancellor shall use money credited to the 26510  
affiliates services fund for any commission operating purposes, 26511  
including: 26512

(1) The purchase, repair, or maintenance of 26513

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| telecommunications, broadcasting, or transmission equipment;                        | 26514 |
| (2) The purchase or lease of educational programming;                               | 26515 |
| (3) The purchase of tape and maintenance of a media library;                        | 26516 |
| (4) Professional development programs and services;                                 | 26517 |
| (5) Administrative expenses.                                                        | 26518 |
| <br>                                                                                |       |
| <b>Sec. <del>3353.07</del> <u>3333.93</u>.</b> (A) There is hereby created the Ohio | 26519 |
| government telecommunications service. The Ohio government                          | 26520 |
| telecommunications service shall provide the state government and                   | 26521 |
| affiliated organizations with multimedia support including audio,                   | 26522 |
| visual, and internet services, multimedia streaming, and hosting                    | 26523 |
| multimedia programs.                                                                | 26524 |
| <br>                                                                                |       |
| Services relating to the official activities of the general                         | 26525 |
| assembly and the executive offices provided by the Ohio government                  | 26526 |
| telecommunications service shall be funded through grants to a                      | 26527 |
| public television broadcasting station that will manage the staff                   | 26528 |
| and provide the services of the Ohio government telecommunications                  | 26529 |
| service. The Ohio educational television stations shall select a                    | 26530 |
| member station to manage the Ohio government telecommunications                     | 26531 |
| service. The Ohio government telecommunications service shall                       | 26532 |
| receive grants from, or contract with, any of the three branches                    | 26533 |
| of Ohio government, and their affiliates, to provide additional                     | 26534 |
| services. Services provided by the Ohio government                                  | 26535 |
| telecommunications service shall not be used for political                          | 26536 |
| purposes included in campaign materials, or otherwise used to                       | 26537 |
| influence an election, legislation, issue, judicial decision, or                    | 26538 |
| other policy of state government.                                                   | 26539 |
| <br>                                                                                |       |
| (B)(1) There is hereby created the legislative programming                          | 26540 |
| committee of the Ohio government telecommunications service that                    | 26541 |
| shall consist of the president of the senate, speaker of the house                  | 26542 |
| of representatives, minority leader of the senate, and minority                     | 26543 |

leader of the house of representatives, or their designees, and 26544  
the clerks of the senate and house of representatives as 26545  
nonvoting, ex officio members. By a vote of a majority of its 26546  
members, the program committee may add additional members to the 26547  
committee. 26548

(2) The legislative programming committee shall adopt rules 26549  
that govern the operation of the Ohio government 26550  
telecommunications service relating to the general assembly and 26551  
any affiliated organizations. 26552

**Sec. ~~3353.11~~ 3333.94.** There is hereby created in the state 26553  
treasury the governmental telecommunications operating fund. The 26554  
fund shall consist of money received from contract services of the 26555  
Ohio government telecommunications service and shall be used for 26556  
operations or equipment breakdowns related to the service. Only 26557  
the Ohio government telecommunications service may authorize the 26558  
spending of money in the fund. All investment earnings of the fund 26559  
shall be credited to the fund. Once the fund has a balance of 26560  
zero, the fund shall cease to exist. 26561

**Sec. 3345.12.** (A) As used in this section and sections 26562  
3345.07 and 3345.11 of the Revised Code, in other sections of the 26563  
Revised Code that make reference to this section unless the 26564  
context does not permit, and in related bond proceedings unless 26565  
otherwise expressly provided: 26566

(1) "State university or college" means each of the state 26567  
universities identified in section 3345.011 of the Revised Code 26568  
and the northeast Ohio medical university, and includes its board 26569  
of trustees. 26570

(2) "Institution of higher education" or "institution" means 26571  
a state university or college, or a community college district, 26572  
technical college district, university branch district, or state 26573

community college, and includes the applicable board of trustees 26574  
or, in the case of a university branch district, any other 26575  
managing authority. 26576

(3) "Housing and dining facilities" means buildings, 26577  
structures, and other improvements, and equipment, real estate, 26578  
and interests in real estate therefor, to be used for or in 26579  
connection with dormitories or other living quarters and 26580  
accommodations, or related dining halls or other food service and 26581  
preparation facilities, for students, members of the faculty, 26582  
officers, or employees of the institution of higher education, and 26583  
their spouses and families. 26584

(4) "Auxiliary facilities" means buildings, structures, and 26585  
other improvements, and equipment, real estate, and interests in 26586  
real estate therefor, to be used for or in connection with student 26587  
activity or student service facilities, housing and dining 26588  
facilities, dining halls, and other food service and preparation 26589  
facilities, vehicular parking facilities, bookstores, athletic and 26590  
recreational facilities, faculty centers, auditoriums, assembly 26591  
and exhibition halls, hospitals, infirmaries and other medical and 26592  
health facilities, research, and continuing education facilities. 26593

(5) "Education facilities" means buildings, structures, and 26594  
other improvements, and equipment, real estate, and interests in 26595  
real estate therefor, to be used for or in connection with, 26596  
classrooms or other instructional facilities, libraries, 26597  
administrative and office facilities, and other facilities, other 26598  
than auxiliary facilities, to be used directly or indirectly for 26599  
or in connection with the conduct of the institution of higher 26600  
education. 26601

(6) "Facilities" means housing and dining facilities, 26602  
auxiliary facilities, or education facilities, and includes any 26603  
one, part of, or any combination of such facilities, and further 26604  
includes site improvements, utilities, machinery, furnishings, and 26605

any separate or connected buildings, structures, improvements, 26606  
sites, open space and green space areas, utilities or equipment to 26607  
be used in, or in connection with the operation or maintenance of, 26608  
or supplementing or otherwise related to the services or 26609  
facilities to be provided by, such facilities. 26610

(7) "Obligations" means bonds or notes or other evidences of 26611  
obligation, including interest coupons pertaining thereto, 26612  
authorized to be issued under this section or section 3345.07, 26613  
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 26614  
Code. 26615

(8) "Bond service charges" means principal, including any 26616  
mandatory sinking fund or redemption requirements for the 26617  
retirement of obligations or assurances, interest, or interest 26618  
equivalent and other accreted amounts, and any call premium 26619  
required to be paid on obligations or assurances. 26620

(9) "Bond proceedings" means the resolutions, trust 26621  
agreement, indenture, and other agreements and credit enhancement 26622  
facilities, and amendments and supplements to the foregoing, or 26623  
any one or more or combination thereof, authorizing, awarding, or 26624  
providing for the terms and conditions applicable to, or providing 26625  
for the security or liquidity of, obligations or assurances, and 26626  
the provisions contained in those obligations or assurances. 26627

(10) "Costs of facilities" means the costs of acquiring, 26628  
constructing, reconstructing, rehabilitating, remodeling, 26629  
renovating, enlarging, improving, equipping, or furnishing 26630  
facilities, and the financing thereof, including the cost of 26631  
clearance and preparation of the site and of any land to be used 26632  
in connection with facilities, the cost of any indemnity and 26633  
surety bonds and premiums on insurance, all related direct 26634  
administrative expenses and allocable portions of direct costs of 26635  
the institution of higher education or state agency, cost of 26636  
engineering, architectural services, design, plans, specifications 26637

and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for the obligations, cost of issuance of the obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on the obligations from the date thereof to the time when interest is to be covered by available receipts or other sources other than proceeds of the obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursements of all moneys advanced or applied by or borrowed from the institution or others, from whatever source provided, including any temporary advances from state appropriations, for the payment of any item or items of cost of facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of facilities, the financing thereof and the placing of them in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(11) "Available receipts" means all moneys received by the institution of higher education, including income, revenues, and receipts from the operation, ownership, or control of facilities or entrepreneurial projects, grants, gifts, donations, and pledges and receipts therefrom, receipts from fees and charges, and the proceeds of the sale of obligations or assurances, including proceeds of obligations or assurances issued to refund obligations or assurances previously issued, but excluding any special fee, and receipts therefrom, charged pursuant to division (D) of section 154.21 of the Revised Code.

(12) "Credit enhancement facilities" has the meaning given in division (H) of section 133.01 of the Revised Code.

(13) "Financing costs" has the meaning given in division (K) 26670  
of section 133.01 of the Revised Code. 26671

(14) "Interest" or "interest equivalent" has the meaning 26672  
given in division (R) of section 133.01 of the Revised Code. 26673

(15) "Assurances" means bonds, notes, or other evidence of 26674  
indebtedness, including interest coupons pertaining thereto, 26675  
authorized to be issued under section 3345.36 of the Revised Code. 26676

(16) "Entrepreneurial project" has the same meaning as in 26677  
section 3345.36 of the Revised Code. 26678

(17) "Costs of entrepreneurial projects" means any costs 26679  
related to the establishment or development of entrepreneurial 26680  
projects pursuant to a resolution adopted under section 3345.36 of 26681  
the Revised Code. 26682

(B) Obligations issued under section 3345.07 or 3345.11 of 26683  
the Revised Code by a state university or college shall be 26684  
authorized by resolution of its board of trustees. Obligations 26685  
issued by any other institution of higher education shall be 26686  
authorized by resolution of its board of trustees, or managing 26687  
directors in the case of certain university branch districts, as 26688  
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 26689  
apply to obligations and assurances. Obligations and assurances 26690  
may be issued to pay costs of facilities or entrepreneurial 26691  
projects even if the institution anticipates the possibility of a 26692  
future state appropriation to pay all or a portion of such costs. 26693

(C) Obligations and assurances shall be secured by a pledge 26694  
of and lien on all or such part of the available receipts of the 26695  
institution of higher education as it provides for in the bond 26696  
proceedings, excluding moneys raised by taxation and state 26697  
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 26698  
the Revised Code. Such pledge and lien may be made prior to all 26699  
other expenses, claims, or payments, excepting any pledge of such 26700

available receipts previously made to the contrary and except as 26701  
provided by any existing restrictions on the use thereof, or such 26702  
pledge and lien may be made subordinate to such other expenses, 26703  
claims, or payments, as provided in the bond proceedings. 26704  
Obligations or assurances may be additionally secured by covenants 26705  
of the institution to make, fix, adjust, collect, and apply such 26706  
charges, rates, fees, rentals, and other items of available 26707  
receipts as will produce pledged available receipts sufficient to 26708  
meet bond service charges, reserve, and other requirements 26709  
provided for in the bond proceedings. Notwithstanding this and any 26710  
other sections of the Revised Code, the holders or owners of the 26711  
obligations or assurances shall not be given the right and shall 26712  
have no right to have excises or taxes levied by the general 26713  
assembly for the payment of bond service charges thereon, and each 26714  
such obligation or assurance shall bear on its face a statement to 26715  
that effect and to the effect that the right to such payment is 26716  
limited to the available receipts and special funds pledged to 26717  
such purpose under the bond proceedings. 26718

All pledged available receipts and funds and the proceeds of 26719  
obligations or assurances are trust funds and, subject to the 26720  
provisions of this section and the applicable bond proceedings, 26721  
shall be held, deposited, invested, reinvested, disbursed, 26722  
applied, and used to such extent, in such manner, at such times, 26723  
and for such purposes, as are provided in the bond proceedings. 26724

(D) The bond proceedings for obligations or assurances shall 26725  
provide for the purpose thereof and the principal amount or 26726  
maximum principal amount, and provide for or authorize the manner 26727  
of determining the principal maturity or maturities, the sale 26728  
price including any permitted discount, the interest rate or 26729  
rates, which may be a variable rate or rates, or the maximum 26730  
interest rate, the date of the obligations or assurances and the 26731  
date or dates of payment of interest thereon, their denominations, 26732



the manner of sale thereof, and the establishment within or 26733  
without the state of a place or places of payment of bond service 26734  
charges. The bond proceedings also shall provide for a pledge of 26735  
and lien on available receipts of the institution of higher 26736  
education as provided in division (C) of this section, and a 26737  
pledge of and lien on such fund or funds provided in the bond 26738  
proceedings arising from available receipts, which pledges and 26739  
liens may provide for parity with obligations or assurances 26740  
theretofore or thereafter issued by the institution. The available 26741  
receipts so pledged and thereafter received by the institution and 26742  
the funds so pledged are immediately subject to the lien of such 26743  
pledge without any physical delivery thereof or further act, and 26744  
the lien of any such pledge is valid and binding against all 26745  
parties having claims of any kind against the institution, 26746  
irrespective of whether such parties have notice thereof, and 26747  
shall create a perfected security interest for all purposes of 26748  
Chapter 1309. of the Revised Code, without the necessity for 26749  
separation or delivery of funds or for the filing or recording of 26750  
the bond proceedings by which such pledge is created or any 26751  
certificate, statement, or other document with respect thereto; 26752  
and the pledge of such available receipts and funds shall be 26753  
effective and the money therefrom and thereof may be applied to 26754  
the purposes for which pledged without necessity for any act of 26755  
appropriation. 26756

(E) The bond proceedings may contain additional provisions 26757  
customary or appropriate to the financing or to the obligations or 26758  
assurances or to particular obligations and assurances, including: 26759

(1) The acquisition, construction, reconstruction, equipment, 26760  
furnishing, improvement, operation, alteration, enlargement, 26761  
maintenance, insurance, and repair of facilities or 26762  
entrepreneurial projects, and the duties of the institution of 26763  
higher education with reference thereto; 26764

(2) The terms of the obligations or assurances, including 26765  
provisions for their redemption prior to maturity at the option of 26766  
the institution of higher education at such price or prices and 26767  
under such terms and conditions as are provided in the bond 26768  
proceedings; 26769

(3) Limitations on the purposes to which the proceeds of the 26770  
obligations or assurances may be applied; 26771

(4) The rates or rentals or other charges for the use of or 26772  
right to use the facilities or entrepreneurial projects financed 26773  
by the obligations or assurances, or other properties the revenues 26774  
or receipts from which are pledged to the obligations or 26775  
assurances, and rules for assuring any applicable use and 26776  
occupancy thereof, including limitations upon the right to modify 26777  
such rates, rentals, other charges, or regulations; 26778

(5) The use and expenditure of the pledged available receipts 26779  
in such manner and to such extent as shall be determined, which 26780  
may include provision for the payment of the expenses of 26781  
operation, maintenance, and repair of facilities or 26782  
entrepreneurial projects so that such expenses, or part thereof, 26783  
shall be paid or provided as a charge prior or subsequent to the 26784  
payment of bond service charges and any other payments required to 26785  
be made by the bond proceedings; 26786

(6) Limitations on the issuance of additional obligations or 26787  
assurances; 26788

(7) The terms of any trust agreement or indenture securing 26789  
the obligations or assurances or under which the same may be 26790  
issued; 26791

(8) The deposit, investment, and application of funds, and 26792  
the safeguarding of funds on hand or on deposit without regard to 26793  
Chapter 131. or 135. of the Revised Code, and any bank or trust 26794  
company or other financial institution that acts as depository of 26795

any moneys under the bond proceedings shall furnish such 26796  
indemnifying bonds or pledge such securities as required by the 26797  
bond proceedings or otherwise by the institution of higher 26798  
education; 26799

(9) The binding effect of any or every provision of the bond 26800  
proceedings upon such officer, board, commission, authority, 26801  
agency, department, or other person or body as may from time to 26802  
time have the authority under law to take such actions as may be 26803  
necessary to perform all or any part of the duty required by such 26804  
provision; 26805

(10) Any provision that may be made in a trust agreement or 26806  
indenture; 26807

(11) Any other or additional agreements with respect to the 26808  
facilities of the institution of higher education or its 26809  
entrepreneurial projects, their operation, the available receipts 26810  
and funds pledged, and insurance of facilities or entrepreneurial 26811  
projects and of the institution, its officers and employees. 26812

(F) Such obligations or assurances may have the seal of the 26813  
institution of higher education or a facsimile thereof affixed 26814  
thereto or printed thereon and shall be executed by such officers 26815  
as are designated in the bond proceedings, which execution may be 26816  
by facsimile signatures. Any obligations or assurances may be 26817  
executed by an officer who, on the date of execution, is the 26818  
proper officer although on the date of such obligations or 26819  
assurances such person was not the proper officer. In case any 26820  
officer whose signature or a facsimile of whose signature appears 26821  
on any such obligation or assurance ceases to be such officer 26822  
before delivery thereof, such signature or facsimile is 26823  
nevertheless valid and sufficient for all purposes as if the 26824  
person had remained such officer until such delivery; and in case 26825  
the seal of the institution has been changed after a facsimile of 26826  
the seal has been imprinted on such obligations or assurances, 26827

such facsimile seal continues to be sufficient as to such 26828  
obligations or assurances and obligations or assurances issued in 26829  
substitution or exchange therefor. 26830

(G) All such obligations or assurances are negotiable 26831  
instruments and securities under Chapter 1308. of the Revised 26832  
Code, subject to the provisions of the bond proceedings as to 26833  
registration. The obligations or assurances may be issued in 26834  
coupon or in registered form, or both. Provision may be made for 26835  
the registration of any obligations or assurances with coupons 26836  
attached thereto as to principal alone or as to both principal and 26837  
interest, their exchange for obligations or assurances so 26838  
registered, and for the conversion or reconversion into 26839  
obligations or assurances with coupons attached thereto of any 26840  
obligations or assurances registered as to both principal and 26841  
interest, and for reasonable charges for such registration, 26842  
exchange, conversion, and reconversion. 26843

(H) Pending preparation of definitive obligations or 26844  
assurances, the institution of higher education may issue interim 26845  
receipts or certificates which shall be exchanged for such 26846  
definitive obligations or assurances. 26847

(I) Such obligations or assurances may be secured 26848  
additionally by a trust agreement or indenture between the 26849  
institution of higher education and a corporate trustee, which may 26850  
be any trust company or bank having the powers of a trust company 26851  
within or without this state but authorized to exercise trust 26852  
powers within this state. Any such agreement or indenture may 26853  
contain the resolution authorizing the issuance of the obligations 26854  
or assurances, any provisions that may be contained in the bond 26855  
proceedings as authorized by this section, and other provisions 26856  
which are customary or appropriate in an agreement or indenture of 26857  
such type, including: 26858

(1) Maintenance of each pledge, trust agreement, and 26859

indenture, or other instrument comprising part of the bond 26860  
proceedings until the institution of higher education has fully 26861  
paid the bond service charges on the obligations or assurances 26862  
secured thereby, or provision therefor has been made; 26863

(2) In the event of default in any payments required to be 26864  
made by the bond proceedings, or any other agreement of the 26865  
institution of higher education made as a part of the contract 26866  
under which the obligations or assurances were issued, enforcement 26867  
of such payments or agreement by mandamus, the appointment of a 26868  
receiver, suit in equity, action at law, or any combination of the 26869  
foregoing; 26870

(3) The rights and remedies of the holders of obligations or 26871  
assurances and of the trustee, and provisions for protecting and 26872  
enforcing them, including limitations on rights of individual 26873  
holders of obligations or assurances; 26874

(4) The replacement of any obligations or assurances that 26875  
become mutilated or are destroyed, lost, or stolen; 26876

(5) Such other provisions as the trustee and the institution 26877  
of higher education agree upon, including limitations, conditions, 26878  
or qualifications relating to any of the foregoing. 26879

(J) Each duty of the institution of higher education and its 26880  
officers or employees, undertaken pursuant to the bond proceedings 26881  
or any related agreement or lease made under authority of law, is 26882  
hereby established as a duty of such institution, and of each such 26883  
officer or employee having authority to perform such duty, 26884  
specially enjoined by law resulting from an office, trust, or 26885  
station within the meaning of section 2731.01 of the Revised Code. 26886  
The persons who are at the time the members of the board of 26887  
trustees or the managing directors of the institution or its 26888  
officers or employees are not liable in their personal capacities 26889  
on such obligations or assurances, or lease, or other agreement of 26890

the institution. 26891

(K) The authority to issue obligations or assurances includes 26892  
authority to: 26893

(1) Issue obligations or assurances in the form of bond 26894  
anticipation notes and to renew them from time to time by the 26895  
issuance of new notes. Such notes are payable solely from the 26896  
available receipts and funds that may be pledged to the payment of 26897  
such bonds, or from the proceeds of such bonds or renewal notes, 26898  
or both, as the institution of higher education provides in its 26899  
resolution authorizing such notes. Such notes may be additionally 26900  
secured by covenants of the institution to the effect that it will 26901  
do such or all things necessary for the issuance of such bonds or 26902  
renewal notes in appropriate amount, and either exchange such 26903  
bonds or renewal notes therefor or apply the proceeds thereof to 26904  
the extent necessary, to make full payment of the bond service 26905  
charges on such notes at the time or times contemplated, as 26906  
provided in such resolution. Subject to the provisions of this 26907  
division, all references to obligations or assurances in this 26908  
section apply to such anticipation notes. 26909

(2) Issue obligations or assurances to refund, including 26910  
funding and retirement of, obligations or assurances previously 26911  
issued to pay costs of facilities or entrepreneurial projects. 26912  
Such obligations or assurances may be issued in amounts sufficient 26913  
for payment of the principal amount of the obligations or 26914  
assurances to be so refunded, any redemption premiums thereon, 26915  
principal maturities of any obligations or assurances maturing 26916  
prior to the redemption of any other obligations or assurances on 26917  
a parity therewith to be so refunded, interest accrued or to 26918  
accrue to the maturity date or dates of redemption of such 26919  
obligations or assurances, and any expenses incurred or to be 26920  
incurred in connection with such refunding or the issuance of the 26921  
obligations or assurances. 26922

(L) Obligations and assurances are lawful investments for 26923  
banks, societies for savings, savings and loan associations, 26924  
deposit guarantee associations, trust companies, trustees, 26925  
fiduciaries, insurance companies, including domestic for life and 26926  
domestic not for life, trustees or other officers having charge of 26927  
sinking and bond retirement or other special funds of political 26928  
subdivisions and taxing districts of this state, the commissioners 26929  
of the sinking fund, the administrator of workers' compensation in 26930  
accordance with the investment policy approved by the bureau of 26931  
workers' compensation board of directors pursuant to section 26932  
4121.12 of the Revised Code, the state teachers retirement system, 26933  
the public employees retirement system, the school employees 26934  
retirement system, and the Ohio police and fire pension fund, 26935  
notwithstanding any other provisions of the Revised Code or rules 26936  
adopted pursuant thereto by any state agency with respect to 26937  
investments by them, and are also acceptable as security for the 26938  
deposit of public moneys. 26939

(M) All facilities or entrepreneurial projects purchased, 26940  
acquired, constructed, or owned by an institution of higher 26941  
education, or financed in whole or in part by obligations or 26942  
assurances issued by an institution, and used for the purposes of 26943  
the institution or other publicly owned and controlled college or 26944  
university, is public property used exclusively for a public 26945  
purpose, and such property and the income therefrom is exempt from 26946  
all taxation and assessment within this state, including ad 26947  
valorem and excise taxes. The obligations or assurances, the 26948  
transfer thereof, and the income therefrom, including any profit 26949  
made on the sale thereof, are at all times free from taxation 26950  
within the state. The transfer of tangible personal property by 26951  
lease under authority of this section or section 3345.07, 3345.11, 26952  
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 26953  
Code is not a sale as used in Chapter 5739. of the Revised Code. 26954

(N) The authority granted by this section is cumulative with 26955  
the authority granted to institutions of higher education under 26956  
Chapter 154. of the Revised Code, and nothing in this section 26957  
impairs or limits the authority granted by Chapter 154. of the 26958  
Revised Code. In any lease, agreement, or commitment made by an 26959  
institution of higher education under Chapter 154. of the Revised 26960  
Code, it may agree to restrict or subordinate any pledge it may 26961  
thereafter make under authority of this section. 26962

(O) Title to lands acquired under this section and sections 26963  
3345.07 and 3345.11 of the Revised Code by a state university or 26964  
college shall be taken in the name of the state. 26965

(P) Except where costs of facilities or entrepreneurial 26966  
projects are to be paid in whole or in part from funds 26967  
appropriated by the general assembly, section 125.81 of the 26968  
Revised Code and the requirement for certification with respect 26969  
thereto under section 153.04 of the Revised Code do not apply to 26970  
such facilities or entrepreneurial projects. 26971

(Q) A state university or college may sell or lease lands or 26972  
interests in land owned by it or by the state for its use, or 26973  
facilities authorized to be acquired or constructed by it under 26974  
section 3345.07 or 3345.11 of the Revised Code, to permit the 26975  
purchasers or lessees thereof to acquire, construct, equip, 26976  
furnish, reconstruct, alter, enlarge, remodel, renovate, 26977  
rehabilitate, improve, maintain, repair, or maintain and operate 26978  
thereon and to provide by lease or otherwise to such institution, 26979  
facilities authorized in section 3345.07 or 3345.11 of the Revised 26980  
Code or entrepreneurial projects authorized under section 3345.36 26981  
of the Revised Code. Such land or interests therein shall be sold 26982  
for such appraised value, or leased, and on such terms as the 26983  
board of trustees determines. All deeds or other instruments 26984  
relating to such sales or leases shall be executed by such officer 26985  
of the state university or college as the board of trustees 26986



designates. The state university or college shall hold, invest, or 26987  
use the proceeds of such sales or leases for the same purposes for 26988  
which proceeds of borrowings may be used under sections 3345.07 26989  
and 3345.11 of the Revised Code or, if the proceeds relate to the 26990  
sale or lease of entrepreneurial projects, for purposes of section 26991  
3345.36 of the Revised Code. 26992

(R) An institution of higher education may pledge available 26993  
receipts, to the extent permitted by division (C) of this section 26994  
with respect to obligations, to secure the payments to be made by 26995  
it under any lease, lease with option to purchase, or 26996  
lease-purchase agreement authorized under this section or section 26997  
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 26998  
3358.10 of the Revised Code. 26999

**Sec. 3345.16.** The board of trustees of a state college or 27000  
university may receive, and hold in trust, for the use and benefit 27001  
of the college or university any grant or devise of land, and 27002  
donation or bequest of money or other personal property, to be 27003  
applied to the general or special use of the college or 27004  
university, including use for student loan and scholarship 27005  
purposes, unless otherwise directed in the donation or bequest. 27006

The board of trustees of a state college or university may 27007  
utilize trust funds to invest in property, real and personal, as a 27008  
portion of the holdings in the endowment portfolio under the trust 27009  
powers imparted to the board of trustees. Such property, real and 27010  
personal, acquired for investment purposes shall be managed by the 27011  
board of trustees in the same manner as are other investments in 27012  
the college's or university's endowment portfolio. The board of 27013  
trustees may lease, lease back, or otherwise contract for the use 27014  
of such property in such manner as to provide earning power for 27015  
the college or university investment portfolio. Sections 123.01, 27016  
~~123.04~~ 123.02, ~~123.15~~ 123.10, and ~~123.47~~ 123.13 of the Revised 27017

Code do not apply to properties, real and personal, held under 27018  
this section as earning-power properties in the college or 27019  
university endowment portfolio. 27020

Notwithstanding any provision of the Revised Code to the 27021  
contrary, the title in properties, real and personal, purchased by 27022  
a board of trustees as an investment and held in the college's or 27023  
university's endowment portfolio shall not be vested in the state, 27024  
but shall be held in trust by the board. 27025

**Sec. 3345.28.** The board of trustees of any state university, 27026  
medical university, technical college, state community college, 27027  
community college, or the board of trustees or managing authority 27028  
of any university branch may establish and administer a faculty 27029  
improvement program, under which any full-time faculty member with 27030  
at least seven academic years of teaching service at the college, 27031  
university, or branch may be granted professional leave for a 27032  
period not to exceed one academic year to engage in further 27033  
education, research, or any other purpose approved by the board. A 27034  
board of trustees or managing authority that establishes such a 27035  
program shall, by rule, adopt a definition of "academic years of 27036  
teaching service" and of "full-time faculty member." 27037

No such board or authority shall pay any faculty member for 27038  
or during a period of professional leave any salary exceeding the 27039  
amount that would have been paid to such faculty member for 27040  
performing the faculty member's regular duties during the period 27041  
of the leave. No faculty member shall, by virtue of being on 27042  
professional leave, suffer a reduction or termination of the 27043  
faculty member's regular employee retirement or insurance benefits 27044  
or of any other benefit or privilege being received as a faculty 27045  
member at the college, university, or branch where the faculty 27046  
member is employed. Whenever such a benefit would be reduced 27047  
because of a reduction in the faculty member's salary during the 27048

period of professional leave, the faculty member shall be given a 27049  
chance to have the benefit increased to its normal level, in 27050  
accordance with rules adopted by the board of trustees or the 27051  
managing authority. A faculty member who has been granted 27052  
professional leave shall complete another seven years of service 27053  
at the college, university, or branch at which the faculty member 27054  
is employed before becoming eligible for another grant of 27055  
professional leave at that college, university, or branch. 27056  
Professional leave taken as part of a faculty improvement program 27057  
established under this section shall not be deemed to be in lieu 27058  
of released time or assigned duty in connection with a specific 27059  
research, scholarly, or creative program. 27060

Boards of trustees and managing authorities may accept moneys 27061  
from any person, political subdivision, or the federal government 27062  
to support a faculty improvement program, and may establish such 27063  
additional rules as are necessary to establish and administer it. 27064

Each grant of professional leave shall be in accordance with 27065  
a professional improvement policy for professional leaves that has 27066  
been approved by the board of trustees or the managing authority. 27067  
No professional leave shall be granted that requires a 27068  
compensating addition to the permanent faculty or staff of the 27069  
college, university, or branch. No professional leave shall be 27070  
approved unless a specific plan for the professional improvement 27071  
of the faculty member while on leave has been submitted to and 27072  
accepted by the president of the university, college, or branch. 27073  
At the completion of the leave, the faculty member shall submit to 27074  
the president a report detailing the attainments of the faculty 27075  
member under this professional improvement plan. 27076

~~Not later than the thirtieth day of June of each year, the 27077  
chancellor of the board of regents shall report to the 27078  
chairpersons of the education committees of the house of 27079  
representatives and the senate on the status of implementation of 27080~~

~~faculty improvement programs. The report shall include, but need 27081  
not be limited to, the following: the number of professional leave 27082  
grants made by each institution; the purpose of each professional 27083  
leave; and a statement of the cost to the institution of each 27084  
professional leave, to the extent that such cost exceeds the 27085  
salary of the faculty member on professional leave. 27086~~

**Sec. 3345.50.** Notwithstanding anything to the contrary in 27087  
sections 123.01 and ~~123.15~~ 123.10 of the Revised Code, a state 27088  
university, a state community college, or the northeast Ohio 27089  
medical university not certified pursuant to section ~~123.17~~ 123.24 27090  
of the Revised Code may administer any capital facilities project 27091  
for the construction, reconstruction, improvement, renovation, 27092  
enlargement, or alteration of a public improvement under its 27093  
jurisdiction for which the total amount of funds expected to be 27094  
appropriated by the general assembly does not exceed four million 27095  
dollars without the supervision, control, or approval of the 27096  
~~department of administrative services~~ Ohio facilities construction  
commission as specified in those sections, if both of the 27097  
following occur: 27098  
27099

(A) Within sixty days after the effective date of the section 27100  
of an act in which the general assembly initially makes an 27101  
appropriation for the project, the board of trustees of the 27102  
institution notifies the chancellor of the Ohio board of regents 27103  
in writing of its intent to administer the capital facilities 27104  
project; 27105

(B) The board of trustees complies with the guidelines 27106  
established pursuant to section 153.16 of the Revised Code and all 27107  
laws that govern the selection of consultants, preparation and 27108  
approval of contract documents, receipt of bids, and award of 27109  
contracts with respect to the project. 27110

The chancellor shall adopt rules in accordance with Chapter 27111

119. of the Revised Code that establish criteria for the 27112  
administration by any such institution of higher education of a 27113  
capital facilities project for which the total amount of funds 27114  
expected to be appropriated by the general assembly exceeds four 27115  
million dollars. The criteria, to be developed with the ~~department~~ 27116  
~~of administrative services~~ Ohio facilities construction commission 27117  
and higher education representatives selected by the chancellor, 27118  
shall include such matters as the adequacy of the staffing levels 27119  
and expertise needed for the institution to administer the 27120  
project, past performance of the institution in administering such 27121  
projects, and the amount of institutional or other nonstate money 27122  
to be used in financing the project. The chancellor and the 27123  
~~department of administrative services~~ Ohio facilities construction 27124  
commission shall approve the request of any such institution of 27125  
higher education that seeks to administer any such capital 27126  
facilities project and meets the criteria set forth in the rules 27127  
and in the requirements of division (B) of this section. 27128

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 27129  
sections ~~123.01~~ 123.20 and ~~123.15~~ 123.21 of the Revised Code, a 27130  
state university, the northeast Ohio medical university, or a 27131  
state community college may administer any capital facilities 27132  
project for the construction, reconstruction, improvement, 27133  
renovation, enlargement, or alteration of a public improvement 27134  
under its jurisdiction for which funds are appropriated by the 27135  
general assembly without the supervision, control, or approval of 27136  
the ~~department of administrative services~~ Ohio facilities 27137  
construction commission as specified in those sections, if all of 27138  
the following occur: 27139

(1) The institution is certified by the ~~state architect~~ 27140  
commission under section ~~123.17~~ 123.24 of the Revised Code; 27141

(2) Within sixty days after the effective date of the section 27142

of an act in which the general assembly initially makes an 27143  
appropriation for the project, the board of trustees of the 27144  
institution notifies the chancellor of the Ohio board of regents 27145  
in writing of its request to administer the capital facilities 27146  
project and the chancellor approves that request pursuant to 27147  
division (B) of this section; 27148

(3) The board of trustees passes a resolution stating its 27149  
intent to comply with section 153.13 of the Revised Code and the 27150  
guidelines established pursuant to section 153.16 of the Revised 27151  
Code and all laws that govern the selection of consultants, 27152  
preparation and approval of contract documents, receipt of bids, 27153  
and award of contracts with respect to the project. 27154

(B) The chancellor shall adopt rules in accordance with 27155  
Chapter 119. of the Revised Code that establish criteria for the 27156  
administration by any such institution of higher education of a 27157  
capital facilities project for which the general assembly 27158  
appropriates funds. The criteria, to be developed with the 27159  
~~department of administrative services~~ commission and higher 27160  
education representatives selected by the chancellor, shall 27161  
include such matters as the adequacy of the staffing levels and 27162  
expertise needed for the institution to administer the project, 27163  
past performance of the institution in administering such 27164  
projects, and the amount of institutional or other nonstate money 27165  
to be used in financing the project. The chancellor shall approve 27166  
the request of any such institution of higher education that seeks 27167  
to administer any such capital facilities project and meets the 27168  
criteria set forth in the rules and the requirements of division 27169  
(A) of this section. 27170

(C) Any institution that administers a capital facilities 27171  
project under this section shall conduct biennial audits for the 27172  
duration of the project to ensure that the institution is 27173  
complying with Chapters 9., 123., and 153. of the Revised Code and 27174

that the institution is using its certification issued under 27175  
section ~~123.17~~ 123.24 of the Revised Code appropriately. The 27176  
chancellor, in consultation with higher education representatives 27177  
selected by the chancellor, shall adopt rules in accordance with 27178  
Chapter 119. of the Revised Code that establish criteria for the 27179  
conduct of the audits. The criteria shall include documentation 27180  
necessary to determine compliance with Chapters 9., 123., and 153. 27181  
of the Revised Code and a method to determine whether an 27182  
institution is using its certification issued under section ~~123.17~~ 27183  
123.24 of the Revised Code appropriately. 27184

(D) The chancellor, in consultation with higher education 27185  
representatives selected by the chancellor, shall adopt rules in 27186  
accordance with Chapter 119. of the Revised Code establishing 27187  
criteria for monitoring capital facilities projects administered 27188  
by institutions under this section. The criteria shall include the 27189  
following: 27190

(1) Conditions under which the chancellor may revoke the 27191  
authority of an institution to administer a capital facilities 27192  
project under this section, including the failure of an 27193  
institution to maintain a sufficient number of employees who have 27194  
successfully completed the certification program under section 27195  
~~123.17~~ 123.24 of the Revised Code; 27196

(2) A process for institutions to remedy any problems found 27197  
by an audit conducted pursuant to division (C) of this section, 27198  
including the improper use of state funds or violations of Chapter 27199  
9., 123., or 153. of the Revised Code. 27200

(E) If the chancellor revokes an institution's authority to 27201  
administer a capital facilities project, the ~~department of~~ 27202  
~~administrative services~~ commission shall administer the capital 27203  
facilities project. The chancellor also may require an 27204  
institution, for which the chancellor revoked authority to 27205  
administer a capital facilities project, to acquire a new local 27206

administration competency certification pursuant to section ~~123.17~~ 27207  
123.24 of the Revised Code. 27208

**Sec. 3345.54.** (A) As used in this section: 27209

(1) "Auxiliary facilities" has the same meaning as in section 27210  
3345.12 of the Revised Code. 27211

(2) "Conduit entity" means an organization described in 27212  
section 501(c)(3) of the Internal Revenue Code qualified as a 27213  
public charity under section 509(a)(2) or 509(a)(3) of the 27214  
Internal Revenue Code, or any other appropriate legal entity 27215  
selected by the state institution, whose corporate purpose allows 27216  
it to perform the functions and obligations of a conduit entity 27217  
pursuant to the terms of a financing agreement. 27218

(3) "Conveyed property" means auxiliary facilities conveyed 27219  
by a state institution to a conduit entity pursuant to a financing 27220  
agreement. 27221

(4) "Financing agreement" means a contract described in 27222  
division (C) of this section. 27223

(5) "Independent funding source" means a private entity that 27224  
enters into a financing agreement with a conduit entity and a 27225  
state institution. 27226

(6) "State institution" means a state institution of higher 27227  
education as defined in section 3345.011 of the Revised Code. 27228

(B) The board of trustees of a state institution, with the 27229  
approval of the chancellor of the Ohio board of regents and the 27230  
controlling board, may enter into a financing agreement with a 27231  
conduit entity and an independent funding source selected either 27232  
through a competitive selection process or by direct negotiations, 27233  
and may convey to the conduit entity title to any auxiliary 27234  
facilities owned by the state institution pursuant to the terms of 27235  
a financing agreement. 27236



|                                                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (C) A financing agreement under this section is a written contract entered into among a state institution, a conduit entity, and an independent funding source that provides for:                                                                                                                         | 27237<br>27238<br>27239                   |
| (1) The conveyance of auxiliary facilities owned by a state institution to the conduit entity for consideration deemed adequate by the state institution;                                                                                                                                                 | 27240<br>27241<br>27242                   |
| (2) The lease of the conveyed property by the conduit entity to the independent funding source and leaseback of the conveyed property to the conduit entity for a term not to exceed ninety-nine years;                                                                                                   | 27243<br>27244<br>27245<br>27246          |
| (3) Such other terms and conditions that may be negotiated and agreed upon by the parties, including, but not limited to, terms regarding:                                                                                                                                                                | 27247<br>27248<br>27249                   |
| (a) Payment to the state institution by the conduit entity of revenues received by it from the operations of the conveyed property in excess of the payments it is required to make to the independent funding source under the lease-leaseback arrangement described in division (C)(2) of this section; | 27250<br>27251<br>27252<br>27253<br>27254 |
| (b) Pledge, assignment, or creation of a lien in favor of the independent funding source by the conduit entity of any revenues derived from the conveyed property;                                                                                                                                        | 27255<br>27256<br>27257                   |
| (c) Reverter or conveyance of title to the conveyed property to the state institution when the conveyed property is no longer subject to a lease with the independent funding source.                                                                                                                     | 27258<br>27259<br>27260                   |
| (4) Terms and conditions required by the chancellor or the controlling board as a condition of approval of the financing agreement.                                                                                                                                                                       | 27261<br>27262<br>27263                   |
| (D) The state institution and the conduit entity may enter into such other management agreements or other contracts regarding the conveyed property the parties deem appropriate, including                                                                                                               | 27264<br>27265<br>27266                   |

agreements pursuant to which the state institution may maintain or 27267  
administer the conveyed property and collect and disburse revenues 27268  
from the conveyed property on behalf of the conduit entity. 27269

(E) The parties may modify or extend the term of the 27270  
financing agreement with the approval of the chancellor and the 27271  
controlling board. 27272

(F) The conveyed property shall retain its exemption from 27273  
property taxes and assessments as though title to the conveyed 27274  
property were held by the state institution during any part of a 27275  
tax year that title is held by the state institution or the 27276  
conduit entity and, if held by the conduit entity, remains subject 27277  
to the lease-leaseback arrangement described in division (C)(2) of 27278  
this section. However, as a condition of the continued exemption 27279  
of the conveyed property during the term of the lease-leaseback 27280  
arrangement the conduit entity shall apply for and maintain the 27281  
exemption as provided by law. 27282

(G) Nothing in this section is intended to abrogate, amend, 27283  
limit, or replace any existing authority state institutions may 27284  
have with respect to the conveyance, lease, lease-leaseback, 27285  
finance, or acquisition of auxiliary facilities including, but not 27286  
limited to, authority granted under sections 3345.07, 3345.11, and 27287  
3345.12 of the Revised Code. 27288

**Sec. 3345.69.** (A) As used in this section: 27289

(1) "State institution of higher education" has the same 27290  
meaning as in section 3345.011 of the Revised Code. 27291

(2) "Board of trustees of a state institution of higher 27292  
education" has the same meaning as in section 3345.61 of the 27293  
Revised Code. 27294

(B) The chairperson of the interuniversity council of Ohio 27295  
and the secretary of the Ohio association of community colleges 27296

shall assist in coordinating the organization and operation of a 27297  
committee to carry out this section. The committee shall be 27298  
comprised of the presidents of the state institutions of higher 27299  
education or their designees. The committee, in consultation with 27300  
~~the office of energy services of the department of administrative~~ 27301  
~~services~~ Ohio facilities construction commission, shall develop 27302  
guidelines for the board of trustees of each state institution of 27303  
higher education to use in ensuring energy efficiency and 27304  
conservation in on- and off-campus buildings. ~~Initial guidelines~~ 27305  
~~shall be adopted not later than ninety days after the effective~~ 27306  
~~date of this section.~~ At a minimum, guidelines under this section 27307  
shall do all of the following: 27308

(1) Include a goal to reduce on- and off-campus building 27309  
energy consumption by at least twenty per cent by 2014, using 27310  
calendar year 2004 as the benchmark year, while recognizing the 27311  
diverse nature and different energy demands and uses of such 27312  
buildings and measures already taken to increase building energy 27313  
efficiency and conservation; 27314

(2) Prescribe minimum energy efficiency and conservation 27315  
standards for any new, on- or off-campus capital improvement 27316  
project with a construction cost of one hundred thousand dollars 27317  
or more, which standards shall be based on general building type 27318  
and cost-effectiveness; 27319

(3) Prescribe minimum energy efficiency and conservation 27320  
standards for the leasing of an off-campus space of at least 27321  
twenty-thousand square feet; 27322

(4) Incorporate best practices into energy efficiency and 27323  
conservation standards and plans; 27324

(5) Provide that each board develop its own fifteen-year plan 27325  
for phasing in energy efficiency and conservation projects; 27326

(6) Provide that project impact assessments include the 27327

fiscal effects of energy efficiency and conservation 27328  
recommendations and plans; 27329

(7) Establish mechanisms for each board to report 27330  
periodically to the committee on its progress relative to the 27331  
guidelines. 27332

(C) The board of trustees of a state institution of higher 27333  
education shall adopt rules under section 111.15 of the Revised 27334  
Code to carry out the guidelines established pursuant to division 27335  
(B) of this section, including in the execution of the board's 27336  
authority under sections 3345.62 to 3345.66 of the Revised Code. 27337

**Sec. 3345.692.** (A) Not later than September 15, 2010, and the 27338  
fifteenth day of September each year thereafter, a state 27339  
institution of higher education shall prepare and submit to the 27340  
chancellor of the board of regents a report that describes the 27341  
number and types of biobased products purchased under section 27342  
125.092 of the Revised Code and the amount of money spent by the 27343  
state institution of higher education for those biobased products. 27344

~~(B) Not later than September 30, 2010, and the thirtieth day 27345  
of September each year thereafter, the chancellor of the board of 27346  
regents shall prepare and submit to the governor, the president of 27347  
the senate, and the speaker of the house of representatives a 27348  
report that describes the number and types of biobased products 27349  
purchased under section 125.092 of the Revised Code and the amount 27350  
of money spent by state institutions of higher education for those 27351  
biobased products as that information is provided to the 27352  
chancellor under division (A) of this section. 27353~~

~~(C) As used in this section, "state institution of higher 27354  
education" has the same meaning as in section 3345.011 of the 27355  
Revised Code. 27356~~

**Sec. 3347.03.** Each commission created by section 3347.01 of 27357

the Revised Code may acquire property of any kind by purchase, 27358  
gift, or devise and hold and use any such property, or may use 27359  
state lands at their respective universities upon consent of the 27360  
respective boards of trustees thereof, for the erection, 27361  
remodeling, or improving and equipping of buildings for suitable 27362  
housing, dormitory, dining hall, and recreational accommodations, 27363  
referred to as "buildings" in sections 3347.03 to 3347.08 of the 27364  
Revised Code, for students, instructors, members of the faculty, 27365  
the administration and maintenance staff of the universities with 27366  
which each commission is identified, and their families. The 27367  
construction, remodeling, or improving of any such buildings shall 27368  
be in accordance with plans and specifications approved by the 27369  
commission and with sections 153.01 and 153.04 to 153.20 of the 27370  
Revised Code, except that the commission may act in all instances 27371  
where the ~~department of administrative services~~ Ohio facilities 27372  
construction commission is mentioned in such sections. 27373

**Sec. 3383.02.** (A) There is hereby created the Ohio cultural 27374  
facilities commission. The commission shall engage in and provide 27375  
for the development, performance, and presentation or making 27376  
available of culture and professional sports and athletics to the 27377  
public in this state, and the provision of training or education 27378  
in culture, by the exercise of its powers under this chapter, 27379  
including the provision, operation, management, and cooperative 27380  
use of Ohio cultural facilities and Ohio sports facilities. The 27381  
commission is a body corporate and politic, an agency of state 27382  
government and an instrumentality of the state, performing 27383  
essential governmental functions of this state. The carrying out 27384  
of the purposes and the exercise by the commission of its powers 27385  
conferred by this chapter are essential public functions and 27386  
public purposes of the state and of state government. The 27387  
commission may, in its own name, sue and be sued, enter into 27388  
contracts, and perform all the powers and duties given to it by 27389

this chapter; however, it does not have and shall not exercise the power of eminent domain.

(B) The commission shall consist of twelve members, nine of whom shall be voting members and three of whom shall be nonvoting members. The nine voting members shall be appointed by the governor, with the advice and consent of the senate, from different geographical regions of the state. In addition, one of the voting members shall represent the ~~state architect~~ Ohio facilities construction commission. Not more than five of the members appointed by the governor shall be affiliated with the same political party. The nonvoting members shall be the staff director of the Ohio arts council, a member of the senate appointed by the president of the senate, and a member of the house of representatives appointed by the speaker of the house.

(C) Of the five initial appointments made by the governor, one shall be for a term expiring December 31, 1989, two shall be for terms expiring December 31, 1990, and two shall be for terms expiring December 31, 1991. Of the initial appointments of the sixth and seventh voting members made by the governor, one shall be for a term expiring December 31, 2003, and one shall be for a term expiring December 31, 2004. Of the initial appointments of the eighth and ninth voting members made by the governor, one shall be for a term expiring December 31, 2007, and one shall be for a term expiring December 31, 2008. These voting members shall be appointed within sixty days after ~~the effective date of this amendment~~ September 29, 2005. Thereafter, each such term shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. Each appointment by the president of the senate and by the speaker of the house of representatives shall be for the balance of the then legislative biennium. Each member shall hold office from the date of the member's appointment until the end of the term for which the

member was appointed. Any member appointed to fill a vacancy 27422  
occurring prior to the expiration of the term for which the 27423  
member's predecessor was appointed shall hold office for the 27424  
remainder of such term. Any member shall continue in office 27425  
subsequent to the expiration date of the member's term until the 27426  
member's successor takes office, or until a period of sixty days 27427  
has elapsed, whichever occurs first. 27428

(D) Members of the commission shall serve without 27429  
compensation. 27430

(E) Organizational meetings of the commission shall be held 27431  
at the first meeting of each calendar year. At each organizational 27432  
meeting, the commission shall elect from among its voting members 27433  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 27434  
shall serve until the next annual meeting. The commission shall 27435  
adopt rules pursuant to section 111.15 of the Revised Code for the 27436  
conduct of its internal business and shall keep a journal of its 27437  
proceedings. 27438

(F) Five voting members of the commission constitute a 27439  
quorum, and the affirmative vote of five members is necessary for 27440  
approval of any action taken by the commission. A vacancy in the 27441  
membership of the commission does not impair a quorum from 27442  
exercising all the rights and performing all the duties of the 27443  
commission. Meetings of the commission may be held anywhere in the 27444  
state, and shall be held in compliance with section 121.22 of the 27445  
Revised Code. 27446

(G) All expenses incurred in carrying out this chapter are 27447  
payable solely from money accrued under this chapter or 27448  
appropriated for these purposes by the general assembly, and the 27449  
commission shall incur no liability or obligation beyond such 27450  
money. 27451

(H) The commission shall file an annual report of its 27452

activities and finances with the governor, director of budget and 27453  
management, speaker of the house of representatives, president of 27454  
the senate, and chairpersons of the house and senate finance 27455  
committees. 27456

(I) There is hereby established in the state treasury the 27457  
Ohio cultural facilities commission administration fund. All 27458  
revenues of the commission shall be credited to that fund and to 27459  
any accounts created in that fund with the commission's approval. 27460  
All expenses of the commission, including reimbursement of, or 27461  
payment to, any other fund or any governmental agency for advances 27462  
made or services rendered to or on behalf of the commission, shall 27463  
be paid from that fund as determined by or pursuant to directions 27464  
of the commission. All investment earnings of that fund shall be 27465  
credited to it and shall be allocated among any accounts created 27466  
in the fund in the manner determined by the commission. 27467

(J) Title to all real property and lesser interests in real 27468  
property acquired by the commission, including leasehold and other 27469  
interests, pursuant to this chapter shall be taken in the name of 27470  
the state and shall be held for the use and benefit of the 27471  
commission. The commission shall not mortgage such real property 27472  
and interests in real property. Title to other property and 27473  
interests in it acquired by the commission pursuant to this 27474  
chapter shall be taken in its name. 27475

**Sec. 3383.07.** (A) ~~The department of administrative services~~ 27476  
Ohio facilities construction commission shall provide for the 27477  
construction of a cultural project in conformity with Chapter 153. 27478  
of the Revised Code, except as follows: 27479

(1) For a cultural project other than a state historical 27480  
facility, construction services may be provided on behalf of the 27481  
state by the Ohio cultural facilities commission, or by a 27482  
governmental agency or a cultural organization that occupies, will 27483



occupy, or is responsible for the Ohio cultural facility, as 27484  
determined by the Ohio cultural facilities commission. For a 27485  
project receiving a state appropriation of fifty thousand dollars 27486  
or less, the Ohio cultural facilities commission may delegate to 27487  
its executive director the authority to approve the provision of 27488  
construction services by such an agency or organization, but not 27489  
the authority to disapprove that provision. Construction services 27490  
to be provided by a governmental agency or a cultural organization 27491  
shall be specified in an agreement between the Ohio cultural 27492  
facilities commission and the governmental agency or cultural 27493  
organization. The agreement, or any actions taken under it, are 27494  
not subject to Chapter 123. or 153. of the Revised Code, except 27495  
for sections 123.081 and 153.011 of the Revised Code, and shall be 27496  
subject to Chapter 4115. of the Revised Code. 27497

(2) For a cultural project that is a state historical 27498  
facility, construction services may be provided by the Ohio 27499  
cultural facilities commission or by a cultural organization that 27500  
occupies, will occupy, or is responsible for the facility, as 27501  
determined by the Ohio cultural facilities commission. For a 27502  
facility receiving a state appropriation of fifty thousand dollars 27503  
or less, the Ohio cultural facilities commission may delegate to 27504  
its executive director the authority to approve the provision of 27505  
construction services by such an organization, but not the 27506  
authority to disapprove that provision. The construction services 27507  
to be provided by the cultural organization shall be specified in 27508  
an agreement between the Ohio cultural facilities commission and 27509  
the cultural organization. That agreement, and any actions taken 27510  
under it, are not subject to Chapter 123., 153., or 4115. of the 27511  
Revised Code. 27512

(B) For an Ohio sports facility that is financed in part by 27513  
obligations issued pursuant to Chapter 154. of the Revised Code, 27514  
construction services shall be provided on behalf of the state by 27515

or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of construction services by or at the direction of the agency or corporation, but not the authority to disapprove that provision. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the Ohio cultural facilities commission and the governmental agency or nonprofit corporation. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(C) General building services for an Ohio cultural facility shall be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the Ohio cultural facilities commission and the cultural organization, except that the state may pay for general building

services for state-owned cultural facilities constructed on 27549  
state-owned land. 27550

General building services for an Ohio sports facility shall 27551  
be provided by or at the direction of the governmental agency or 27552  
nonprofit corporation that will be responsible for the management 27553  
of the facility, all as determined by the Ohio cultural facilities 27554  
commission. For a facility receiving a state appropriation of 27555  
fifty thousand dollars or less, the Ohio cultural facilities 27556  
commission may delegate to its executive director the authority to 27557  
approve the provision of general building services by or at the 27558  
direction of the agency or corporation, but not the authority to 27559  
disapprove that provision. Any general building services to be 27560  
provided by a governmental agency or nonprofit corporation for an 27561  
Ohio sports facility shall be specified in an agreement between 27562  
the Ohio cultural facilities commission and the governmental 27563  
agency or nonprofit corporation. That agreement, and any actions 27564  
taken under it, are not subject to Chapter 123. or 153. of the 27565  
Revised Code, except for sections 123.081 and 153.011 of the 27566  
Revised Code, and shall be subject to Chapter 4115. of the Revised 27567  
Code. 27568

(D) This division does not apply to a state historical 27569  
facility. No state funds, including any state bond proceeds, shall 27570  
be spent on the construction of any cultural project under this 27571  
chapter unless, with respect to the cultural project and to the 27572  
Ohio cultural facility related to the project, all of the 27573  
following apply: 27574

(1) The Ohio cultural facilities commission has determined 27575  
that there is a need for the cultural project and the Ohio 27576  
cultural facility related to the project in the region of the 27577  
state in which the Ohio cultural facility is located or for which 27578  
the facility is proposed. For a project receiving a state 27579  
appropriation of fifty thousand dollars or less, the Ohio cultural 27580

facilities commission may delegate to its executive director the 27581  
authority to determine need but only in the affirmative. 27582

(2) The Ohio cultural facilities commission has determined 27583  
that, as an indication of substantial regional support for the 27584  
cultural project, the cultural organization has made provision 27585  
satisfactory to the Ohio cultural facilities commission, in its 27586  
sole discretion, for local contributions amounting to not less 27587  
than fifty per cent of the total state funding for the cultural 27588  
project. For a project receiving a state appropriation of fifty 27589  
thousand dollars or less, the Ohio cultural facilities commission 27590  
may delegate to its executive director the authority to determine 27591  
the adequacy of the regional support but only in the affirmative. 27592

(3) The general assembly has specifically authorized the 27593  
spending of money on, or made an appropriation for, the 27594  
construction of the cultural project, or for rental payments 27595  
relating to the financing of the construction of the cultural 27596  
project. Authorization to spend money, or an appropriation, for 27597  
planning the cultural project does not constitute authorization to 27598  
spend money on, or an appropriation for, construction of the 27599  
cultural project. 27600

(E) No state funds, including any state bond proceeds, shall 27601  
be spent on the construction of any state historical facility 27602  
under this chapter unless the general assembly has specifically 27603  
authorized the spending of money on, or made an appropriation for, 27604  
the construction of the state historical project related to the 27605  
facility, or for rental payments relating to the financing of the 27606  
construction of the state historical project. Authorization to 27607  
spend money, or an appropriation, for planning the state 27608  
historical project does not constitute authorization to spend 27609  
money on, or an appropriation for, the construction of the state 27610  
historical project. 27611

(F) State funds shall not be used to pay or reimburse more 27612

than fifteen per cent of the initial estimated construction cost 27613  
of an Ohio sports facility, excluding any site acquisition cost, 27614  
and no state funds, including any state bond proceeds, shall be 27615  
spent on any Ohio sports facility under this chapter unless, with 27616  
respect to that facility, all of the following apply: 27617

(1) The Ohio cultural facilities commission has determined 27618  
that there is a need for the facility in the region of the state 27619  
for which the facility is proposed to provide the function of an 27620  
Ohio sports facility as provided for in this chapter. For a 27621  
facility receiving a state appropriation of fifty thousand dollars 27622  
or less, the Ohio cultural facilities commission may delegate to 27623  
its executive director the authority to determine need but only in 27624  
the affirmative. 27625

(2) As an indication of substantial local support for the 27626  
facility, the Ohio cultural facilities commission has received a 27627  
financial and development plan satisfactory to it, and provision 27628  
has been made, by agreement or otherwise, satisfactory to the Ohio 27629  
cultural facilities commission, for a contribution amounting to 27630  
not less than eighty-five per cent of the total estimated 27631  
construction cost of the facility, excluding any site acquisition 27632  
cost, from sources other than the state. For a facility receiving 27633  
a state appropriation of fifty thousand dollars or less, the Ohio 27634  
cultural facilities commission may delegate to its executive 27635  
director the authority to evaluate the financial and development 27636  
plan and the contribution and to determine their adequacy but only 27637  
in the affirmative. 27638

(3) The general assembly has specifically authorized the 27639  
spending of money on, or made an appropriation for, the 27640  
construction of the facility, or for rental payments relating to 27641  
state financing of all or a portion of the costs of constructing 27642  
the facility. Authorization to spend money, or an appropriation, 27643  
for planning or determining the feasibility of or need for the 27644

facility does not constitute authorization to spend money on, or 27645  
an appropriation for, costs of constructing the facility. 27646

(4) If state bond proceeds are being used for the Ohio sports 27647  
facility, the state or a governmental agency owns or has 27648  
sufficient property interests in the facility or in the site of 27649  
the facility or in the portion or portions of the facility 27650  
financed from proceeds of state bonds, which may include, but is 27651  
not limited to, the right to use or to require the use of the 27652  
facility for the presentation of sport and athletic events to the 27653  
public at the facility. 27654

(G) In addition to the requirements of division (F) of this 27655  
section, no state funds, including any state bond proceeds, shall 27656  
be spent on any Ohio sports facility that is a motorsports 27657  
complex, unless, with respect to that facility, both of the 27658  
following apply: 27659

(1) Motorsports events shall be presented at the facility 27660  
pursuant to a lease entered into with the owner of the facility. 27661  
The term of the lease shall be for a period of not less than the 27662  
greater of the useful life of the portion of the facility financed 27663  
from proceeds of state bonds as determined using the guidelines 27664  
for maximum maturities as provided under divisions (B) and (C) of 27665  
section 133.20 of the Revised Code, or the period of time 27666  
remaining to the date of payment or provision for payment of 27667  
outstanding state bonds allocable to costs of the facility, all as 27668  
determined by the director of budget and management and certified 27669  
by the director to the Ohio cultural facilities commission and to 27670  
the treasurer of state. 27671

(2) Any motorsports organization that commits to using the 27672  
facility for an established period of time shall give the 27673  
political subdivision in which the facility is located not less 27674  
than six months' advance notice if the organization intends to 27675  
cease utilizing the facility prior to the expiration of that 27676

established period. Such a motorsports organization shall be 27677  
liable to the state for any state funds used on the construction 27678  
costs of the facility. 27679

(H) In addition to the requirements of division (F) of this 27680  
section, no state bond proceeds shall be spent on any Ohio sports 27681  
facility that is a tennis facility, unless the owner or manager of 27682  
the facility provides contractual commitments from a national or 27683  
international professional tennis organization in a form 27684  
acceptable to the cultural facilities commission that assures that 27685  
one or more sanctioned professional tennis events will be 27686  
presented at the facility during each year that the bonds remain 27687  
outstanding. 27688

**Sec. 3701.021.** (A) The ~~public director of health council~~ 27689  
shall adopt, in accordance with Chapter 119. of the Revised Code, 27690  
such rules as are necessary to carry out sections 3701.021 to 27691  
3701.0210 of the Revised Code, including, but not limited to, 27692  
rules to establish the following: 27693

(1) Medical and financial eligibility requirements for the 27694  
program for medically handicapped children; 27695

(2) Eligibility requirements for providers of services for 27696  
medically handicapped children; 27697

(3) Procedures to be followed by the department of health in 27698  
disqualifying providers for violating requirements adopted under 27699  
division (A)(2) of this section; 27700

(4) Procedures to be used by the department regarding 27701  
application for diagnostic services under division (B) of section 27702  
3701.023 of the Revised Code and payment for those services under 27703  
division (E) of that section; 27704

(5) Standards for the provision of service coordination by 27705  
the department of health and city and general health districts; 27706

|                                                                                                                                                                                                                                                                                                |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;                              | 27707<br>27708<br>27709<br>27710<br>27711 |
| (7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;                                                                                                                                                              | 27712<br>27713<br>27714                   |
| (8) Criteria for payment of approved providers who provide services for medically handicapped children;                                                                                                                                                                                        | 27715<br>27716                            |
| (9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;                                                                                                    | 27717<br>27718<br>27719                   |
| (10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;                                                                                                       | 27720<br>27721<br>27722                   |
| (11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;                                                                                                                                        | 27723<br>27724<br>27725                   |
| (12) Eligibility requirements for the hemophilia program, including income and hardship requirements;                                                                                                                                                                                          | 27726<br>27727                            |
| (13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas. | 27728<br>27729<br>27730<br>27731<br>27732 |
| (B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.                                                                               | 27733<br>27734<br>27735<br>27736          |



Sec. 3701.023. (A) The department of health shall review 27737  
applications for eligibility for the program for medically 27738  
handicapped children that are submitted to the department by city 27739  
and general health districts and physician providers approved in 27740  
accordance with division (C) of this section. The department shall 27741  
determine whether the applicants meet the medical and financial 27742  
eligibility requirements established by the ~~public~~ director of 27743  
health ~~council~~ pursuant to division (A)(1) of section 3701.021 of 27744  
the Revised Code, and by the department in the manual of 27745  
operational procedures and guidelines for the program for 27746  
medically handicapped children developed pursuant to division (B) 27747  
of that section. Referrals of potentially eligible children for 27748  
the program may be submitted to the department on behalf of the 27749  
child by parents, guardians, public health nurses, or any other 27750  
interested person. The department of health may designate other 27751  
agencies to refer applicants to the department of health. 27752

(B) In accordance with the procedures established in rules 27753  
adopted under division (A)(4) of section 3701.021 of the Revised 27754  
Code, the department of health shall authorize a provider or 27755  
providers to provide to any Ohio resident under twenty-one years 27756  
of age, without charge to the resident or the resident's family 27757  
and without restriction as to the economic status of the resident 27758  
or the resident's family, diagnostic services necessary to 27759  
determine whether the resident has a medically handicapping or 27760  
potentially medically handicapping condition. 27761

(C) The department of health shall review the applications of 27762  
health professionals, hospitals, medical equipment suppliers, and 27763  
other individuals, groups, or agencies that apply to become 27764  
providers. The department shall enter into a written agreement 27765  
with each applicant who is determined, pursuant to the 27766  
requirements set forth in rules adopted under division (A)(2) of 27767  
section 3701.021 of the Revised Code, to be eligible to be a 27768

provider in accordance with the provider agreement required by the 27769  
medical assistance program established under section 5111.01 of 27770  
the Revised Code. No provider shall charge a medically handicapped 27771  
child or the child's parent or guardian for services authorized by 27772  
the department under division (B) or (D) of this section. 27773

The department, in accordance with rules adopted under 27774  
division (A)(3) of section 3701.021 of the Revised Code, may 27775  
disqualify any provider from further participation in the program 27776  
for violating any requirement set forth in rules adopted under 27777  
division (A)(2) of that section. The disqualification shall not 27778  
take effect until a written notice, specifying the requirement 27779  
violated and describing the nature of the violation, has been 27780  
delivered to the provider and the department has afforded the 27781  
provider an opportunity to appeal the disqualification under 27782  
division (H) of this section. 27783

(D) The department of health shall evaluate applications from 27784  
city and general health districts and approved physician providers 27785  
for authorization to provide treatment services, service 27786  
coordination, and related goods to children determined to be 27787  
eligible for the program for medically handicapped children 27788  
pursuant to division (A) of this section. The department shall 27789  
authorize necessary treatment services, service coordination, and 27790  
related goods for each eligible child in accordance with an 27791  
individual plan of treatment for the child. As an alternative, the 27792  
department may authorize payment of health insurance premiums on 27793  
behalf of eligible children when the department determines, in 27794  
accordance with criteria set forth in rules adopted under division 27795  
(A)(9) of section 3701.021 of the Revised Code, that payment of 27796  
the premiums is cost-effective. 27797

(E) The department of health shall pay, from appropriations 27798  
to the department, any necessary expenses, including but not 27799  
limited to, expenses for diagnosis, treatment, service 27800

coordination, supportive services, transportation, and accessories 27801  
and their upkeep, provided to medically handicapped children, 27802  
provided that the provision of the goods or services is authorized 27803  
by the department under division (B) or (D) of this section. Money 27804  
appropriated to the department of health may also be expended for 27805  
reasonable administrative costs incurred by the program. The 27806  
department of health also may purchase liability insurance 27807  
covering the provision of services under the program for medically 27808  
handicapped children by physicians and other health care 27809  
professionals. 27810

Payments made to providers by the department of health 27811  
pursuant to this division for inpatient hospital care, outpatient 27812  
care, and all other medical assistance furnished to eligible 27813  
recipients shall be made in accordance with rules adopted by the 27814  
~~public director of health council~~ pursuant to division (A) of 27815  
section 3701.021 of the Revised Code. 27816

The departments of health and job and family services shall 27817  
jointly implement procedures to ensure that duplicate payments are 27818  
not made under the program for medically handicapped children and 27819  
the medical assistance program established under section 5111.01 27820  
of the Revised Code and to identify and recover duplicate 27821  
payments. 27822

(F) At the time of applying for participation in the program 27823  
for medically handicapped children, a medically handicapped child 27824  
or the child's parent or guardian shall disclose the identity of 27825  
any third party against whom the child or the child's parent or 27826  
guardian has or may have a right of recovery for goods and 27827  
services provided under division (B) or (D) of this section. The 27828  
department of health shall require a medically handicapped child 27829  
who receives services from the program or the child's parent or 27830  
guardian to apply for all third-party benefits for which the child 27831  
may be eligible and require the child, parent, or guardian to 27832

apply all third-party benefits received to the amount determined 27833  
under division (E) of this section as the amount payable for goods 27834  
and services authorized under division (B) or (D) of this section. 27835  
The department is the payer of last resort and shall pay for 27836  
authorized goods or services, up to the amount determined under 27837  
division (E) of this section for the authorized goods or services, 27838  
only to the extent that payment for the authorized goods or 27839  
services is not made through third-party benefits. When a third 27840  
party fails to act on an application or claim for benefits by a 27841  
medically handicapped child or the child's parent or guardian, the 27842  
department shall pay for the goods or services only after ninety 27843  
days have elapsed since the date the child, parents, or guardians 27844  
made an application or claim for all third-party benefits. 27845  
Third-party benefits received shall be applied to the amount 27846  
determined under division (E) of this section. Third-party 27847  
payments for goods and services not authorized under division (B) 27848  
or (D) of this section shall not be applied to payment amounts 27849  
determined under division (E) of this section. Payment made by the 27850  
department shall be considered payment in full of the amount 27851  
determined under division (E) of this section. Medicaid payments 27852  
for persons eligible for the medical assistance program 27853  
established under section 5111.01 of the Revised Code shall be 27854  
considered payment in full of the amount determined under division 27855  
(E) of this section. 27856

(G) The department of health shall administer a program to 27857  
provide services to Ohio residents who are twenty-one or more 27858  
years of age who have cystic fibrosis and who meet the eligibility 27859  
requirements established ~~by the~~ in rules ~~of~~ adopted by the ~~public~~ 27860  
director of health council pursuant to division (A)(7) of section 27861  
3701.021 of the Revised Code, subject to all provisions of this 27862  
section, but not subject to section 3701.024 of the Revised Code. 27863

(H) The department of health shall provide for appeals, in 27864

accordance with rules adopted under section 3701.021 of the Revised Code, of denials of applications for the program for medically handicapped children under division (A) or (D) of this section, disqualification of providers, or amounts paid under division (E) of this section. Appeals under this division are not subject to Chapter 119. of the Revised Code.

The department may designate ombudspersons to assist medically handicapped children or their parents or guardians, upon the request of the children, parents, or guardians, in filing appeals under this division and to serve as children's, parents', or guardians' advocates in matters pertaining to the administration of the program for medically handicapped children and eligibility for program services. The ombudspersons shall receive no compensation but shall be reimbursed by the department, in accordance with rules of the office of budget and management, for their actual and necessary travel expenses incurred in the performance of their duties.

(I) The department of health, and city and general health districts providing service coordination pursuant to division (A)(2) of section 3701.024 of the Revised Code, shall provide service coordination in accordance with the standards set forth in the rules adopted under section 3701.021 of the Revised Code, without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer discount program under which a manufacturer of a drug or nutritional formula is permitted to enter into an agreement with the department to provide a discount on the price of the drug or nutritional formula distributed to medically handicapped children participating in the program for medically handicapped children. The program shall be administered in accordance with rules adopted under section 3701.021 of the Revised Code.

(2) If a manufacturer enters into an agreement with the

department as described in division (J)(1) of this section, the 27897  
manufacturer and the department may negotiate the amount and terms 27898  
of the discount. 27899

(3) In lieu of establishing a discount program as described 27900  
in division (J)(1) of this section, the department and a 27901  
manufacturer of a drug or nutritional formula may discuss a 27902  
donation of drugs, nutritional formulas, or money by the 27903  
manufacturer to the department. 27904

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 27905  
adopted under section 3701.021 of the Revised Code, the department 27906  
of health shall determine the amount each county shall provide 27907  
annually for the program for medically handicapped children, based 27908  
on a proportion of the county's total general property tax 27909  
duplicate, not to exceed one-tenth of a mill, and charge the 27910  
county for any part of expenses incurred under the program for 27911  
treatment services on behalf of medically handicapped children 27912  
having legal settlement in the county that is not paid from 27913  
federal funds or through the medical assistance program 27914  
established under section 5111.01 of the Revised Code. The 27915  
department shall not charge the county for expenses exceeding the 27916  
difference between the amount determined under division (A)(1) of 27917  
this section and any amounts retained under divisions (A)(2) and 27918  
(3) of this section. 27919

All amounts collected by the department under division (A)(1) 27920  
of this section shall be deposited into the state treasury to the 27921  
credit of the medically handicapped children-county assessment 27922  
fund, which is hereby created. The fund shall be used by the 27923  
department to comply with sections 3701.021 to 3701.028 of the 27924  
Revised Code. 27925

(2) The department, in accordance with rules adopted under 27926  
section 3701.021 of the Revised Code, may allow each county to 27927

retain up to ten per cent of the amount determined under division 27928  
(A)(1) of this section to provide funds to city or general health 27929  
districts of the county with which the districts shall provide 27930  
service coordination, public health nursing, or transportation 27931  
services for medically handicapped children. 27932

(3) In addition to any amount retained under division (A)(2) 27933  
of this section, the department, in accordance with rules adopted 27934  
under section 3701.021 of the Revised Code, may allow counties 27935  
that it determines have significant numbers of potentially 27936  
eligible medically handicapped children to retain an amount equal 27937  
to the difference between: 27938

(a) Twenty-five per cent of the amount determined under 27939  
division (A)(1) of this section; 27940

(b) Any amount retained under division (A)(2) of this 27941  
section. 27942

Counties shall use amounts retained under division (A)(3) of 27943  
this section to provide funds to city or general health districts 27944  
of the county with which the districts shall conduct outreach 27945  
activities to increase participation in the program for medically 27946  
handicapped children. 27947

(4) Prior to any increase in the millage charged to a county, 27948  
the ~~public director of health council~~ shall hold a public hearing 27949  
on the proposed increase and shall give notice of the hearing to 27950  
each board of county commissioners that would be affected by the 27951  
increase at least thirty days prior to the date set for the 27952  
hearing. Any county commissioner may appear and give testimony at 27953  
the hearing. Any increase in the millage any county is required to 27954  
provide for the program for medically handicapped children shall 27955  
be determined, and notice of the amount of the increase shall be 27956  
provided to each affected board of county commissioners, no later 27957  
than the first day of June of the fiscal year next preceding the 27958

fiscal year in which the increase will take effect. 27959

(B) Each board of county commissioners shall establish a 27960  
medically handicapped children's fund and shall appropriate 27961  
thereto an amount, determined in accordance with division (A)(1) 27962  
of this section, for the county's share in providing medical, 27963  
surgical, and other aid to medically handicapped children residing 27964  
in such county and for the purposes specified in divisions (A)(2) 27965  
and (3) of this section. Each county shall use money retained 27966  
under divisions (A)(2) and (3) of this section only for the 27967  
purposes specified in those divisions. 27968

**Sec. 3701.025.** There is hereby created the medically 27969  
handicapped children's medical advisory council consisting of 27970  
twenty-one members to be appointed by the director of health for 27971  
terms set in accordance with rules adopted by the ~~public health~~ 27972  
~~council~~ director under division (A)(11) of section 3701.021 of the 27973  
Revised Code. The medically handicapped children's medical 27974  
advisory council shall advise the director regarding the 27975  
administration of the program for medically handicapped children, 27976  
the suitable quality of medical practice for providers, and the 27977  
requirements for medical eligibility for the program. 27978

All members of the council shall be licensed physicians, 27979  
surgeons, dentists, and other professionals in the field of 27980  
medicine, representative of the various disciplines involved in 27981  
the treatment of children with medically handicapping conditions, 27982  
and representative of the treatment facilities involved, such as 27983  
hospitals, private and public health clinics, and private 27984  
physicians' offices, and shall be eligible for the program. 27985

Members of the council shall receive no compensation, but 27986  
shall receive their actual and necessary travel expenses incurred 27987  
in the performance of their official duties in accordance with the 27988  
rules of the office of budget and management. 27989



**Sec. 3701.03.** (A) The director of health shall perform duties 27990  
that are incident to the director's position as chief executive 27991  
officer of the department of health. The director shall administer 27992  
the laws relating to health and sanitation and the rules of the 27993  
department of health. The director may designate employees of the 27994  
department and, during a public health emergency, other persons to 27995  
administer the laws and rules on the director's behalf. 27996

(B) Nothing in this section authorizes any action that 27998  
prevents the fulfillment of duties or impairs the exercise of 27999  
authority established by law for any other person or entity. 28000

~~(C) The director shall prepare sanitary and public health 28001  
rules for consideration by the public health council and submit to 28002  
the council recommendations for new legislation. The director 28003  
shall sit at meetings of the council but shall have no vote. 28004~~

**Sec. 3701.05.** The director of health shall keep ~~the public 28005  
health council,~~ health officials, and the general public fully 28006  
informed in a printed annual report in regard to the work of the 28007  
department of health and on the progress that is being made in 28008  
studying the cause and prevention of disease and such kindred 28009  
subjects as may contribute to the welfare of the people of the 28010  
state. 28011

**Sec. 3701.07.** (A) The ~~public~~ director of health ~~council~~ shall 28012  
adopt rules in accordance with Chapter 119. of the Revised Code 28013  
defining and classifying hospitals and dispensaries and providing 28014  
for the reporting of information by hospitals and dispensaries. 28015  
Except as otherwise provided in the Revised Code, the rules 28016  
providing for the reporting of information shall not require 28017  
inclusion of any confidential patient data or any information 28018  
concerning the financial condition, income, expenses, or net worth 28019

of the facilities other than that financial information already 28020  
contained in those portions of the medicare or medicaid cost 28021  
report that is necessary for the department of health to certify 28022  
the per diem cost under section 3701.62 of the Revised Code. The 28023  
rules may require the reporting of information in the following 28024  
categories: 28025

(1) Information needed to identify and classify the 28026  
institution; 28027

(2) Information on facilities and type and volume of services 28028  
provided by the institution; 28029

(3) The number of beds listed by category of care provided; 28030

(4) The number of licensed or certified professional 28031  
employees by classification; 28032

(5) The number of births that occurred at the institution the 28033  
previous calendar year; 28034

(6) Any other information that the ~~council~~ director considers 28035  
relevant to the safety of patients served by the institution. 28036

Every hospital and dispensary, public or private, annually 28037  
shall register with and report to the department of health. 28038  
Reports shall be submitted in the manner prescribed in rules 28039  
adopted under this division. 28040

(B) Every governmental entity or private nonprofit 28041  
corporation or association whose employees or representatives are 28042  
defined as residents' rights advocates under divisions (E)(1) and 28043  
(2) of section 3721.10 of the Revised Code shall register with the 28044  
department of health on forms furnished by the director of health 28045  
and shall provide such reasonable identifying information as the 28046  
director may prescribe. 28047

The department shall compile a list of the governmental 28048  
entities, corporations, or associations registering under this 28049

division and shall update the list annually. Copies of the list 28050  
shall be made available to nursing home administrators as defined 28051  
in division (C) of section 3721.10 of the Revised Code ~~and to~~ 28052  
~~adult care facility managers as defined in section 5119.70 of the~~ 28053  
~~Revised Code.~~ 28054

**Sec. 3701.072.** (A) As used in this chapter: 28055

(1) "Bioterrorism" has the same meaning as in section 28056  
3701.232 of the Revised Code. 28057

(2) "Surveillance" in the public health service means the 28058  
systematic collection, analysis, interpretation, and dissemination 28059  
of health data on an ongoing basis, to gain knowledge of the 28060  
pattern of disease occurrence and potential in a community in 28061  
order to control and prevent disease in the community. 28062

(3) "Trauma center" has the same meaning as in section 28063  
4765.01 of the Revised Code. 28064

(B) The ~~public~~ director of health ~~council~~ shall adopt rules 28065  
in accordance with Chapter 119. of the Revised Code that require a 28066  
trauma center to report information to the director of health 28067  
describing the trauma center's preparedness and capacity to 28068  
respond to disasters, mass casualties, and bioterrorism. The 28069  
~~council's~~ director's rules may require the reporting of any 28070  
information the ~~council~~ director considers necessary for an 28071  
accurate description of a trauma center's preparedness and 28072  
capacity to respond to disasters, mass casualties, and 28073  
bioterrorism. Information reported pursuant to this division is 28074  
not a public record under section 149.43 of the Revised Code. 28075

(C) Upon request, the department of health shall provide a 28076  
summary report of the ~~public health council's~~ rules adopted 28077  
pursuant to this section. 28078

(D) The director shall review all information received 28079

pursuant to this section. After reviewing the information, the 28080  
director may conduct an evaluation of a trauma center's 28081  
preparedness and capacity to respond to disasters, mass 28082  
casualties, and bioterrorism. An evaluation conducted pursuant to 28083  
this division is not a public record under section 149.43 of the 28084  
Revised Code. 28085

**Sec. 3701.11.** The director of health ~~and the secretary of the~~ 28086  
~~public health council~~ shall have power to administer oaths in all 28087  
parts of the state so far as the exercise of such power is 28088  
incidental to the performance of the duties of the director ~~or of~~ 28089  
~~the council.~~ 28090

**Sec. 3701.132.** The department of health is hereby designated 28091  
as the state agency to administer the "special supplemental 28092  
nutrition program for women, infants, and children" established 28093  
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 28094  
1786, as amended. The public director of health ~~council~~ may adopt 28095  
rules pursuant to Chapter 119. of the Revised Code as necessary 28096  
for administering the program. The rules may include civil money 28097  
penalties for violations of the rules. 28098

In determining eligibility for services provided under the 28099  
program, the department may use the application form established 28100  
under section 5111.013 of the Revised Code for the healthy start 28101  
program. The department may require applicants to furnish their 28102  
social security numbers. 28103

If the department determines that a vendor has committed an 28104  
act with respect to the program that federal statutes or 28105  
regulations or state statutes or rules prohibit, the department 28106  
shall take action against the vendor in the manner required by 7 28107  
C.F.R. part 246, including imposition of a civil money penalty in 28108  
accordance with 7 C.F.R. 246.12, or rules adopted under this 28109

|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| section.                                                                      | 28110 |
| <b>Sec. 3701.146.</b> (A) In taking actions regarding tuberculosis,           | 28111 |
| the director of health has all of the following duties and powers:            | 28112 |
| (1) The director shall maintain registries of hospitals,                      | 28113 |
| clinics, physicians, or other care providers to whom the director             | 28114 |
| shall refer persons who make inquiries to the department of health            | 28115 |
| regarding possible exposure to tuberculosis.                                  | 28116 |
| (2) The director shall engage in tuberculosis surveillance                    | 28117 |
| activities, including the collection and analysis of                          | 28118 |
| epidemiological information relative to the frequency of                      | 28119 |
| tuberculosis infection, demographic and geographic distribution of            | 28120 |
| tuberculosis cases, and trends pertaining to tuberculosis.                    | 28121 |
| (3) The director shall maintain a tuberculosis registry to                    | 28122 |
| record the incidence of tuberculosis in this state.                           | 28123 |
| (4) The director may appoint physicians to serve as                           | 28124 |
| tuberculosis consultants for geographic regions of the state                  | 28125 |
| specified by the director. Each tuberculosis consultant shall act             | 28126 |
| in accordance with rules the director establishes and shall be                | 28127 |
| responsible for advising and assisting physicians and other health            | 28128 |
| care practitioners who participate in tuberculosis control                    | 28129 |
| activities and for reviewing medical records pertaining to the                | 28130 |
| treatment provided to individuals with tuberculosis.                          | 28131 |
| (B)(1) The <del>public health council</del> <u>director</u> shall adopt rules | 28132 |
| establishing standards for the following:                                     | 28133 |
| (a) Performing tuberculosis screenings;                                       | 28134 |
| (b) Performing examinations of individuals who have been                      | 28135 |
| exposed to tuberculosis and individuals who are suspected of                  | 28136 |
| having tuberculosis;                                                          | 28137 |
| (c) Providing treatment to individuals with tuberculosis;                     | 28138 |

|                                                                                      |       |
|--------------------------------------------------------------------------------------|-------|
| (d) Preventing individuals with communicable tuberculosis                            | 28139 |
| from infecting other individuals;                                                    | 28140 |
| (e) Performing laboratory tests for tuberculosis and studies                         | 28141 |
| of the resistance of tuberculosis to one or more drugs;                              | 28142 |
| (f) Selecting laboratories that provide in a timely fashion                          | 28143 |
| the results of a laboratory test for tuberculosis. The standards                     | 28144 |
| shall include a requirement that first consideration be given to                     | 28145 |
| laboratories located in this state.                                                  | 28146 |
| (2) Rules adopted pursuant to this section shall be adopted                          | 28147 |
| in accordance with Chapter 119. of the Revised Code and may be                       | 28148 |
| consistent with any recommendations or guidelines on tuberculosis                    | 28149 |
| issued by the United States centers for disease control and                          | 28150 |
| prevention or by the American thoracic society. The rules shall                      | 28151 |
| apply to county or district tuberculosis control units, physicians                   | 28152 |
| who examine and treat individuals for tuberculosis, and                              | 28153 |
| laboratories that perform tests for tuberculosis.                                    | 28154 |
| <b>Sec. 3701.161.</b> The director of health shall make necessary                    | 28155 |
| arrangements for the production and distribution of diphtheria                       | 28156 |
| antitoxin. Such antitoxin shall in all respects be equal in purity                   | 28157 |
| and potency to the standard of requirements of the United States                     | 28158 |
| public health service for antitoxin for interstate commerce.                         | 28159 |
| Diphtheria antitoxin shall be distributed in accordance with rules                   | 28160 |
| the <del>public health council</del> <u>director</u> adopts pursuant to Chapter 119. | 28161 |
| of the Revised Code.                                                                 | 28162 |
| <b>Sec. 3701.20.</b> (A) In accordance with rules adopted <del>by the</del>          | 28163 |
| <del>public health council</del> , under division (C) of this section, the           | 28164 |
| director of health shall establish, promote, and maintain the Ohio                   | 28165 |
| poison control network; designate regions within the network; and                    | 28166 |
| designate poison prevention and treatment centers within each                        | 28167 |
| region. The purposes of the network are to:                                          | 28168 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (1) Reduce the mortality resulting from and the expenditures incurred because of accidental, homicidal, suicidal, occupational, or environmental poisoning;                                                                                                                                                                                                                                                                                                                          | 28169<br>28170<br>28171                                              |
| (2) Educate the public and health care professionals concerning the prevention and treatment of exposure to poison;                                                                                                                                                                                                                                                                                                                                                                  | 28172<br>28173                                                       |
| (3) Organize poison prevention and treatment activities on a regional basis to avoid duplication and waste.                                                                                                                                                                                                                                                                                                                                                                          | 28174<br>28175                                                       |
| (B) To be eligible for designation as a poison prevention and treatment center and to retain the designation, a center must maintain compliance with the standards established by the <del>public health council</del> <u>director</u> pursuant to division (C) of this section. A poison prevention and treatment center may be operated by an individual, hospital, institution of higher education, political subdivision, association, corporation, or public or private agency. | 28176<br>28177<br>28178<br>28179<br>28180<br>28181<br>28182<br>28183 |
| (C) In accordance with Chapter 119. of the Revised Code, the <del>public health council</del> <u>director</u> shall adopt rules that do the following:                                                                                                                                                                                                                                                                                                                               | 28184<br>28185<br>28186                                              |
| (1) Establish guidelines, based on population density and other relevant factors, and procedures to be followed <del>by the director of health</del> in designating poison control network regions and centers;                                                                                                                                                                                                                                                                      | 28187<br>28188<br>28189<br>28190                                     |
| (2) Establish standards for the operation of poison prevention and treatment centers;                                                                                                                                                                                                                                                                                                                                                                                                | 28191<br>28192                                                       |
| (3) Establish standards and procedures to be followed <del>by the director of health</del> in making grants to poison prevention and treatment centers;                                                                                                                                                                                                                                                                                                                              | 28193<br>28194<br>28195                                              |
| (4) Establish procedures, other than those prescribed by Chapter 119. of the Revised Code, for reconsideration, at the request of the entity affected, of the denial or revocation of a                                                                                                                                                                                                                                                                                              | 28196<br>28197<br>28198                                              |

designation as a poison prevention and treatment center. 28199

(D) In accordance with rules adopted ~~by the public health~~ 28200  
~~council~~ under division (C) of this section, the director of health 28201  
shall make grants to poison prevention and treatment centers. A 28202  
center is not eligible for a grant unless, prior to receiving the 28203  
grant, the entity that operates the center agrees in writing that 28204  
the level of the total funds, labor, and services devoted by the 28205  
entity to the center during the period of the grant will 28206  
approximate, as determined by the director of health, the level of 28207  
the total funds, labor, and services devoted to the center by that 28208  
entity in the fiscal year preceding the fiscal year in which the 28209  
grant begins. 28210

(E) Each poison prevention and treatment center shall do all 28211  
of the following: 28212

(1) Maintain and staff a twenty-four-hour per day, toll-free, 28213  
telephone line to respond to inquiries and provide information 28214  
about poison prevention and treatment and available services; 28215

(2) Provide specialized treatment, consultation, information, 28216  
and educational programs to health care professionals and the 28217  
public; 28218

(3) Compile information on the types and frequency of 28219  
treatment it provides. 28220

A center may provide the services described in divisions 28221  
(E)(1) and (2) of this section either directly or through contract 28222  
with other facilities, as the director of health considers 28223  
appropriate. Each center shall take measures to ensure the 28224  
confidentiality of information about individuals to whom treatment 28225  
or services are provided. 28226

(F) The director of health may revoke the designation of a 28227  
poison treatment and control center, or deny an application for 28228  
designation, if the center or applicant fails to meet or maintain 28229



the standards established ~~by rule of the public health council~~ in 28230  
rules adopted under division (C) of this section. The entity 28231  
seeking the designation may have the revocation or denial 28232  
reconsidered in accordance with rules adopted ~~by the public health~~ 28233  
~~council~~ under division (C) of this section. 28234

(G)(1) A poison prevention and treatment center, its 28235  
officers, employees, volunteers, or other persons associated with 28236  
the center, and a person, organization, or institution that 28237  
advises or assists a poison prevention and treatment center are 28238  
not liable in damages in a tort action for harm that allegedly 28239  
arises from advice or assistance rendered to any person unless the 28240  
advice or assistance is given in a manner that constitutes willful 28241  
or wanton misconduct or intentionally tortious conduct. 28242

(2) This section does not create, and shall not be construed 28243  
as creating, a new cause of action or substantive legal right 28244  
against a poison prevention and treatment center, its officers, 28245  
employees, volunteers, or other persons associated with the 28246  
center, or a person, organization, or institution that advises or 28247  
assists a poison prevention and treatment center. 28248

(3) This section does not affect, and shall not be construed 28249  
as affecting, any immunities from civil liability or defenses 28250  
conferred by any other section of the Revised Code or available at 28251  
common law, to which a poison prevention and treatment center, its 28252  
officers, employees, volunteers, or other persons associated with 28253  
the center or a person, organization, or institution that advises 28254  
or assists a poison prevention and treatment center may be 28255  
entitled under circumstances not specified by this section. 28256

(H) The director shall annually report to the general 28257  
assembly findings and recommendations concerning the 28258  
effectiveness, impact, and benefits of the poison prevention and 28259  
treatment centers. 28260

**Sec. 3701.201.** (A) As used in this section, "bioterrorism" 28261  
has the same meaning as in section 3701.232 of the Revised Code. 28262

(B) The ~~public director of health council~~ shall adopt rules 28263  
in accordance with Chapter 119. of the Revised Code under which a 28264  
poison prevention and treatment center or other health-related 28265  
entity is required to report events that may be caused by 28266  
bioterrorism, epidemic or pandemic disease, or established or 28267  
novel infectious agents or biological or chemical toxins posing a 28268  
risk of human fatality or disability. Rules adopted under this 28269  
section may require a report of any of the following: 28270

(1) An unexpected pattern or increase in the number of 28271  
telephone inquiries or requests to provide information about 28272  
poison prevention and treatment and available services; 28273

(2) An unexpected pattern or increase in the number of 28274  
requests to provide specialized treatment, consultation, 28275  
information, and educational programs to health care professionals 28276  
and the public; 28277

(3) An unexpected pattern or increase in the number of 28278  
requests for information on established or novel infectious agents 28279  
or biological or chemical toxins posing a risk of human fatality 28280  
or disability that is relatively uncommon and may have been caused 28281  
by bioterrorism. 28282

(C) Each poison prevention and treatment center and other 28283  
health-related entity shall comply with any reporting requirement 28284  
established in rules adopted under division (B) of this section. 28285

(D) Information reported under this section that is protected 28286  
health information pursuant to section 3701.17 of the Revised Code 28287  
shall be released only in accordance with that section. 28288  
Information that does not identify an individual may be released 28289  
in summary, statistical, or aggregate form. 28290

|                                                                                                                                                                                                                                                                    |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Sec. 3701.21. (A) As used in this section:                                                                                                                                                                                                                         | 28291                                     |
| (1) "Amblyopia" means reduced vision in an eye that has not received adequate use during early childhood.                                                                                                                                                          | 28292<br>28293                            |
| (2) "501(c) organization" means an organization exempt from federal income taxation pursuant to 26 U.S.C.A. 501(a) and (c).                                                                                                                                        | 28294<br>28295                            |
| (B) There is hereby created in the state treasury the save our sight fund. The fund shall consist of voluntary contributions deposited as provided in section 4503.104 of the Revised Code. All investment earnings from the fund shall be credited to the fund.   | 28296<br>28297<br>28298<br>28299          |
| (C) The director of health shall use the money in the save our sight fund as follows:                                                                                                                                                                              | 28300<br>28301                            |
| (1) To provide support to 501(c) organizations that offer vision services in all counties of the state and have demonstrated experience in the delivery of vision services to do one or more of the following:                                                     | 28302<br>28303<br>28304<br>28305          |
| (a) Implement a voluntary children's vision screening training and certification program for volunteers, child care providers, nurses, teachers, health care professionals practicing in primary care settings, and others serving children;                       | 28306<br>28307<br>28308<br>28309          |
| (b) Provide materials for the program implemented under division (C)(1)(a) of this section;                                                                                                                                                                        | 28310<br>28311                            |
| (c) Develop and implement a registry and targeted voluntary case management system to determine whether children with amblyopia are receiving professional eye care and to provide their parents with information and support regarding their child's vision care; | 28312<br>28313<br>28314<br>28315<br>28316 |
| (d) Establish a matching grant program for the purchase and distribution of protective eyewear to children;                                                                                                                                                        | 28317<br>28318                            |
| (e) Provide vision health and safety programs and materials                                                                                                                                                                                                        | 28319                                     |

for classrooms. 28320

(2) For the purpose of section 4503.104 of the Revised Code, 28321  
to develop and distribute informational materials on the 28322  
importance of eye care and safety to the registrar of motor 28323  
vehicles and each deputy registrar; 28324

(3) To pay costs incurred by the director in administering 28325  
the fund; 28326

(4) To reimburse the bureau of motor vehicles for the 28327  
administrative costs incurred in performing its duties under 28328  
section 4503.104 of the Revised Code. 28329

(D) A 501(c) organization seeking funding from the save our 28330  
sight fund for any of the projects specified in division (C) of 28331  
this section shall submit a request for the funding to the 28332  
director in accordance with rules adopted under division (E) of 28333  
this section. The director shall determine the appropriateness of 28334  
and approve or disapprove projects for funding and approve or 28335  
disapprove the disbursement of money from the save our sight fund. 28336

(E) The ~~public health council~~ director shall adopt rules in 28337  
accordance with Chapter 119. of the Revised Code to implement this 28338  
section. The rules shall include the parameters of the projects 28339  
specified in division (C)(1) of this section that may be funded 28340  
with money in the save our sight fund and procedures for 501(c) 28341  
organizations to request funding from the fund. 28342

**Sec. 3701.221.** (A) The director of health shall have charge 28343  
of the public health laboratory authorized by section 3701.22 of 28344  
the Revised Code. The director may employ an assistant for the 28345  
laboratory who shall be a person skilled in chemistry and 28346  
bacteriology, and receive compensation as the director determines. 28347  
All expenses of the laboratory shall be paid from appropriations 28348  
made for the department of health. 28349

(B) The ~~public health council~~ director, in accordance with 28350  
Chapter 119. of the Revised Code, shall adopt, and may amend or 28351  
rescind, rules establishing reasonable fees for services the 28352  
laboratory performs. The ~~council~~ director need not prescribe fees 28353  
where the ~~council~~ director believes that charging fees would 28354  
significantly and adversely affect the public health. All fees 28355  
collected for services the laboratory performs shall be deposited 28356  
into the state treasury to the credit of the "laboratory handling 28357  
fee fund," which is hereby created for the purpose of defraying 28358  
expenses of operating the laboratory. 28359

**Sec. 3701.23.** (A) As used in this section, "health care 28360  
provider" means any person or government entity that provides 28361  
health care services to individuals. "Health care provider" 28362  
includes, but is not limited to, hospitals, medical clinics and 28363  
offices, special care facilities, medical laboratories, 28364  
physicians, pharmacists, dentists, physician assistants, 28365  
registered and licensed practical nurses, laboratory technicians, 28366  
emergency medical service organization personnel, and ambulance 28367  
service organization personnel. 28368

(B) Boards of health, health authorities or officials, health 28369  
care providers in localities in which there are no health 28370  
authorities or officials, and coroners or medical examiners shall 28371  
report promptly to the department of health the existence of any 28372  
of the following: 28373

(1) Asiatic cholera; 28374

(2) Yellow fever; 28375

(3) Diphtheria; 28376

(4) Typhus or typhoid fever; 28377

(5) As specified by the ~~public~~ director of health ~~council~~, 28378  
other contagious or infectious diseases, illnesses, health 28379

|                                                                                          |       |
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| conditions, or unusual infectious agents or biological toxins                            | 28380 |
| posing a risk of human fatality or disability.                                           | 28381 |
| (C) No person shall fail to comply with the reporting                                    | 28382 |
| requirements established under division (B) of this section.                             | 28383 |
| (D) The reports required by this section shall be submitted                              | 28384 |
| on forms, as required by statute or rule, and in the manner the                          | 28385 |
| director of health prescribes.                                                           | 28386 |
| (E) Information reported under this section that is protected                            | 28387 |
| health information pursuant to section 3701.17 of the Revised Code                       | 28388 |
| shall be released only in accordance with that section.                                  | 28389 |
| Information that does not identify an individual may be released                         | 28390 |
| in summary, statistical, or aggregate form.                                              | 28391 |
| <b>Sec. 3701.232.</b> (A) As used in this section:                                       | 28392 |
| (1) "Bioterrorism" means the intentional use of any                                      | 28393 |
| microorganism, virus, infectious substance, or biological product                        | 28394 |
| that may be engineered as a result of biotechnology, or any                              | 28395 |
| naturally occurring or bioengineered component of a microorganism,                       | 28396 |
| virus, infectious substance, or biological product, to cause                             | 28397 |
| death, disease, or other biological malfunction in a human,                              | 28398 |
| animal, plant, or other living organism as a means of influencing                        | 28399 |
| the conduct of government or intimidating or coercing a                                  | 28400 |
| population.                                                                              | 28401 |
| (2) "Pharmacist" means an individual licensed under Chapter                              | 28402 |
| 4729. of the Revised Code to engage in the practice of pharmacy as                       | 28403 |
| a pharmacist.                                                                            | 28404 |
| (3) "Pharmacy" and "prescription" have the same meanings as                              | 28405 |
| in section 4729.01 of the Revised Code.                                                  | 28406 |
| (B) The <del>public</del> <u>director of health</u> <del>council</del> shall adopt rules | 28407 |
| in accordance with Chapter 119. of the Revised Code under which a                        | 28408 |
| pharmacy or pharmacist is required to report significant changes                         | 28409 |

in medication usage that may be caused by bioterrorism, epidemic 28410  
or pandemic disease, or established or novel infectious agents or 28411  
biological toxins posing a risk of human fatality or disability. 28412  
Rules adopted under this section may require a report of any of 28413  
the following: 28414

(1) An unexpected increase in the number of prescriptions for 28415  
antibiotics; 28416

(2) An unexpected increase in the number of prescriptions for 28417  
medication to treat fever or respiratory or gastrointestinal 28418  
complaints; 28419

(3) An unexpected increase in sales of, or the number of 28420  
requests for information on, over-the-counter medication to treat 28421  
fever or respiratory or gastrointestinal complaints; 28422

(4) Any prescription for medication used to treat a disease 28423  
that is relatively uncommon and may have been caused by 28424  
bioterrorism. 28425

(C) No person shall fail to comply with any reporting 28426  
requirement established in rules adopted under division (B) of 28427  
this section. 28428

(D) Information reported under this section that is protected 28429  
health information pursuant to section 3701.17 of the Revised Code 28430  
shall be released only in accordance with that section. 28431  
Information that does not identify an individual may be released 28432  
in summary, statistical, or aggregate form. 28433

**Sec. 3701.24.** (A) As used in this section and sections 28434  
3701.241 to 3701.249 of the Revised Code: 28435

(1) "AIDS" means the illness designated as acquired 28436  
immunodeficiency syndrome. 28437

(2) "HIV" means the human immunodeficiency virus identified 28438  
as the causative agent of AIDS. 28439

|                                                                                    |       |
|------------------------------------------------------------------------------------|-------|
| (3) "AIDS-related condition" means symptoms of illness                             | 28440 |
| related to HIV infection, including AIDS-related complex, that are                 | 28441 |
| confirmed by a positive HIV test.                                                  | 28442 |
| (4) "HIV test" means any test for the antibody or antigen to                       | 28443 |
| HIV that has been approved by the director of health under                         | 28444 |
| division (B) of section 3701.241 of the Revised Code.                              | 28445 |
| (5) "Health care facility" has the same meaning as in section                      | 28446 |
| 1751.01 of the Revised Code.                                                       | 28447 |
| (6) "Director" means the director of health or any employee                        | 28448 |
| of the department of health acting on the director's behalf.                       | 28449 |
| (7) "Physician" means a person who holds a current, valid                          | 28450 |
| certificate issued under Chapter 4731. of the Revised Code                         | 28451 |
| authorizing the practice of medicine or surgery and osteopathic                    | 28452 |
| medicine and surgery.                                                              | 28453 |
| (8) "Nurse" means a registered nurse or licensed practical                         | 28454 |
| nurse who holds a license or certificate issued under Chapter                      | 28455 |
| 4723. of the Revised Code.                                                         | 28456 |
| (9) "Anonymous test" means an HIV test administered so that                        | 28457 |
| the individual to be tested can give informed consent to the test                  | 28458 |
| and receive the results by means of a code system that does not                    | 28459 |
| link the identity of the individual tested to the request for the                  | 28460 |
| test or the test results.                                                          | 28461 |
| (10) "Confidential test" means an HIV test administered so                         | 28462 |
| that the identity of the individual tested is linked to the test                   | 28463 |
| but is held in confidence to the extent provided by sections                       | 28464 |
| 3701.24 to 3701.248 of the Revised Code.                                           | 28465 |
| (11) "Health care provider" means an individual who provides                       | 28466 |
| diagnostic, evaluative, or treatment services. Pursuant to Chapter                 | 28467 |
| 119. of the Revised Code, the <del>public health council</del> <u>director</u> may | 28468 |
| adopt rules further defining the scope of the term "health care                    | 28469 |



|                                                                                     |       |
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| provider."                                                                          | 28470 |
| (12) "Significant exposure to body fluids" means a                                  | 28471 |
| percutaneous or mucous membrane exposure of an individual to the                    | 28472 |
| blood, semen, vaginal secretions, or spinal, synovial, pleural,                     | 28473 |
| peritoneal, pericardial, or amniotic fluid of another individual.                   | 28474 |
| (13) "Emergency medical services worker" means all of the                           | 28475 |
| following:                                                                          | 28476 |
| (a) A peace officer;                                                                | 28477 |
| (b) An employee of an emergency medical service organization                        | 28478 |
| as defined in section 4765.01 of the Revised Code;                                  | 28479 |
| (c) A firefighter employed by a political subdivision;                              | 28480 |
| (d) A volunteer firefighter, emergency operator, or rescue                          | 28481 |
| operator;                                                                           | 28482 |
| (e) An employee of a private organization that renders rescue                       | 28483 |
| services, emergency medical services, or emergency medical                          | 28484 |
| transportation to accident victims and persons suffering serious                    | 28485 |
| illness or injury.                                                                  | 28486 |
| (14) "Peace officer" has the same meaning as in division (A)                        | 28487 |
| of section 109.71 of the Revised Code, except that it also                          | 28488 |
| includes a sheriff and the superintendent and troopers of the                       | 28489 |
| state highway patrol.                                                               | 28490 |
| (B) Persons designated by rule adopted by the <del>public health</del>              | 28491 |
| <del>council</del> <u>director</u> under section 3701.241 of the Revised Code shall | 28492 |
| report promptly every case of AIDS, every AIDS-related condition,                   | 28493 |
| and every confirmed positive HIV test to the department of health                   | 28494 |
| on forms and in a manner prescribed by the director. In each                        | 28495 |
| county the director shall designate the health commissioner of a                    | 28496 |
| health district in the county to receive the reports.                               | 28497 |
| (C) No person shall fail to comply with the reporting                               | 28498 |
| requirements established under division (B) of this section.                        | 28499 |

(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised Code, or pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, prosecuting attorney, city director of law or similar chief legal officer of a municipal corporation, or village solicitor, in connection with a criminal investigation or prosecution. Information that does not identify an individual may be released in summary, statistical, or aggregate form.

**Sec. 3701.241.** (A) The director of health shall develop and administer the following:

(1) A surveillance system to determine the number of cases of AIDS and the HIV infection rate in various population groups;

(2) Counseling and testing programs for groups determined by the director to be at risk of HIV infection, including procedures for both confidential and anonymous tests, counseling training programs for health care providers, and development of counseling guidelines;

(3) A confidential partner notification system to alert and counsel sexual contacts of individuals with HIV infection;

(4) Risk reduction and education programs for groups determined by the director to be at risk of HIV infection, and, in consultation with a wide range of community leaders, education programs for the public;

(5) Pilot programs for the long-term care of individuals with AIDS or AIDS-related condition, including care in nursing homes

|                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| and in alternative settings;                                                                                                                                                                                                                                                                                                                                                                                                                           | 28530                                                       |
| (6) Programs to expand regional outpatient treatment of individuals with AIDS or AIDS-related condition;                                                                                                                                                                                                                                                                                                                                               | 28531<br>28532                                              |
| (7) A program to assist communities, including communities of less than one hundred thousand population, in establishing AIDS task forces and support groups for individuals with AIDS, AIDS-related condition, and HIV infection. The program may include the award of grants if they are matched by local funds.                                                                                                                                     | 28533<br>28534<br>28535<br>28536<br>28537                   |
| Information obtained or maintained under the partner notification system is not a public record under section 149.43 of the Revised Code and may be released only in accordance with division (C) of section 3701.243 of the Revised Code.                                                                                                                                                                                                             | 28538<br>28539<br>28540<br>28541                            |
| (B) The director shall:                                                                                                                                                                                                                                                                                                                                                                                                                                | 28542                                                       |
| (1) Approve a test or tests to be used to determine whether an individual has HIV infection, define a confirmed positive test result, and develop guidelines for interpreting test results;                                                                                                                                                                                                                                                            | 28543<br>28544<br>28545                                     |
| (2) Establish sites for confidential and anonymous HIV tests, and prepare a list of sites where an individual may obtain an anonymous test;                                                                                                                                                                                                                                                                                                            | 28546<br>28547<br>28548                                     |
| (3) Prepare a list of counseling services;                                                                                                                                                                                                                                                                                                                                                                                                             | 28549                                                       |
| (4) Make available a copy of the list of anonymous testing sites or a copy of the list of counseling services to anyone who requests it.                                                                                                                                                                                                                                                                                                               | 28550<br>28551<br>28552                                     |
| (C) The director of health shall require the director or administrator of each site where anonymous or confidential HIV tests are given to submit a report every three months evaluating from an epidemiologic perspective the effectiveness of the HIV testing program at that site. Not later than January 31, 1991, and each year thereafter, the director of health shall make a report evaluating the anonymous and confidential testing programs | 28553<br>28554<br>28555<br>28556<br>28557<br>28558<br>28559 |

throughout the state with regard to their effectiveness as 28560  
epidemiologic programs. The report shall be submitted to the 28561  
speaker of the house of representatives and the president of the 28562  
senate and shall be made available to the public. 28563

The ~~public~~ director of health council shall adopt rules 28564  
pursuant to Chapter 119. of the Revised Code for the 28565  
implementation of the requirements of division (B)(1) of this 28566  
section and division (D) of section 3701.24 of the Revised Code. 28567

(D) The director of health shall administer funds received 28568  
under Title XXVI of the "Public Health Services Act," 104 Stat. 28569  
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve 28570  
the quality and availability of care for individuals with AIDS, 28571  
AIDS-related condition, and HIV infection. In administering these 28572  
funds, the director may enter into contracts with any person or 28573  
entity for the purpose of administering the programs, including 28574  
contracts with the department of job and family services for 28575  
establishment of a program of reimbursement of drugs used for 28576  
treatment and care of such individuals. The director of health may 28577  
adopt rules in accordance with Chapter 119. of the Revised Code 28578  
and issue orders as necessary for administration of the funds. If 28579  
the department of job and family services enters into a contract 28580  
under this division, the director of job and family services may 28581  
adopt rules in accordance with Chapter 119. of the Revised Code as 28582  
necessary for carrying out the department's duties under the 28583  
contract. 28584

**Sec. 3701.242.** (A) An HIV test may be performed by or on the 28585  
order of a health care provider who, in the exercise of the 28586  
provider's professional judgment, determines the test to be 28587  
necessary for providing diagnosis and treatment to the individual 28588  
to be tested, if the individual or the individual's parent or 28589  
guardian has given consent to the provider for medical or other 28590

health care treatment. The health care provider shall inform the individual of the individual's right under division (D) of this section to an anonymous test.

(B) A minor may consent to be given an HIV test. The consent is not subject to disaffirmance because of minority. The parents or guardian of a minor giving consent under this division are not liable for payment and shall not be charged for an HIV test given to the minor without the consent of a parent or the guardian.

(C) The health care provider ordering an HIV test shall provide post-test counseling for an individual who receives an HIV-positive test result. The ~~public director of health council~~ may adopt rules, ~~pursuant to recommendations from the director of health and~~ in accordance with Chapter 119. of the Revised Code, specifying the information to be provided in post-test counseling.

(D) An individual shall have the right to an anonymous test. A health care facility or health care provider that does not provide anonymous testing shall refer an individual requesting an anonymous test to a site where it is available.

(E) Divisions (B) to (D) of this section do not apply to the performance of an HIV test in any of the following circumstances:

(1) When the test is performed in a medical emergency by a nurse or physician and the test results are medically necessary to avoid or minimize an immediate danger to the health or safety of the individual to be tested or another individual, except that post-test counseling shall be given to the individual if the individual receives an HIV-positive test result;

(2) When the test is performed for the purpose of research if the researcher does not know and cannot determine the identity of the individual tested;

(3) When the test is performed by a person who procures, processes, distributes, or uses a human body part from a deceased

person donated for a purpose specified in Chapter 2108. of the 28622  
Revised Code, if the test is medically necessary to ensure that 28623  
the body part is acceptable for its intended purpose; 28624

(4) When the test is performed on a person incarcerated in a 28625  
correctional institution under the control of the department of 28626  
rehabilitation and correction if the head of the institution has 28627  
determined, based on good cause, that a test is necessary; 28628

(5) When the test is performed in accordance with section 28629  
2907.27 of the Revised Code; 28630

(6) When the test is performed on an individual after the 28631  
infection control committee of a health care facility, or other 28632  
body of a health care facility performing a similar function 28633  
determines that a health care provider, emergency medical services 28634  
worker, or peace officer, while rendering health or emergency care 28635  
to an individual, has sustained a significant exposure to the body 28636  
fluids of that individual, and the individual has refused to give 28637  
consent for testing. 28638

**Sec. 3701.248.** (A) As used in this section: 28639

(1) "Contagious or infectious disease" means a disease 28640  
specified ~~by rule~~ in rules adopted by the ~~public director of~~ 28641  
health ~~council~~ pursuant to division (F) of this section. 28642

(2) "Patient" means either of the following: 28643

(a) A person, whether alive or dead, who has been treated, or 28644  
handled, or transported for medical care by an emergency medical 28645  
services worker; 28646

(b) A deceased person whose body is handled by a funeral 28647  
services worker. 28648

(3) "Significant exposure" means: 28649

(a) A percutaneous or mucous membrane exposure of an 28650

individual to the blood, semen, vaginal secretions, or spinal, 28651  
synovial, pleural, peritoneal, pericardial, or amniotic fluid of 28652  
another person; 28653

(b) Exposure to a contagious or infectious disease. 28654

(4) "Funeral services worker" means a person licensed as a 28655  
funeral director or embalmer under Chapter 4717. of the Revised 28656  
Code or an individual responsible for the direct final disposition 28657  
of a deceased person. 28658

(B)(1) An emergency medical services worker or funeral 28659  
services worker who believes that significant exposure has 28660  
occurred through the worker's contact with a patient may submit to 28661  
the health care facility or coroner that received the patient a 28662  
written request to be notified of the results of any test 28663  
performed on the patient to determine the presence of a contagious 28664  
or infectious disease. The request shall include: 28665

(a) The name, address, and telephone number of the individual 28666  
submitting the request; 28667

(b) The name of the individual's employer, or, in the case of 28668  
a volunteer emergency medical services worker, the entity for 28669  
which the worker volunteers, and the individual's supervisor; 28670

(c) The date, time, location, and manner of the exposure. 28671

(2) The request for notification that is submitted by an 28672  
emergency medical services worker pursuant to division (B)(1) of 28673  
this section is valid for ten days after it is made. If at the end 28674  
of that ten-day period no test has been performed to determine the 28675  
presence of a contagious or infectious disease, no diagnosis has 28676  
been made, or the result of the test is negative, the health care 28677  
facility or coroner shall notify the emergency medical services 28678  
worker. The notification shall not include the name of the 28679  
patient. If necessary, the request may be renewed in accordance 28680  
with the same procedures and requirements as the original request. 28681

(3) A health care facility or coroner shall respond 28682  
immediately to a request for notification submitted pursuant to 28683  
division (B)(1) of this section by a funeral services worker. If 28684  
no test has been performed to determine the presence of a 28685  
contagious or infectious disease, no diagnosis has been made, or 28686  
the result of a test that was performed is negative, the health 28687  
care facility or coroner shall immediately notify the funeral 28688  
services worker. The notification shall not include the name of 28689  
the patient. 28690

On receipt of notification that no test has been performed to 28691  
determine the presence of a contagious or infectious disease in a 28692  
patient, the funeral services worker may have a test performed on 28693  
the patient. The test shall be performed in accordance with rules 28694  
adopted by the department of health pursuant to division (G) of 28695  
this section. 28696

The consent of the patient's family is not required for 28697  
performance of a test pursuant to division (B)(3) of this section. 28698

(C) The health care facility or coroner that receives a 28699  
written request for notification shall give an oral notification 28700  
of the presence of a contagious or infectious disease, or of a 28701  
confirmed positive test result, if known, to the person who made 28702  
the request and the person's supervisor and to the infection 28703  
control committee or other body described in division (E)(6) of 28704  
section 3701.242 of the Revised Code within two days after 28705  
determining the presence of a contagious or infectious disease or 28706  
after a confirmed positive test result. A written notification 28707  
shall follow oral notification within three days. If a contagious 28708  
or infectious disease is present, or the test results are 28709  
confirmed positive, both the oral and written notification shall 28710  
include the name of the disease, its signs and symptoms, the date 28711  
of exposure, the incubation period, the mode of transmission of 28712  
the disease, the medical precautions necessary to prevent 28713



transmission to other persons, and the appropriate prophylaxis, 28714  
treatment, and counseling for the disease. The notification shall 28715  
not include the name of the patient. 28716

If the request is made by an emergency medical services 28717  
worker and the information is not available from the health care 28718  
facility to which the request is made because the patient has been 28719  
transferred from that health care facility, the facility shall 28720  
assist the emergency medical services worker in locating the 28721  
patient and securing the requested information from the health 28722  
care facility that treated or is treating the patient. If the 28723  
patient has died, the health care facility shall give the 28724  
emergency medical services worker the name and address of the 28725  
coroner who received the patient. 28726

(D) Each health care facility and coroner shall develop 28727  
written procedures to implement the notification procedures 28728  
required by this section. A health care facility or coroner may 28729  
take measures in addition to those required in this section to 28730  
notify emergency medical services workers and funeral services 28731  
workers of possible exposure to a contagious or infectious disease 28732  
as long as the confidentiality of the information is maintained. 28733

(E) No person shall knowingly fail to comply with division 28734  
(C) of this section. 28735

(F) The ~~public~~ director of health ~~council~~ shall adopt rules 28736  
in accordance with Chapter 119. of the Revised Code that specify 28737  
the diseases that are reasonably likely to be transmitted by air 28738  
or blood during the normal course of duties performed by an 28739  
emergency medical services worker or funeral services worker. In 28740  
adopting such rules, the ~~council~~ director shall consider the types 28741  
of contact that typically occur between patients and emergency 28742  
medical services workers and funeral services workers. 28743

(G) The department of health shall adopt rules in accordance 28744

with Chapter 119. of the Revised Code specifying the procedures a 28745  
funeral services worker must follow when having a test performed 28746  
on a patient pursuant to division (B)(3) of this section. The 28747  
rules shall specify how and by whom the test is to be performed. 28748  
The rules shall require the funeral services worker or the funeral 28749  
services worker's employer to pay the cost of the test. No health 28750  
care facility shall be required to perform the test. 28751

**Sec. 3701.341.** (A) The ~~public~~ director of health council, 28752  
pursuant to Chapter 119. and consistent with section 2317.56 of 28753  
the Revised Code, shall adopt rules relating to abortions and the 28754  
following subjects: 28755

(1) Post-abortion procedures to protect the health of the 28756  
pregnant woman; 28757

(2) Pathological reports; 28758

(3) Humane disposition of the product of human conception; 28759

(4) Counseling. 28760

(B) The director of health shall implement the rules and 28761  
shall apply to the court of common pleas for temporary or 28762  
permanent injunctions restraining a violation or threatened 28763  
violation of the rules. This action is an additional remedy not 28764  
dependent on the adequacy of the remedy at law. 28765

**Sec. 3701.342.** After consultation with the public health 28766  
standards task force established under section 3701.343 of the 28767  
Revised Code, the ~~public~~ director of health council shall adopt 28768  
rules establishing minimum standards and optimum achievable 28769  
standards for boards of health and local health departments. The 28770  
minimum standards shall assure that boards of health and local 28771  
health departments provide for: 28772

(A) Analysis and prevention of communicable disease; 28773

(B) Analysis of the causes of, and appropriate treatment for, the leading causes of morbidity and mortality; 28774  
28775

(C) The administration and management of the local health department; 28776  
28777

(D) Access to primary health care by medically underserved individuals; 28778  
28779

(E) Environmental health management programs; 28780

(F) Health promotion services designed to encourage individual and community wellness. 28781  
28782

The ~~public health council~~ director shall adopt rules 28783  
establishing a formula for distribution of state health district 28784  
subsidy funds to boards of health and local health departments. 28785  
The formula shall provide no subsidy funds to a board or 28786  
department unless it meets minimum standards and shall provide 28787  
higher funding levels for boards and districts that meet optimum 28788  
achievable standards. 28789

Notwithstanding section 119.03 of the Revised Code, rules 28790  
adopted under this section shall not take effect unless approved 28791  
by concurrent resolution of the general assembly. 28792

**Sec. 3701.343.** The ~~chairman~~ director of the ~~public health~~ 28793  
~~council~~ shall, with the advice of the association of Ohio health 28794  
commissioners ~~and the director of health~~, appoint a public health 28795  
standards task force to assist and advise the ~~public health~~ 28796  
~~council~~ director in formulating and evaluating the standards 28797  
established under section 3701.342 of the Revised Code for the 28798  
provision of public health services. ~~The task force shall~~ 28799  
~~recommend its standards for all categories mentioned in section~~ 28800  
~~3701.342 of the Revised Code on or before March 1, 1983.~~ 28801

The task force shall have nine members, consisting of: 28802

(A) A sanitarian registered in accordance with Chapter 4736. 28803

|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                 | 28804                                                       |
| (B) A registered nurse licensed in accordance with Chapter 4723. of the Revised Code;                                                                                                                                                                                                                                                                                                                                | 28805<br>28806                                              |
| (C) A physician <del>licensed in accordance with</del> <u>who is authorized under</u> Chapter 4731. of the Revised Code <u>to practice medicine and surgery or osteopathic medicine and surgery;</u>                                                                                                                                                                                                                 | 28807<br>28808<br>28809                                     |
| (D) Three health commissioners;                                                                                                                                                                                                                                                                                                                                                                                      | 28810                                                       |
| (E) Two representatives of the department of health;                                                                                                                                                                                                                                                                                                                                                                 | 28811                                                       |
| (F) One individual with recognized ability in public health law, public health laboratories, epidemiology, nutrition, or health education.                                                                                                                                                                                                                                                                           | 28812<br>28813<br>28814                                     |
| <del>The public health standards task force shall complete its work within three years after the effective date of this section and shall cease to exist upon completion of its work, provided, that the public health council may reconstitute the public health standards task force, for the purpose of reviewing, evaluating, and revising the standards mandated in section 3701.342 of the Revised Code.</del> | 28815<br>28816<br>28817<br>28818<br>28819<br>28820<br>28821 |
| Members of the task force shall elect a <del>chairman</del> <u>chairperson</u> . Five members of the task force constitute a quorum and six votes are necessary to validate an action.                                                                                                                                                                                                                               | 28822<br>28823<br>28824                                     |
| <del>Within ninety days of the effective date of this section, the chairman of the public health council shall make the appointments to the task force. Within sixty days of their appointment, the task force members shall meet, organize, and begin their work.</del> Vacancies occurring on the task force shall be filled in the same manner as the initial appointments.                                       | 28825<br>28826<br>28827<br>28828<br>28829<br>28830          |
| Members of the task force shall serve without compensation, but may be reimbursed for necessary expenses.                                                                                                                                                                                                                                                                                                            | 28831<br>28832                                              |

Sec. 3701.344. As used in this section and sections 3701.345, 28833  
3701.346, and 3701.347 of the Revised Code: 28834

(A) "Private water system" means any water system for the 28835  
provision of water for human consumption, if such system has fewer 28836  
than fifteen service connections and does not regularly serve an 28837  
average of at least twenty-five individuals daily at least sixty 28838  
days out of the year. A private water system includes any well, 28839  
spring, cistern, pond, or hauled water and any equipment for the 28840  
collection, transportation, filtration, disinfection, treatment, 28841  
or storage of such water extending from and including the source 28842  
of the water to the point of discharge from any pressure tank or 28843  
other storage vessel; to the point of discharge from the water 28844  
pump where no pressure tank or other storage vessel is present; 28845  
or, in the case of multiple service connections serving more than 28846  
one dwelling, to the point of discharge from each service 28847  
connection. "Private water system" does not include the water 28848  
service line extending from the point of discharge to a structure. 28849

(B) Notwithstanding section 3701.347 of the Revised Code and 28850  
subject to division (C) of this section, rules adopted by the 28851  
~~public director of health council~~ regarding private water systems 28852  
shall provide for the following: 28853

(1) Except as otherwise provided in this division, boards of 28854  
health of city or general health districts shall be given the 28855  
exclusive power to establish fees in accordance with section 28856  
3709.09 of the Revised Code for administering and enforcing such 28857  
rules. Such fees shall establish a different rate for 28858  
administering and enforcing the rules relative to private water 28859  
systems serving single-family dwelling houses and nonsingle-family 28860  
dwelling houses. Except for an amount established by the ~~public~~ 28861  
~~health council~~ director, pursuant to division (B)(5) of this 28862  
section, for each new private water system installation, no 28863

portion of any fee for administering and enforcing such rules 28864  
shall be returned to the department of health. If the director of 28865  
health determines that a board of health of a city or general 28866  
health district is unable to administer and enforce a private 28867  
water system program in the district, the director shall 28868  
administer and enforce such a program in the district and 28869  
establish fees for such administration and enforcement. 28870

(2) Boards of health of city or general health districts 28871  
shall be given the exclusive power to determine the number of 28872  
inspections necessary for determining the safe drinking 28873  
characteristics of a private water system. 28874

(3) Private water systems contractors, as a condition of 28875  
doing business in this state, shall annually register with, and 28876  
comply with surety bonding requirements of, the department of 28877  
health. No such contractor shall be permitted to register if the 28878  
contractor fails to comply with all applicable rules adopted by 28879  
the ~~public health council~~ director and the board of health of the 28880  
city or general health district. The annual registration fee for 28881  
private water systems contractors shall be sixty-five dollars. The 28882  
~~public health council~~ director, by rule adopted in accordance with 28883  
Chapter 119. of the Revised Code, may increase the annual 28884  
registration fee. ~~Before January 1, 1993, the fee shall not be~~ 28885  
~~increased by more than fifty per cent of the amount prescribed by~~ 28886  
~~this section.~~ 28887

(4) ~~Boards~~ Subject to rules adopted by the director, boards 28888  
of health of city or general health districts ~~subject to such~~ 28889  
~~rules of the public health council~~ shall have the option of 28890  
determining whether bacteriological examinations shall be 28891  
performed at approved laboratories of the state or at approved 28892  
private laboratories. 28893

(5) The ~~public health council~~ director may establish fees for 28894  
each new private water system installation, which shall be 28895

collected by the appropriate board of health and transmitted to 28896  
the director ~~of health~~ pursuant to section 3709.092 of the Revised 28897  
Code. 28898

(6) All fees received by the director of health under 28899  
divisions (B)(1), (3), and (5) of this section shall be deposited 28900  
in the state treasury to the credit of the general operations fund 28901  
created in section 3701.83 of the Revised Code for use in the 28902  
administration and enforcement of sections 3701.344 to 3701.347 of 28903  
the Revised Code and the rules pertaining to private water systems 28904  
adopted under those sections ~~or section 3701.34 of the Revised~~ 28905  
~~Code.~~ 28906

(C) To the extent that rules adopted under division (B) of 28907  
this section require health districts to follow specific 28908  
procedures or use prescribed forms, no such procedure or form 28909  
shall be implemented until it is approved by majority vote of an 28910  
approval board of health commissioners, hereby created. Members of 28911  
the board shall be the officers of the association of Ohio health 28912  
commissioners, or any successor organization, and membership on 28913  
the board shall be coterminous with holding an office of the 28914  
association. No health district is required to follow a procedure 28915  
or use a form required by a rule adopted under division (B) of 28916  
this section without the approval of the board. 28917

(D) A board of health shall collect well log filing fees on 28918  
behalf of the division of soil and water resources in the 28919  
department of natural resources in accordance with section 1521.05 28920  
of the Revised Code and rules adopted under it. The fees shall be 28921  
submitted to the division quarterly as provided in those rules. 28922

**Sec. 3701.345.** Any applicant for a permit to construct, 28923  
develop, install, or modify a private water system required by 28924  
rules adopted by the ~~public director of health council~~ under 28925  
~~sections 3701.34 and section~~ 3701.347 of the Revised Code may 28926

apply to the board of health of the city or general health 28927  
district administering and enforcing the private water supply 28928  
program in the health district in which the private water system 28929  
is or is to be located or, if the health district is not 28930  
administering and enforcing the program, may apply to the 28931  
department of health for a variance from such rules governing the 28932  
design, construction, development, installation, or modification 28933  
of private water systems. The application for a variance shall be 28934  
made in writing and shall include a statement of the particular 28935  
rule or rules from which a variance is sought, a description of 28936  
the proposed system or modification, and the necessity for the 28937  
variance. The board of health or the department of health shall 28938  
not grant a variance unless the applicant demonstrates that: 28939

(A) There will be an unusual and unnecessary hardship in 28940  
complying with the rules from which the variance is sought; 28941

(B) Contamination of the private water system will not occur 28942  
as a result of construction and operation of the system as 28943  
proposed by the variance application; 28944

(C) The health of persons using water from the private water 28945  
system will not be endangered as a result of construction and 28946  
operation of the system as proposed by the variance application; 28947  
and 28948

(D) No other technically feasible and economically reasonable 28949  
means exist for obtaining water from the proposed type of water 28950  
source. 28951

**Sec. 3701.347.** Notwithstanding division (E) of section 28952  
6111.42 of the Revised Code, rules adopted under such division and 28953  
in effect on December 14, 1978, shall continue in effect until 28954  
repealed by the environmental protection agency or superseded by 28955  
rules ~~of~~ adopted by the public director of health council as 28956  
hereinafter provided, as fully as if such section had not been 28957



amended by Amended Substitute Senate Bill No. 445 of the 112th 28958  
general assembly on such date. Insofar as these rules affect wells 28959  
for the provision of water for human consumption not used or for 28960  
use by a public water system, they shall remain in effect 28961  
notwithstanding repeal by the environmental protection agency 28962  
until the ~~public health council~~ director adopts rules superseding 28963  
them which prescribe uniform standards and procedures for the 28964  
design, construction, inspection, installation, development, 28965  
maintenance, and abandonment of private water systems, to protect 28966  
the health of the persons served by such water systems and to 28967  
establish fees at a level calculated to pay the cost of 28968  
administering and enforcing such rules by the director ~~health~~ or 28969  
by boards of health of city and general health districts approved 28970  
by the director of health. For purposes of this section "public 28971  
water system" has the meaning ascribed to it in section 6109.01 of 28972  
the Revised Code. 28973

**Sec. 3701.352.** No person shall violate any rule the ~~public~~ 28974  
~~health council~~, director of health, or department of health adopts 28975  
or any order the director or department of health issues under 28976  
this chapter to prevent a threat to the public caused by a 28977  
pandemic, epidemic, or bioterrorism event. 28978

**Sec. 3701.40.** The ~~public~~ director of health ~~council~~ shall by 28979  
rule prescribe minimum standards for the maintenance and operation 28980  
of hospitals and medical facilities which shall receive federal 28981  
aid for construction under the state plan provided for by section 28982  
3701.39 of the Revised Code. 28983

Boards of trustees or directors of institutions required to 28984  
comply with sections 3701.01, 3701.04, 3701.08, 3701.09, and 28985  
3701.37 to 3701.45 of the Revised Code shall have the right to 28986  
select the professional staff members of such institutions and to 28987  
select and employ interns, nurses, and other personnel, and no 28988

rules, regulations, or standards of the director of health ~~or the~~ 28989  
~~public health council~~ adopted or promulgated severally or jointly 28990  
shall be valid which, if enforced, would interfere in such 28991  
selection or employment. 28992

The director of health may petition the common pleas court of 28993  
the county in which any hospital or medical facility is located 28994  
for an order enjoining any person, firm, partnership, association, 28995  
corporation, or other entity, private or public, from operating a 28996  
hospital or medical facility in violation of any rules adopted 28997  
under this section. Irrespective of any other remedy the director 28998  
may have in law or equity the court has jurisdiction to grant such 28999  
injunctive relief upon a showing that the respondent named in the 29000  
petition is operating in violation of such rules. 29001

**Sec. 3701.503.** As used in sections 3701.504 to 3701.509 of 29002  
the Revised Code: 29003

(A) "Parent" means either parent, unless the parents are 29004  
separated or divorced or their marriage has been dissolved or 29005  
annulled, in which case "parent" means the parent who is the 29006  
residential parent and legal custodian. 29007

(B) "Guardian" has the same meaning as in section 2111.01 of 29008  
the Revised Code. 29009

(C) "Custodian" means, except as used in division (A) of this 29010  
section, a government agency or an individual, other than the 29011  
parent or guardian, with legal or permanent custody of a child as 29012  
defined in section 2151.011 of the Revised Code. 29013

(D) "Hearing screening" means the identification of newborns 29014  
and infants who may have a hearing impairment, through the use of 29015  
a physiologic test. 29016

(E) "Hearing evaluation" means evaluation through the use of 29017  
audiological procedures by an audiologist or physician. 29018

|                                                                                                                                                                                                                                                                                                                                                |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.                                                                                                                                                                                               | 29019<br>29020<br>29021                            |
| (G) "Newborn" means a child who is less than thirty days old.                                                                                                                                                                                                                                                                                  | 29022                                              |
| (H) "Infant" means a child who is at least thirty days but less than twenty-four months old.                                                                                                                                                                                                                                                   | 29023<br>29024                                     |
| (I) "Freestanding birthing center" has the same meaning as in section <del>3702.51</del> <u>3702.141</u> of the Revised Code.                                                                                                                                                                                                                  | 29025<br>29026                                     |
| (J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.                                                                                                                                                                                   | 29027<br>29028<br>29029                            |
| (K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.                                                                                                                                                                                                                              | 29030<br>29031                                     |
| (L) "Hospital" means a hospital that has a maternity unit or newborn nursery.                                                                                                                                                                                                                                                                  | 29032<br>29033                                     |
| (M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.                                                | 29034<br>29035<br>29036<br>29037<br>29038          |
| (N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.                                                                                                                                                        | 29039<br>29040<br>29041                            |
| <b>Sec. 3701.507.</b> (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members: | 29042<br>29043<br>29044<br>29045<br>29046<br>29047 |

|                                                                                                                        |                |
|------------------------------------------------------------------------------------------------------------------------|----------------|
| (1) One otolaryngologist;                                                                                              | 29048          |
| (2) One neonatologist;                                                                                                 | 29049          |
| (3) One pediatrician;                                                                                                  | 29050          |
| (4) One neurologist;                                                                                                   | 29051          |
| (5) One hospital administrator;                                                                                        | 29052          |
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation;                           | 29053<br>29054 |
| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;                                | 29055<br>29056 |
| (8) Two persons who are each a parent of a hearing-impaired child;                                                     | 29057<br>29058 |
| (9) One geneticist;                                                                                                    | 29059          |
| (10) One epidemiologist;                                                                                               | 29060          |
| (11) One adult who is deaf or hearing impaired;                                                                        | 29061          |
| (12) One representative from an organization for the deaf or hearing impaired;                                         | 29062<br>29063 |
| (13) One family advocate;                                                                                              | 29064          |
| (14) One nurse from a well-baby neonatal nursery;                                                                      | 29065          |
| (15) One nurse from a special care neonatal nursery;                                                                   | 29066          |
| (16) One teacher of the deaf who works with infants and toddlers;                                                      | 29067<br>29068 |
| (17) One representative of the health insurance industry;                                                              | 29069          |
| (18) One representative of the bureau for children with medical handicaps;                                             | 29070<br>29071 |
| (19) One representative of the department of education;                                                                | 29072          |
| (20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid; | 29073<br>29074 |

|                                                                                                                                                                                                                       |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (21) Any other person the advisory council appoints.                                                                                                                                                                  | 29075                            |
| (B) The infant hearing subcommittee shall:                                                                                                                                                                            | 29076                            |
| (1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;                                                                                            | 29077<br>29078<br>29079          |
| (2) Advise and make recommendations regarding proposed rules prior to their adoption by the <del>public health council</del> <u>director</u> under section 3701.508 of the Revised Code;                              | 29080<br>29081<br>29082          |
| (3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: | 29083<br>29084<br>29085<br>29086 |
| (a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;                          | 29087<br>29088<br>29089<br>29090 |
| (b) Identification of locations where hearing evaluations may be conducted;                                                                                                                                           | 29091<br>29092                   |
| (c) Recommendations for methods and techniques of hearing screening and hearing evaluation;                                                                                                                           | 29093<br>29094                   |
| (d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;                                                                                                                     | 29095<br>29096                   |
| (e) Maintenance of a register of newborns and infants who do not pass the hearing screening;                                                                                                                          | 29097<br>29098                   |
| (f) Preparation of the information required by section 3701.506 of the Revised Code <del>and any other information the public health council requires the department of health to provide.</del>                      | 29099<br>29100<br>29101          |
| <b>Sec. 3701.508.</b> (A) The <del>public</del> <u>director of health</u> <del>council</del> shall adopt rules governing the statewide hearing screening,                                                             | 29102<br>29103                   |

tracking, and early intervention program established under section 29104  
3701.504 of the Revised Code, including rules that do all of the 29105  
following: 29106

(1) Specify how hospitals and freestanding birthing centers 29107  
are to comply with the requirements of section 3701.505 of the 29108  
Revised Code, including methods to be used for hearing screening, 29109  
except that with regard to the physiologic equipment to be used 29110  
for hearing screening, the rules may require only that the 29111  
equipment be capable of giving reliable results and may not 29112  
specify particular equipment or a particular type of equipment; 29113

(2) Provide that no newborn or infant shall be required to 29114  
undergo a hearing screening if the parent, guardian, or custodian 29115  
of the newborn or infant objects on the grounds that the screening 29116  
conflicts with the parent's, guardian's, or custodian's religious 29117  
tenets and practices; 29118

(3) Provide for situations in which the parent, guardian, or 29119  
custodian of a newborn or infant objects to a hearing screening 29120  
for reasons other than religious tenets and practices; 29121

(4) Specify how the department of health will determine 29122  
whether a person is financially unable to pay for a hearing 29123  
screening and define "third-party payer" for the purpose of 29124  
reimbursement of hearing screening by the department under section 29125  
3701.505 of the Revised Code; 29126

(5) Specify an inexpensive and efficient format and 29127  
procedures for the submission of hearing screening information 29128  
from hospitals and freestanding birthing centers to the department 29129  
of health; 29130

(6) Specify a procedure whereby the department may conduct 29131  
timely reviews of hearing screening information submissions for 29132  
purposes of quality assurance, training, and disease prevention 29133

and control; 29134

(7) Specify any additional information that hospitals and 29135  
freestanding birthing centers are to provide to the medically 29136  
handicapped children's medical advisory council's infant hearing 29137  
screening subcommittee under section 3701.509 of the Revised Code. 29138

(B) In addition to the rules adopted under division (A) of 29139  
this section, the ~~council~~ director shall adopt rules that specify 29140  
the training that must be completed by persons who will conduct 29141  
hearing screenings. In adopting these rules, the ~~council~~ director 29142  
shall consider incorporating cost-saving training methods, 29143  
including computer-assisted learning and on-site training. Neither 29144  
the rules nor the director of health may establish a minimum 29145  
educational level for persons conducting hearing screenings. 29146

(C) All rules adopted under this section shall be adopted in 29147  
accordance with Chapter 119. of the Revised Code and shall be 29148  
adopted so as to take effect not later than six months after ~~the~~ 29149  
~~effective date of this section~~ August 1, 2002. 29150

**Sec. 3701.509.** (A) The department of health shall develop a 29151  
mechanism to analyze and interpret the hearing screening 29152  
information to be reported under division (B) of this section. The 29153  
department shall notify all hospitals and freestanding birthing 29154  
centers subject to the reporting requirements of the date the 29155  
department anticipates that the mechanism will be complete. After 29156  
the mechanism is complete, the department shall notify each 29157  
hospital and freestanding birthing center subject to the reporting 29158  
requirement of the date by which the hospital or center must 29159  
submit its first report. 29160

(B) Subject to division (A) of this section and in accordance 29161  
with rules adopted by the ~~public~~ director of health ~~council~~ under 29162  
section 3701.508 of the Revised Code, each hospital and 29163  
freestanding birthing center that has conducted a hearing 29164

screening required by section 3701.505 of the Revised Code shall 29165  
provide to the department of health for use by the medically 29166  
handicapped children's medical advisory council's infant hearing 29167  
screening subcommittee information specifying all of the 29168  
following: 29169

(1) The number of newborns born in the hospital or 29170  
freestanding birthing center and the number of newborns and 29171  
infants not screened because they were transferred to another 29172  
hospital; 29173

(2) The number of newborns and infants referred to the 29174  
hospital or freestanding birthing center for a hearing screening 29175  
and the number of those newborns and infants who received a 29176  
hearing screening; 29177

(3) The number of newborns and infants who did not pass the 29178  
hearing screenings conducted by the hospital or freestanding 29179  
birthing center; 29180

(4) Any other information concerning the program established 29181  
under section 3701.504 of the Revised Code. 29182

(C) The department of health shall conduct a timely review of 29183  
the information submitted by hospitals and freestanding birthing 29184  
centers in accordance with rules adopted by the ~~public health~~ 29185  
~~council~~ director under section 3701.508 of the Revised Code. 29186

(D) The infant hearing screening subcommittee, with the 29187  
support of the department of health, shall compile and summarize 29188  
the information submitted to the department by hospitals and 29189  
freestanding birthing centers under division (B) of this section. 29190  
Beginning with the first year after the mechanism developed under 29191  
division (A) of this section is complete, the subcommittee shall 29192  
annually prepare and transmit a report to the director of health, 29193  
the speaker of the house of representatives, and the president of 29194  
the senate. The council shall make the report available to the 29195



public. 29196

(E) The department and all members of the subcommittee shall 29197  
maintain the confidentiality of patient-identifying information 29198  
submitted under division (B) of this section and section 3701.505 29199  
of the Revised Code. The information is not a public record under 29200  
section 149.43 of the Revised Code, except to the extent that the 29201  
information is used in preparing reports under this section. 29202

Nothing in this division prohibits the department from 29203  
providing patient-identifying information to other entities as it 29204  
considers necessary to implement the statewide tracking and early 29205  
intervention components of the program established under section 29206  
3701.504 of the Revised Code. Any entity that receives 29207  
patient-identifying information from the department shall maintain 29208  
the confidentiality of the information. 29209

**Sec. 3701.57.** All prosecutions and proceedings by the 29210  
department of health for the violation of sections 3701.01 to 29211  
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 29212  
to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 29213  
the Revised Code, or for the violation of any of the orders or 29214  
rules of the department, shall be instituted by the director of 29215  
health. Except as provided in division (C) of section 3701.571 of 29216  
the Revised Code, all fines or judgments the department collects 29217  
shall be paid into the state treasury to the credit of the general 29218  
revenue fund. 29219

The director of health, the board of health of a general or 29220  
city health district, or any person charged with enforcing the 29221  
rules of the department of health as provided in section 3701.56 29222  
of the Revised Code may petition the court of common pleas for 29223  
injunctive or other appropriate relief requiring any person 29224  
violating a rule adopted by ~~the public health council under~~ 29225  
~~section 3701.34 of the Revised Code~~ or any order issued by the 29226

director of health under this chapter to comply with such rule or 29227  
order. The court of common pleas of the county in which the 29228  
offense is alleged to be occurring may grant such injunctive or 29229  
other appropriate relief as the equities of the case require. 29230

**Sec. 3701.63.** (A) As used in this section and section 3701.64 29231  
of the Revised Code: 29232

(1) "Child day-care center," "type A family day-care home," 29233  
and "certified type B family day-care home" have the same meanings 29234  
as in section 5104.01 of the Revised Code. 29235

(2) "Child care facility" means a child day-care center, a 29236  
type A family day-care home, or a certified type B family day-care 29237  
home. 29238

(3) "Freestanding birthing center" has the same meaning as in 29239  
section ~~3702.51~~ 3702.141 of the Revised Code. 29240

(4) "Hospital" means a hospital classified pursuant to rules 29241  
adopted under section 3701.07 of the Revised Code as a general 29242  
hospital or children's hospital. 29243

(5) "Maternity unit" means any unit or place in a hospital 29244  
where women are regularly received and provided care during all or 29245  
part of the maternity cycle, except that "maternity unit" does not 29246  
include an emergency department or similar place dedicated to 29247  
providing emergency health care. 29248

(6) "Parent" means either parent, unless the parents are 29249  
separated or divorced or their marriage has been dissolved or 29250  
annulled, in which case "parent" means the parent who is the 29251  
residential parent and legal custodian of the child. "Parent" also 29252  
means a prospective adoptive parent with whom a child is placed. 29253

(7) "Shaken Baby Syndrome" means signs and symptoms, 29254  
including, but not limited to, retinal hemorrhages in one or both 29255  
eyes, subdural hematoma, or brain swelling, resulting from the 29256

violent shaking or the shaking and impacting of the head of an 29257  
infant or small child. 29258

(B) The director of health shall establish the shaken baby 29259  
syndrome education program by doing all of the following: 29260

(1) By not later than one year after February 29, 2008, 29261  
developing educational materials that present readily 29262  
comprehensible information on shaken baby syndrome; 29263

(2) Making available on the department of health web site in 29264  
an easily accessible format the educational materials developed 29265  
under division (B)(1) of this section; 29266

(3) Beginning in 2009, annually assessing the effectiveness 29267  
of the shaken baby syndrome education program by evaluating the 29268  
reports received pursuant to section 5101.135 of the Revised Code. 29269

(C) In meeting the requirements under division (B) of this 29270  
section, the director shall not develop educational materials that 29271  
will impose an administrative or financial burden on any of the 29272  
entities or persons listed in section 3701.64 of the Revised Code. 29273

**Sec. 3701.74.** (A) As used in this section and section 29274  
3701.741 of the Revised Code: 29275

(1) "Ambulatory care facility" means a facility that provides 29276  
medical, diagnostic, or surgical treatment to patients who do not 29277  
require hospitalization, including a dialysis center, ambulatory 29278  
surgical facility, cardiac catheterization facility, diagnostic 29279  
imaging center, extracorporeal shock wave lithotripsy center, home 29280  
health agency, inpatient hospice, birthing center, radiation 29281  
therapy center, emergency facility, and an urgent care center. 29282  
"Ambulatory care facility" does not include the private office of 29283  
a physician or dentist, whether the office is for an individual or 29284  
group practice. 29285

(2) "Chiropractor" means an individual licensed under Chapter 29286

|                                                                                                                                                                                             |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 4734. of the Revised Code to practice chiropractic.                                                                                                                                         | 29287                            |
| (3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.                                                              | 29288<br>29289<br>29290          |
| (4) "Health care practitioner" means all of the following:                                                                                                                                  | 29291                            |
| (a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;                                                                                                         | 29292<br>29293                   |
| (b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;                                                                                              | 29294<br>29295                   |
| (c) An optometrist licensed under Chapter 4725. of the Revised Code;                                                                                                                        | 29296<br>29297                   |
| (d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code; | 29298<br>29299<br>29300<br>29301 |
| (e) A pharmacist licensed under Chapter 4729. of the Revised Code;                                                                                                                          | 29302<br>29303                   |
| (f) A physician;                                                                                                                                                                            | 29304                            |
| (g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;                                                                          | 29305<br>29306                   |
| (h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;                                                                            | 29307<br>29308                   |
| (i) A psychologist licensed under Chapter 4732. of the Revised Code;                                                                                                                        | 29309<br>29310                   |
| (j) A chiropractor;                                                                                                                                                                         | 29311                            |
| (k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;                                                                                                        | 29312<br>29313                   |
| (l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;                                                                                          | 29314<br>29315                   |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 29316<br>29317                                                                         |
| (n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 29318<br>29319                                                                         |
| (o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 29320<br>29321<br>29322<br>29323                                                       |
| (p) A dietitian licensed under Chapter 4759. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 29324<br>29325                                                                         |
| (q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 29326<br>29327                                                                         |
| (r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 29328<br>29329<br>29330                                                                |
| (5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 29331<br>29332<br>29333                                                                |
| (6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 29334<br>29335                                                                         |
| (7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; <del>an adult care</del> <u>a residential facility, as defined in licensed under section 5119.70 5119.22</u> of the Revised Code <u>that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults</u> ; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the | 29336<br>29337<br>29338<br>29339<br>29340<br>29341<br>29342<br>29343<br>29344<br>29345 |

"Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 29346  
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(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. 29348  
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(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. 29352  
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(10) "Patient" means either of the following: 29357

(a) An individual who received health care treatment from a health care provider; 29358  
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(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 29360  
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 29363  
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 29375  
29376

(13) "Physician" means a person authorized under Chapter 29377  
4731. of the Revised Code to practice medicine and surgery, 29378  
osteopathic medicine and surgery, or podiatric medicine and 29379  
surgery. 29380

(14) "Authorized person" means a person to whom a patient has 29381  
given written authorization to act on the patient's behalf 29382  
regarding the patient's medical record. 29383

(B) A patient, a patient's personal representative or an 29384  
authorized person who wishes to examine or obtain a copy of part 29385  
or all of a medical record shall submit to the health care 29386  
provider a written request signed by the patient, personal 29387  
representative, or authorized person dated not more than one year 29388  
before the date on which it is submitted. The request shall 29389  
indicate whether the copy is to be sent to the requestor, 29390  
physician or chiropractor, or held for the requestor at the office 29391  
of the health care provider. Within a reasonable time after 29392  
receiving a request that meets the requirements of this division 29393  
and includes sufficient information to identify the record 29394  
requested, a health care provider that has the patient's medical 29395  
records shall permit the patient to examine the record during 29396  
regular business hours without charge or, on request, shall 29397  
provide a copy of the record in accordance with section 3701.741 29398  
of the Revised Code, except that if a physician or chiropractor 29399  
who has treated the patient determines for clearly stated 29400  
treatment reasons that disclosure of the requested record is 29401  
likely to have an adverse effect on the patient, the health care 29402  
provider shall provide the record to a physician or chiropractor 29403  
designated by the patient. The health care provider shall take 29404  
reasonable steps to establish the identity of the person making 29405  
the request to examine or obtain a copy of the patient's record. 29406

(C) If a health care provider fails to furnish a medical 29407  
record as required by division (B) of this section, the patient, 29408

personal representative, or authorized person who requested the 29409  
record may bring a civil action to enforce the patient's right of 29410  
access to the record. 29411

(D)(1) This section does not apply to medical records whose 29412  
release is covered by section 173.20 or 3721.13 of the Revised 29413  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 29414  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 29415  
Records," or by 42 C.F.R. 483.10. 29416

(2) Nothing in this section is intended to supersede the 29417  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 29418  
and 2305.252 of the Revised Code. 29419

Sec. 3701.77. (A) The department of health may establish, 29420  
promote, and maintain a lupus education and awareness program with 29421  
an emphasis on at-risk communities to raise public awareness, 29422  
educate consumers, and educate and train health professionals, 29423  
human services providers, and other audiences. 29424

(B) The department, in creating and implementing the program, 29425  
may do all of the following: 29426

(1) Provide sufficient staff and appropriate training to 29427  
implement the program; 29428

(2) Establish a grant program to support nonprofit voluntary 29429  
health organizations with expertise in lupus to increase public 29430  
awareness and enhance health professional education and 29431  
understanding of the symptoms and consequences of lupus and the 29432  
populations most at risk; 29433

(3) Establish an intergovernmental council and advisory panel 29434  
to oversee the implementation of the program; 29435

(4) Identify the appropriate entities to carry out the 29436  
program; 29437

(5) Base the program on the most current scientific 29438



|                                                                            |       |
|----------------------------------------------------------------------------|-------|
| <u>information and findings;</u>                                           | 29439 |
| <u>(6) Work with government entities, community and business</u>           | 29440 |
| <u>leaders, community organizations, health and human services</u>         | 29441 |
| <u>providers, and national, state, and local lupus organizations,</u>      | 29442 |
| <u>such as the lupus foundation of America, inc., to coordinate</u>        | 29443 |
| <u>efforts to maximize state resources in the areas of lupus</u>           | 29444 |
| <u>education and awareness;</u>                                            | 29445 |
| <u>(7) Identify and use other successful lupus education and</u>           | 29446 |
| <u>awareness programs and procure related materials and services from</u>  | 29447 |
| <u>organizations with appropriate expertise and knowledge of lupus.</u>    | 29448 |
| <u>(C) The department may accept gifts, grants, and donations</u>          | 29449 |
| <u>from the federal government, foundations, organizations, medical</u>    | 29450 |
| <u>schools, and other entities for fulfilling the obligations of the</u>   | 29451 |
| <u>program.</u>                                                            | 29452 |
| <u>(D) The department may seek any federal waiver that may be</u>          | 29453 |
| <u>necessary to maximize funds from the federal government to</u>          | 29454 |
| <u>implement the program.</u>                                              | 29455 |
| <b><u>Sec. 3701.771. (A)(1) The department of health may conduct a</u></b> | 29456 |
| <b><u>needs assessment to identify all of the following:</u></b>           | 29457 |
| <u>(a) The level of statewide health professional and public</u>           | 29458 |
| <u>awareness about lupus;</u>                                              | 29459 |
| <u>(b) The existence of lupus education, awareness, and</u>                | 29460 |
| <u>treatment programs and related technical assistance available in</u>    | 29461 |
| <u>the state and nationwide;</u>                                           | 29462 |
| <u>(c) The lupus-related educational and support service needs</u>         | 29463 |
| <u>of health care providers in the state, including physicians,</u>        | 29464 |
| <u>nurses, health plans, and other health professionals and health</u>     | 29465 |
| <u>care entities;</u>                                                      | 29466 |
| <u>(d) The needs of people with lupus, their families, and</u>             | 29467 |
| <u>caregivers, including health care providers, physicians, nurses,</u>    | 29468 |

health plans, and other health professionals and health care 29469  
entities; 29470

(e) The services available to individuals with lupus, 29471  
including the existence and availability of lupus treatment and 29472  
specialty care, lupus support groups, and other related care and 29473  
management services. 29474

(2) Based on the needs assessment, the department may develop 29475  
and maintain a directory of lupus-related services and health care 29476  
providers with specialization in services to diagnose and treat 29477  
lupus. The department may disseminate the directory to all 29478  
stakeholders, including individuals with lupus, families, 29479  
representatives from voluntary organizations, health 29480  
professionals, health plans, and state and local health agencies. 29481

(B) The department may undertake activities to raise public 29482  
awareness about the symptoms of lupus, personal risk factors, and 29483  
options for diagnosing and treating the disease with a particular 29484  
focus on populations at elevated risk for lupus. Such activities 29485  
may include, but are not limited to, the following: 29486

(1) Implementing a statewide campaign to educate the general 29487  
public about lupus by utilizing print, radio, and television 29488  
public service announcements, advertisements, posters, and other 29489  
materials; 29490

(2) Disseminating health information and conducting 29491  
individual risk assessments at public events, such as health fairs 29492  
and community forums sponsored by the department; 29493

(3) Distributing information through local health 29494  
departments; schools; area agencies on aging; employer wellness 29495  
programs; physicians and other health professionals; hospitals and 29496  
health plans; health, nonprofit, and community-based 29497  
organizations; and regional offices of the department. 29498

Sec. 3701.772. (A) The department of health may establish a 29499  
program to award grants to educate and train physicians, health 29500  
professionals, and other service providers on the most current, 29501  
accurate scientific and medical information on lupus diagnosis, 29502  
treatment, and therapeutic decision-making, including medical best 29503  
practices for detecting and treating the disease in special 29504  
populations, risks and benefits of medications, and research 29505  
advances. If a program to award grants is established, the 29506  
department shall allocate the total amount available for the 29507  
grants in amounts that are proportionate to the populations of the 29508  
areas served by the Ohio chapters of the lupus foundation of 29509  
America, inc. 29510

To be eligible for a grant, an applicant must be affiliated 29511  
with the foundation. 29512

(B) Each grant recipient shall do all of the following: 29513

(1) Develop health professional educational materials that 29514  
identify the latest scientific and medical information and 29515  
clinical applications; 29516

(2) Work to increase knowledge among physicians, nurses, and 29517  
other health and human services professionals about the importance 29518  
of lupus diagnosis, treatment, and rehabilitation; 29519

(3) Use available curricula for training of health and human 29520  
services providers and community leaders on lupus detection and 29521  
treatment; 29522

(4) Support continuing medical education programs in all 29523  
geographical areas of the state presented by the leading state 29524  
academic institutions by providing the most current information; 29525

(5) Provide workshops and seminars for in-depth professional 29526  
development in the field of care and management of lupus patients 29527  
to bring the latest information on clinical advances to health 29528

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>care providers;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 29529 |
| <u>(6) Conduct statewide conferences on lupus at appropriate intervals;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 29530 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29531 |
| <u>(7) Prepare an annual report that describes the recipient's use of the grant and submit a copy of the report to the department.</u>                                                                                                                                                                                                                                                                                                                                                                                                                         | 29532 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29534 |
| <u>Sec. 3701.773. (A) If the department of health establishes the intergovernmental council as permitted by division (B)(3) of section 3701.77 of the Revised Code, the department shall seek to ensure coordination of lupus education and awareness efforts. The director of health shall serve as the council's chairperson. The council shall include representatives from appropriate state departments and agencies, including entities with responsibility for health disparities, medicaid, public health programs, education, and public welfare.</u> | 29535 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29543 |
| <u>(B) The council shall do all of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 29544 |
| <u>(1) Provide oversight to the lupus education and awareness program, as well as other lupus programs conducted by the department;</u>                                                                                                                                                                                                                                                                                                                                                                                                                        | 29545 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29547 |
| <u>(2) Develop and issue grant applications and policies and procedures for programs aimed at health professionals and the public;</u>                                                                                                                                                                                                                                                                                                                                                                                                                         | 29548 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29550 |
| <u>(3) Establish a mechanism for sharing information on lupus among all officials and employees involved in carrying out lupus-related programs;</u>                                                                                                                                                                                                                                                                                                                                                                                                           | 29551 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 29553 |
| <u>(4) Assist the department and other offices in developing and coordinating plans for education and health promotion on lupus and ensure that issues related to lupus are integrated into other statewide plans;</u>                                                                                                                                                                                                                                                                                                                                         | 29554 |
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| <u>(5) Prepare an annual report that describes educational</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 29558 |

initiatives on lupus sponsored by the state and make 29559  
recommendations for new educational initiatives on lupus. The 29560  
report shall be transmitted to the general assembly and be made 29561  
available to the public. 29562

**Sec. 3701.774.** (A) If the department of health establishes 29563  
the advisory panel as permitted by division (B)(3) of section 29564  
3701.77 of the Revised Code, the department shall coordinate the 29565  
panel to provide input and counsel regarding the lupus education 29566  
and awareness program. 29567

(B) If the panel is established, all of the following apply: 29568

(1) Individuals and organizations may submit to the 29569  
department nominations for appointments to the panel. Each panel 29570  
member shall have familiarity with lupus and issues that surround 29571  
lupus. 29572

(2) The panel shall be comprised of the following members to 29573  
be appointed by the director of health: 29574

(a) At least three individuals with lupus; 29575

(b) Not more than two representatives from the department; 29576

(c) At least five individuals from lupus nonprofit health 29577  
organizations, with preference given to individuals from the lupus 29578  
foundation of America, inc.; 29579

(d) At least five scientists or clinicians with experience in 29580  
lupus who participate in various fields of scientific endeavor, 29581  
including the fields of biomedical research, social, 29582  
translational, behavioral and epidemiological research, and public 29583  
health. 29584

(3) The department shall select from among the panel members 29585  
one member to serve as chairperson of the panel. 29586

Members of the panel shall serve terms of two years each. 29587

Members may be named to serve a total of two terms and terms may 29588  
be consecutive. 29589

A majority of the members of the panel constitutes a quorum. 29590  
A majority vote of a quorum is required for any official action of 29591  
the panel. 29592

The panel shall meet at the call of the panel chairperson, 29593  
but not fewer than four times per year. 29594

All members shall serve without compensation, but may be 29595  
reimbursed for actual, necessary expenses incurred in the 29596  
performance of their duties. 29597

(4) The panel shall be responsible for advising the 29598  
department and the intergovernmental council with respect to the 29599  
implementation of the lupus education and awareness program. The 29600  
department shall consult with the advisory panel on a regular 29601  
basis. 29602

Sec. 3701.775. There is hereby created in the state treasury 29603  
the lupus education and awareness program fund. If the department 29604  
of health establishes the lupus education and awareness program, 29605  
as authorized under section 3701.77 of the Revised Code, all 29606  
moneys accepted under division (C) of that section shall be 29607  
credited to the fund. Money in the fund shall be used solely to 29608  
administer the lupus education and awareness program. 29609

Sec. 3701.87. The governor may authorize the department of 29610  
health to enter into an agreement on behalf of the state with the 29611  
United States secretary of health, ~~education,~~ and ~~welfare~~ human 29612  
services whereby the department may serve as the agency for review 29613  
of proposed capital expenditures by health care facilities 29614  
pursuant to section 1122 of the "Social Security Act" as amended 29615  
by Public Law 92-603, 42 U.S.C. 1320a-1, and the regulations 29616  
adopted thereunder. Such agreement shall be subject to and include 29617

the following terms and conditions: 29618

(A) All applications, notices, requests for information, and 29619  
other official communications shall be on written forms prescribed 29620  
by and approved by the director of health ~~and approved by the~~ 29621  
~~public health council.~~ 29622

(B) The ~~council~~ director, subject to Chapter 119. of the 29623  
Revised Code, shall propose, modify, amend, and adopt rules, 29624  
standards, guidelines, and official policies which are consistent 29625  
with federal law, as it deems necessary to implement the capital 29626  
expenditures review program. 29627

(C) The director shall make all findings and recommendations 29628  
required by federal law and shall give due consideration to the 29629  
findings, reviews, and comments of areawide health planning 29630  
agencies performing reviews pursuant to section 314 (b)(2) of the 29631  
"Public Health Service Act," 42 U.S.C. 246, or the appropriate 29632  
health systems agency. 29633

(D) The findings and recommendations of the director shall be 29634  
in writing and shall clearly specify the provisions of the state 29635  
health facilities plan with which any application is found to be 29636  
inconsistent. Any applicant adversely affected by the findings and 29637  
recommendations of the director may request a hearing before the 29638  
~~council~~ director pursuant to Chapter 119. of the Revised Code. The 29639  
findings and recommendations of the ~~council~~ director are an 29640  
adjudication as defined in Chapter 119. of the Revised Code and 29641  
may be appealed as provided in that chapter. 29642

**Sec. 3701.881.** (A) As used in this section: 29643

(1) "Applicant" means ~~both of the following:~~ 29644

~~(a) A~~ a person who is under final consideration for 29645  
~~appointment to or~~ employment with a home health agency in a 29646  
~~position as a person responsible for the care, custody, or control~~ 29647

~~of a child;~~ 29648

~~(b) A person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an elder adult individual or is referred to a home health agency by an employment service for such a position. With regard to persons providing direct care to older adults, "applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.~~ 29649  
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(2) "Criminal records check" ~~and "elder adult" have~~ has the same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 29658  
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(3) "Direct care" means any of the following: 29660

(a) Any service identified in divisions (A)(6)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home; 29661  
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(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient; 29664  
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(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care. 29668  
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(4) "Disqualifying offense" means any of the following: 29671

(a) One or more violations of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 29672  
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|---------------------------------------------------------------------------|-------|
| <u>2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22,</u>   | 29678 |
| <u>2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13,</u>     | 29679 |
| <u>2913.02, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>     | 29680 |
| <u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>    | 29681 |
| <u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>     | 29682 |
| <u>2917.03, 2917.12, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22,</u>   | 29683 |
| <u>2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>     | 29684 |
| <u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>    | 29685 |
| <u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u> | 29686 |
| <u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>    | 29687 |
| <u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>     | 29688 |
| <u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>         | 29689 |
| <u>(b) One or more violations of felonious sexual penetration</u>         | 29690 |
| <u>under former section 2907.12 of the Revised Code;</u>                  | 29691 |
| <u>(c) One or more violations of section 2905.04 of the Revised</u>       | 29692 |
| <u>Code as it existed prior to July 1, 1996;</u>                          | 29693 |
| <u>(d) One violation of section 2925.11 of the Revised Code when</u>      | 29694 |
| <u>the violation is not a minor drug possession offense;</u>              | 29695 |
| <u>(e) Two or more violations of section 2925.11 of the Revised</u>       | 29696 |
| <u>Code, regardless of whether any of the violations are a minor drug</u> | 29697 |
| <u>possession offense;</u>                                                | 29698 |
| <u>(f) One or more violations of section 2923.01, 2923.02, or</u>         | 29699 |
| <u>2923.03 of the Revised Code when the underlying offense that is</u>    | 29700 |
| <u>the object of the conspiracy, attempt, or complicity is one of the</u> | 29701 |
| <u>offenses listed in divisions (A)(3)(a) to (e) of this section;</u>     | 29702 |
| <u>(g) One or more violations of an existing or former municipal</u>      | 29703 |
| <u>ordinance or law of this state, any other state, or the United</u>     | 29704 |
| <u>States that is substantially equivalent to any of the offenses</u>     | 29705 |
| <u>listed in divisions (A)(3)(a) to (f) of this section.</u>              | 29706 |
| <u>(5) "Employee" means a person employed by a home health</u>            | 29707 |
| <u>agency in a full-time, part-time, or temporary position that</u>       | 29708 |

involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service. 29709  
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(6) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: 29712  
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(a) Skilled nursing care; 29717

(b) Physical therapy; 29718

(c) Speech-language pathology; 29719

(d) Occupational therapy; 29720

(e) Medical social services; 29721

(f) Home health aide services. 29722

~~(4)~~(7) "Home health aide services" means any of the following services provided by an ~~individual employed with or contracted for~~ employee of a home health agency: 29723  
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(a) Hands-on bathing or assistance with a tub bath or shower; 29726

(b) Assistance with dressing, ambulation, and toileting; 29727

(c) Catheter care but not insertion; 29728

(d) Meal preparation and feeding. 29729

~~(5)~~(8) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code. 29730  
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~~(6)~~(9) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician. 29732  
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~~(7)~~(10) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 29735  
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|                                                                                                                                                                                                                                                                                                                                             |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <del>(8)</del> (11) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.                                                                                                                                                                               | 29737<br>29738<br>29739                            |
| <del>(9)</del> (12) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.                                                                                                                                                                                                                                  | 29740<br>29741                                     |
| <del>(10)</del> (13) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.                                                                                                                                                                                                                                     | 29742<br>29743                                     |
| <del>(11)</del> (14) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.                                                                                                                                                                           | 29744<br>29745<br>29746                            |
| <del>(12)</del> (15) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.                                                                                                                                                                                                                            | 29747<br>29748                                     |
| (B) <u>No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:</u>                                                                                                                                              | 29749<br>29750<br>29751<br>29752                   |
| <u>(1) A review of the databases listed in division (D) of this section reveals any of the following:</u>                                                                                                                                                                                                                                   | 29753<br>29754                                     |
| <u>(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;</u>                                                                                                                                                                                                    | 29755<br>29756<br>29757                            |
| <u>(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;</u> | 29758<br>29759<br>29760<br>29761<br>29762<br>29763 |
| <u>(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from</u>                                                                                                                                             | 29764<br>29765<br>29766                            |

employing an applicant or continuing to employ an employee 29767  
included in such a database in a position that involves providing 29768  
direct care to an individual. 29769

(2) After the applicant or employee is provided, pursuant to 29770  
division (E)(2)(a) of this section, a copy of the form prescribed 29771  
pursuant to division (C)(1) of section 109.572 of the Revised Code 29772  
and the standard impression sheet prescribed pursuant to division 29773  
(C)(2) of that section, the applicant or employee fails to 29774  
complete the form or provide the applicant's or employee's 29775  
fingerprint impressions on the standard impression sheet. 29776

(3) Except as provided in rules adopted under this section, 29777  
the applicant or employee is found by a criminal records check 29778  
required by this section to have been convicted of, pleaded guilty 29779  
to, or been found eligible for intervention in lieu of conviction 29780  
for a disqualifying offense. 29781

(C) Except as provided by division (F) of this section, the 29782  
chief administrator of a home health agency shall inform each 29783  
applicant of both of the following at the time of the applicant's 29784  
initial application for employment or referral to the home health 29785  
agency by an employment service for a position that involves 29786  
providing direct care to an individual: 29787

(1) That a review of the databases listed in division (D) of 29788  
this section will be conducted to determine whether the home 29789  
health agency is prohibited by division (B)(1) of this section 29790  
from employing the applicant in the position; 29791

(2) That, unless the database review reveals that the 29792  
applicant may not be employed in the position, a criminal records 29793  
check of the applicant will be conducted and the applicant is 29794  
required to provide a set of the applicant's fingerprint 29795  
impressions as part of the criminal records check. 29796

(D) As a condition of employing any applicant in a position 29797

that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted

under this section. 29829

~~(E)(1) Except as provided in division (I) of this section~~ 29830  
As a condition of employing any applicant in a position that involves 29831  
providing direct care to an individual, the chief administrator of 29832  
a home health agency shall request the superintendent of the 29833  
bureau of criminal identification and investigation to conduct a 29834  
criminal records check ~~with respect to each of the~~ applicant. ~~If~~ 29835  
~~the position may involve both responsibility for the care,~~ 29836  
~~eustody, or control of a child and provision of direct care to an~~ 29837  
~~elder adult, the chief administrator shall request that the~~ 29838  
~~superintendent conduct a single criminal records check for the~~ 29839  
~~applicant.~~ If rules adopted under this section so require, the 29840  
chief administrator of a home health agency shall request the 29841  
superintendent to conduct a criminal records check of an employee 29842  
at times specified in the rules as a condition of continuing to 29843  
employ the employee in a position that involves providing direct 29844  
care to an individual. However, the chief administrator is not 29845  
required to request the criminal records check of the applicant or 29846  
the employee if division (F) of this section applies or the home 29847  
health agency is prohibited by division (B)(1) of this section 29848  
from employing the applicant or continuing to employ the employee 29849  
in a position that involves providing direct care to an 29850  
individual. If an applicant or employee for whom a criminal 29851  
records check request is required ~~under~~ by this division section 29852  
does not present proof of having been a resident of this state for 29853  
the five-year period immediately prior to the date upon which the 29854  
criminal records check is requested or does not provide evidence 29855  
that within that five-year period the superintendent has requested 29856  
information about the applicant from the federal bureau of 29857  
investigation in a criminal records check, the chief administrator 29858  
shall request that the superintendent obtain information from the 29859  
federal bureau of investigation as a part of the criminal records 29860  
check ~~for the applicant.~~ Even if an applicant or employee for whom 29861

a criminal records check request is required ~~under~~ by this 29862  
~~division section~~ presents proof that the applicant or employee has 29863  
been a resident of this state for that five-year period, the chief 29864  
administrator may request that the superintendent include 29865  
information from the federal bureau of investigation in the 29866  
criminal records check. 29867

(2) ~~Any person required by division (B)(1) of this section to~~ 29868  
~~request a criminal records check~~ The chief administrator shall 29869  
provide do all of the following: 29870

(a) Provide to each applicant and employee for whom a 29871  
criminal records check request is required ~~under that division by~~ 29872  
this section a copy of the form prescribed pursuant to division 29873  
(C)(1) of section 109.572 of the Revised Code and a standard 29874  
impression sheet prescribed pursuant to division (C)(2) of that 29875  
~~section 109.572 of the Revised Code, obtain;~~ 29876

(b) Obtain the completed form and standard impression sheet 29877  
from each applicant, ~~and forward~~ employee; 29878

(c) Forward the completed form and standard impression sheet 29879  
to the superintendent ~~of the bureau of criminal identification and~~ 29880  
~~investigation~~ at the time the chief administrator requests a the 29881  
criminal records check ~~pursuant to division (B)(1) of this~~ 29882  
~~section.~~ 29883

(3) ~~An applicant who receives pursuant to division (B)(2) of~~ 29884  
~~this section a copy of the form prescribed pursuant to division~~ 29885  
~~(C)(1) of section 109.572 of the Revised Code and a copy of an~~ 29886  
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 29887  
~~section and who is requested to complete the form and provide a~~ 29888  
~~set of fingerprint impressions shall complete the form or provide~~ 29889  
~~all the information necessary to complete the form and shall~~ 29890  
~~provide the impression sheets with the impressions of the~~ 29891  
~~applicant's fingerprints. If an applicant, upon request, fails to~~ 29892

~~provide the information necessary to complete the form or fails to 29893  
provide fingerprint impressions, the home health agency shall not 29894  
employ that applicant for any position for which a criminal 29895  
records check is required by division (B)(1) of this section. 29896~~

~~(C)(1) Except as provided in rules adopted by the department 29897  
of health in accordance with division (F) of this section and 29898  
subject to division (C)(3) of this section, no home health agency 29899  
shall employ a person as a person responsible for the care, 29900  
custody, or control of a child if the person previously has been 29901  
convicted of or pleaded guilty to any of the following: 29902~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 29903  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 29904  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 29905  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 29906  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 29907  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 29908  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 29909  
2925.06, or 3716.11 of the Revised Code, a violation of section 29910  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 29911  
violation of section 2919.23 of the Revised Code that would have 29912  
been a violation of section 2905.04 of the Revised Code as it 29913  
existed prior to July 1, 1996, had the violation been committed 29914  
prior to that date, a violation of section 2925.11 of the Revised 29915  
Code that is not a minor drug possession offense, or felonious 29916  
sexual penetration in violation of former section 2907.12 of the 29917  
Revised Code; 29918~~

~~(b) A violation of an existing or former law of this state, 29919  
any other state, or the United States that is substantially 29920  
equivalent to any of the offenses listed in division (C)(1)(a) of 29921  
this section. 29922~~

~~(2) Except as provided in rules adopted by the department of 29923  
health in accordance with division (F) of this section and subject 29924~~



~~to division (C)(3) of this section, no home health agency shall~~ 29925  
~~employ a person in a position that involves providing direct care~~ 29926  
~~to an older adult if the person previously has been convicted of~~ 29927  
~~or pleaded guilty to any of the following:~~ 29928

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 29929  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 29930  
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 29931  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 29932  
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 29933  
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 29934  
~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,~~ 29935  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,~~ 29936  
~~2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 29937

~~(b) A violation of an existing or former law of this state,~~ 29938  
~~any other state, or the United States that is substantially~~ 29939  
~~equivalent to any of the offenses listed in division (C)(2)(a) of~~ 29940  
~~this section.~~ 29941

~~(3)(a) A home health agency shall pay to the bureau of~~ 29942  
~~criminal identification and investigation the fee prescribed~~ 29943  
~~pursuant to division (C)(3) of section 109.572 of the Revised Code~~ 29944  
~~for each criminal records check the agency requests under this~~ 29945  
~~section. A home health agency may charge an applicant a fee not~~ 29946  
~~exceeding the amount the agency pays to the bureau under this~~ 29947  
~~section if both of the following apply:~~ 29948

~~(a) The home health agency notifies the applicant at the time~~ 29949  
~~of initial application for employment of the amount of the fee and~~ 29950  
~~that, unless the fee is paid, the applicant will not be considered~~ 29951  
~~for employment.~~ 29952

~~(b) The medicaid program established under Chapter 5111. of~~ 29953  
~~the Revised Code does not reimburse the home health agency for the~~ 29954  
~~fee it pays to the bureau under this section.~~ 29955

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply: 29956  
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(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee. 29962  
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(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following: 29966  
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(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 29971  
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 29973  
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of by this section as a person responsible for the care, custody, or control of a child until the criminal records check regarding the applicant required by this section is completed and the agency receives before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 29976  
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(a) The chief administrator of the home health agency 29986

requests the criminal records check in accordance with division 29987  
(E) of this section not later than five business days after the 29988  
applicant begins conditional employment. 29989

(b) The applicant is referred to the home health agency by an 29990  
employment service, the employment service or the applicant 29991  
provides the chief administrator of the agency a letter that is on 29992  
the letterhead of the employment service, the letter is dated and 29993  
signed by a supervisor or another designated official of the 29994  
employment service, and the letter states all of the following: 29995

(i) That the employment service has requested the 29996  
superintendent to conduct a criminal records check regarding the 29997  
applicant; 29998

(ii) That the requested criminal records check is to include 29999  
a determination of whether the applicant has been convicted of, 30000  
pleaded guilty to, or been found eligible for intervention in lieu 30001  
of conviction for a disqualifying offense; 30002

(iii) That the employment service has not received the 30003  
results of the criminal records check as of the date set forth on 30004  
the letter; 30005

(iv) That the employment service promptly will send a copy of 30006  
the results of the criminal records check to the chief 30007  
administrator of the home health agency when the employment 30008  
service receives the results. 30009

(2) If a home health agency employs an applicant 30010  
conditionally pursuant to division (G)(1)(b) of this section, the 30011  
employment service, on its receipt of the results of the criminal 30012  
records check, promptly shall send a copy of the results to the 30013  
chief administrator of the agency. If the results of the criminal 30014  
records check indicate that, pursuant to division (C)(1) of this 30015  
section, the applicant does not qualify for employment, the agency 30016  
shall release the applicant from employment unless the agency 30017

~~chooses to employ the applicant pursuant to division (F) of this section.~~ 30018  
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~~(b)(i) A home health agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section in a position that involves providing direct care to an older adult or in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults prior to obtaining the results of a criminal records check regarding the individual, provided that the agency shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home health agency may employ conditionally in a position that involves providing direct care to an older adult an applicant who has been referred to the home health agency by an employment service that supplies full time, part time, or temporary staff for positions involving the direct care of older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section. In the circumstances described in division (I)(4) of this section, a home health agency may employ conditionally in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults an applicant who has been referred to the home health agency by an employment service that supplies full time, part time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.~~ 30020  
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~~(ii)(3) A home health agency that employs an individual~~ 30049

~~applicant conditionally under authority of pursuant to~~ division 30050  
~~(C)(3)(b)(i)(G)(1)(a) or (b)~~ of this section shall terminate the 30051  
~~individual's applicant's~~ employment if the results of the criminal 30052  
records check ~~requested under division (B)(1) of this section or~~ 30053  
~~described in division (I)(2) or (4) of this section,~~ other than 30054  
the results of any request for information from the federal bureau 30055  
of investigation, are not obtained within the period ending thirty 30056  
days after the date the request for the criminal records check is 30057  
made. Regardless of when the results of the criminal records check 30058  
are obtained, if the ~~individual was employed conditionally in a~~ 30059  
~~position that involves the provision of direct care to older~~ 30060  
~~adults and the results indicate that the individual applicant~~ has 30061  
been convicted of ~~or~~, pleaded guilty to any of the offenses listed 30062  
~~or described in division (C)(2) of this section, or if the~~ 30063  
~~individual was employed conditionally in a position that involves~~ 30064  
~~both responsibility for the care, custody, and control of a child~~ 30065  
~~and the provision of direct care to older adults and the results~~ 30066  
~~indicate that the individual has been convicted of or pleaded~~ 30067  
~~guilty to any of the offenses listed or described in division~~ 30068  
~~(C)(1) or (2) of this section, or been found eligible for~~ 30069  
intervention in lieu of conviction for a disqualifying offense, 30070  
the home health agency shall terminate the ~~individual's~~ 30071  
~~applicant's~~ employment unless circumstances specified in rules 30072  
adopted under this section that permit the agency to employ the 30073  
applicant exist and the agency chooses to employ the ~~individual~~ 30074  
~~pursuant to division (F) of this section applicant.~~ Termination of 30075  
employment under this division shall be considered just cause for 30076  
discharge for purposes of division (D)(2) of section 4141.29 of 30077  
the Revised Code if the ~~individual applicant~~ makes any attempt to 30078  
deceive the home health agency about the ~~individual's applicant's~~ 30079  
criminal record. 30080

~~(D)(1) Each home health agency shall pay to the bureau of~~ 30081  
~~criminal identification and investigation the fee prescribed~~ 30082

~~pursuant to division (C)(3) of section 109.572 of the Revised Code 30083  
for each criminal records check conducted in accordance with that 30084  
section upon the request pursuant to division (B)(1) of this 30085  
section of the chief administrator of the home health agency. 30086~~

~~(2) A home health agency may charge an applicant a fee for 30087  
the costs it incurs in obtaining a criminal records check under 30088  
this section, unless the medical assistance program established 30089  
under Chapter 5111. of the Revised Code reimburses the agency for 30090  
the costs. A fee charged under division (D)(2) of this section 30091  
shall not exceed the amount of fees the agency pays under division 30092  
(D)(1) of this section. If a fee is charged under division (D)(2) 30093  
of this section, the agency shall notify the applicant at the time 30094  
of the applicant's initial application for employment of the 30095  
amount of the fee and that, unless the fee is paid, the agency 30096  
will not consider the applicant for employment. 30097~~

~~(E)(H) The report of any criminal records check conducted by 30098  
the bureau of criminal identification and investigation in 30099  
accordance with section 109.572 of the Revised Code and pursuant 30100  
to a request made under division (B)(1) of this section is not a 30101  
public record for the purposes of section 149.43 of the Revised 30102  
Code and shall not be made available to any person other than the 30103  
following: 30104~~

~~(1) The individual applicant or employee who is the subject 30105  
of the criminal records check or the individual's applicant's or 30106  
employee's representative; 30107~~

~~(2) The home health agency requesting the criminal records 30108  
check or its representative; 30109~~

~~(3) The administrator of any other facility, agency, or 30110  
program that provides direct care to ~~elder adults~~ individuals that 30111  
is owned or operated by the same entity that owns or operates the 30112  
home health agency that requested the criminal records check; 30113~~

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (4) <u>The employment service that requested the criminal records check;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 30114 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30115 |
| (5) Any court, hearing officer, or other necessary individual involved in a case dealing with <del>a</del> <u>any of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 30116 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30117 |
| (a) <u>A denial of employment of the applicant or <del>dealing with employment</del> employee;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 30118 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30119 |
| (b) <u>Employment or unemployment benefits of the applicant or employee;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 30120 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30121 |
| <del>(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this section</del> (c) <u>A civil or criminal action regarding the medicaid program.</u>                                                                                                                                                                                                                                                                                                                                                                                                              | 30122 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30125 |
| <del>(F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department.</del> | 30126 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30127 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30135 |
| <del>(G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.</del>                                                                                     | 30136 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30137 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 30138 |
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~~(H)(I)~~ In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an ~~individual~~ applicant or employee who a home health agency employs in a position that involves providing direct care to ~~elder adults~~ an individual, all of the following shall apply:

(1) If the home health agency employed the ~~individual applicant or employee~~ in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate~~+~~.

(2) If the home health agency employed the ~~individual applicant~~ in good faith on a conditional basis pursuant to division ~~(C)(3)(b)(G)~~ of this section, the agency shall not be found negligent solely because it employed the ~~individual applicant~~ prior to receiving the report of a criminal records check requested under this section~~+~~.

(3) If the home health agency in good faith employed the ~~individual applicant or employee~~ according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the agency shall not be found negligent solely because the ~~individual prior to being employed applicant or employee~~ had been convicted of ~~or~~, pleaded guilty to ~~an~~, or been found eligible for intervention in lieu of conviction for a disqualifying offense listed or described in division (C)(1) or (2) of this section.

~~(I)(1) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves the provision of direct care to elder adults if the applicant has been~~



~~referred to the agency by an employment service that supplies 30177  
full time, part time, or temporary staff for positions involving 30178  
the direct care of older adults and both of the following apply: 30179~~

~~(a) The chief administrator receives from the employment 30180  
service or the applicant a report of the results of a criminal 30181  
records check regarding the applicant that has been conducted by 30182  
the superintendent within the one year period immediately 30183  
preceding the applicant's referral; 30184~~

~~(b) The report of the criminal records check demonstrates 30185  
that the person has not been convicted of or pleaded guilty to an 30186  
offense listed or described in division (C)(2) of this section, or 30187  
the report demonstrates that the person has been convicted of or 30188  
pleaded guilty to one or more of those offenses, but the home 30189  
health agency chooses to employ the individual pursuant to 30190  
division (F) of this section. 30191~~

~~(2) The chief administrator of a home health agency is not 30192  
required to request that the superintendent of the bureau of 30193  
criminal identification and investigation conduct a criminal 30194  
records check of an applicant for a position that involves 30195  
providing direct care to older adults and may employ the applicant 30196  
conditionally in a position of that nature as described in this 30197  
division, if the applicant has been referred to the agency by an 30198  
employment service that supplies full time, part time, or 30199  
temporary staff for positions involving the direct care of older 30200  
adults and if the chief administrator receives from the employment 30201  
service or the applicant a letter from the employment service that 30202  
is on the letterhead of the employment service, dated, and signed 30203  
by a supervisor or another designated official of the employment 30204  
service and that states that the employment service has requested 30205  
the superintendent to conduct a criminal records check regarding 30206  
the applicant, that the requested criminal records check will 30207  
include a determination of whether the applicant has been 30208~~

~~convicted of or pleaded guilty to any offense listed or described 30209  
in division (C)(2) of this section, that, as of the date set forth 30210  
on the letter, the employment service had not received the results 30211  
of the criminal records check, and that, when the employment 30212  
service receives the results of the criminal records check, it 30213  
promptly will send a copy of the results to the home health 30214  
agency. If a home health agency employs an applicant conditionally 30215  
in accordance with this division, the employment service, upon its 30216  
receipt of the results of the criminal records check, promptly 30217  
shall send a copy of the results to the home health agency, and 30218  
division (C)(3)(b) of this section applies regarding the 30219  
conditional employment. 30220~~

~~(3) The chief administrator of a home health agency is not 30221  
required to request that the superintendent of the bureau of 30222  
criminal identification and investigation conduct a criminal 30223  
records check of an applicant for a position that involves both 30224  
responsibility for the care, custody, and control of a child and 30225  
the provision of direct care to older adults if the applicant has 30226  
been referred to the agency by an employment service that supplies 30227  
full time, part time, or temporary staff for positions involving 30228  
both responsibility for the care, custody, and control of a child 30229  
and the provision of direct care to older adults and both of the 30230  
following apply: 30231~~

~~(a) The chief administrator receives from the employment 30232  
service or applicant a report of a criminal records check of the 30233  
type described in division (I)(1)(a) of this section; 30234~~

~~(b) The report of the criminal records check demonstrates 30235  
that the person has not been convicted of or pleaded guilty to an 30236  
offense listed or described in division (C)(1) or (2) of this 30237  
section, or the report demonstrates that the person has been 30238  
convicted of or pleaded guilty to one or more of those offenses, 30239  
but the home health agency chooses to employ the individual 30240~~

~~pursuant to division (F) of this section. 30241~~

~~(4) The chief administrator of a home health agency is not 30242~~  
~~required to request that the superintendent of the bureau of 30243~~  
~~criminal identification and investigation conduct a criminal 30244~~  
~~records check of an applicant for a position that involves both 30245~~  
~~responsibility for the care, custody, and control of a child and 30246~~  
~~the provision of direct care to older adults and may employ the 30247~~  
~~applicant conditionally in a position of that nature as described 30248~~  
~~in this division, if the applicant has been referred to the agency 30249~~  
~~by an employment service that supplies full time, part time, or 30250~~  
~~temporary staff for positions involving both responsibility for 30251~~  
~~the care, custody, and control of a child and the direct care of 30252~~  
~~older adults and if the chief administrator receives from the 30253~~  
~~employment service or the applicant a letter from the employment 30254~~  
~~service that is on the letterhead of the employment service, 30255~~  
~~dated, and signed by a supervisor or another designated official 30256~~  
~~of the employment service and that states that the employment 30257~~  
~~service has requested the superintendent to conduct a criminal 30258~~  
~~records check regarding the applicant, that the requested criminal 30259~~  
~~records check will include a determination of whether the 30260~~  
~~applicant has been convicted of or pleaded guilty to any offense 30261~~  
~~listed or described in division (C)(1) or (2) of this section, 30262~~  
~~that, as of the date set forth on the letter, the employment 30263~~  
~~service had not received the results of the criminal records 30264~~  
~~check, and that, when the employment service receives the results 30265~~  
~~of the criminal records check, it promptly will send a copy of the 30266~~  
~~results to the home health agency. If a home health agency employs 30267~~  
~~an applicant conditionally in accordance with this division, the 30268~~  
~~employment service, upon its receipt of the results of the 30269~~  
~~criminal records check, promptly shall send a copy of the results 30270~~  
~~to the home health agency, and division (C)(3)(b) of this section 30271~~  
~~applies regarding the conditional employment. 30272~~

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(J) The director of health shall adopt rules in accordance</u>         | 30273 |
| <u>with Chapter 119. of the Revised Code to implement this section.</u>   | 30274 |
| <u>(1) The rules may do the following:</u>                                | 30275 |
| <u>(a) Require employees to undergo database reviews and</u>              | 30276 |
| <u>criminal records checks under this section;</u>                        | 30277 |
| <u>(b) If the rules require employees to undergo database</u>             | 30278 |
| <u>reviews and criminal records checks under this section, exempt one</u> | 30279 |
| <u>or more classes of employees from the requirements;</u>                | 30280 |
| <u>(c) For the purpose of division (D)(7) of this section,</u>            | 30281 |
| <u>specify other databases that are to be checked as part of a</u>        | 30282 |
| <u>database review conducted under this section.</u>                      | 30283 |
| <u>(2) The rules shall specify all of the following:</u>                  | 30284 |
| <u>(a) The procedures for conducting database reviews under this</u>      | 30285 |
| <u>section;</u>                                                           | 30286 |
| <u>(b) If the rules require employees to undergo database</u>             | 30287 |
| <u>reviews and criminal records checks under this section, the times</u>  | 30288 |
| <u>at which the database reviews and criminal records checks are to</u>   | 30289 |
| <u>be conducted;</u>                                                      | 30290 |
| <u>(c) If the rules specify other databases to be checked as</u>          | 30291 |
| <u>part of the database reviews, the circumstances under which a home</u> | 30292 |
| <u>health agency is prohibited from employing an applicant or</u>         | 30293 |
| <u>continuing to employ an employee who is found by a database review</u> | 30294 |
| <u>to be included in one or more of those databases;</u>                  | 30295 |
| <u>(d) Circumstances under which a home health agency may employ</u>      | 30296 |
| <u>an applicant or employee who is found by a criminal records check</u>  | 30297 |
| <u>required by this section to have been convicted of, pleaded guilty</u> | 30298 |
| <u>to, or been found eligible for intervention in lieu of conviction</u>  | 30299 |
| <u>for a disqualifying offense but meets personal character</u>           | 30300 |
| <u>standards.</u>                                                         | 30301 |

~~Sec. 185.01~~ 3701.92. As used in ~~this chapter~~ sections 30302  
3701.921 to 3701.929 of the Revised Code: 30303

(A) "Advanced practice nurse" has the same meaning as in 30304  
section 4723.01 of the Revised Code. 30305

(B) ~~"Collaboration" has the same meaning as in section~~ 30306  
~~4723.01 of the Revised Code.~~ 30307

~~(C) "Patient centered medical home education advisory group"~~ 30308  
~~means the entity established under section 185.03 3701.924 of the~~ 30309  
~~Revised Code to implement and administer the patient centered~~ 30310  
~~medical home education pilot project.~~ 30311

(D) "Patient centered medical home education program" means 30312  
the program established under section 3701.921 of the Revised Code 30313  
and any pilot projects operated pursuant to that section. 30314

(E) "Patient centered medical home education pilot project" 30315  
means the pilot project established under section 185.02 3701.923 30316  
of the Revised Code. 30317

(F) "Physician assistant" has the same meaning as in section 30318  
4730.01 of the Revised Code. 30319

Sec. 3701.921. There is hereby established the patient 30320  
centered medical home education program in the department of 30321  
health. For the purpose of advancing education in the patient 30322  
centered medical home model of care, the director of health may 30323  
implement and administer the program pursuant to sections 3701.922 30324  
to 3701.929 of the Revised Code. The patient centered medical home 30325  
model of care is an enhanced model of primary care in which care 30326  
teams attend to the multifaceted needs of patients, providing 30327  
whole person comprehensive and coordinate patient centered care. 30328

To the extent that funds are available, the program shall 30329  
include the patient centered medical home education pilot project 30330

and may include any other pilot projects the director establishes 30331  
pursuant to division (A)(3) of section 3701.922 of the Revised 30332  
Code. 30333

Sec. 3701.922. (A) The director of health may do any of the 30334  
following to implement and administer the patient centered medical 30335  
home education program: 30336

(1) Develop and implement programs of education or training 30337  
on the patient centered medical home model of care or other 30338  
similar enhanced models of coordinated patient centered care that 30339  
are intended to address the multifaceted needs of patients and 30340  
provide whole person comprehensive and coordinated patient 30341  
centered care; 30342

(2) Advise, consult, cooperate with, and assist, by contract 30343  
or other arrangement, government agencies or institutions or 30344  
private organizations, corporations, or associations in the 30345  
development and promotion of programs pertaining to the evaluation 30346  
and implementation of the patient centered medical home model of 30347  
care or other similar enhanced models of coordinated patient 30348  
centered care; 30349

(3) Establish pilot projects that do any of the following: 30350

(a) Evaluate or implement the patient centered medical home 30351  
model of care or other similar enhanced models of coordinated 30352  
patient centered care; 30353

(b) Provide education or training on the patient centered 30354  
medical home model of care or other similar enhanced models of 30355  
coordinated patient centered care. 30356

(4) Seek and administer state funds or grants from other 30357  
sources to carry out any functions of the patient centered medical 30358  
home education program. 30359

Any funds or grants received by the director for purposes of 30360

the program shall be used for the program. 30361

(B) The director may adopt rules as necessary to implement 30362  
and administer the patient centered medical home education 30363  
program, including rules that define what constitutes a "patient 30364  
centered medical home" for purposes of an entity authorized to 30365  
provide care coordination services. The rules shall be adopted in 30366  
accordance with Chapter 119. of the Revised Code. 30367

~~Sec. 185.02 3701.923. (A) There is hereby established the~~ 30368  
~~patient centered medical home education pilot project. The pilot~~ 30369  
~~project shall be implemented and administered by the patient~~ 30370  
~~centered medical home education advisory group.~~ 30371

~~(B) The pilot project shall be operated to advance medical~~ 30372  
~~education in the patient centered medical home model of care. The~~ 30373  
~~patient centered medical home model of care is an enhanced model~~ 30374  
~~of primary care in which care teams attend to the multifaceted~~ 30375  
~~needs of patients, providing whole person comprehensive and~~ 30376  
~~coordinated patient centered care.~~ 30377

~~(C) To the extent that funds are available, the director of~~ 30378  
~~health shall establish the patient centered medical home education~~ 30379  
~~pilot project. If the director establishes the project, all of the~~ 30380  
~~following apply:~~ 30381

~~(1) The director shall select practices led by physicians and~~ 30382  
~~primary care practices led by advanced practice nurses to~~ 30383  
~~participate in the project. The director may consider the~~ 30384  
~~recommendations of the advisory group made in accordance with~~ 30385  
~~section 3701.925 of the Revised Code, but may not select a~~ 30386  
~~practice unless the practice complies with any applicable~~ 30387  
~~requirements under section 3701.926 of the Revised Code.~~ 30388

~~(2) The director shall conduct the project in a manner that~~ 30389  
~~advances education in the patient centered medical home model of~~ 30390

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>care.</u>                                                                                                                                                                                                                                                                                                                                                                                  | 30391                                              |
| <u>(3) The director shall evaluate all of the following:</u>                                                                                                                                                                                                                                                                                                                                  | 30392                                              |
| <u>(a) Learning opportunities generated by the project;</u>                                                                                                                                                                                                                                                                                                                                   | 30393                                              |
| <u>(b) Training of physicians and advanced practice nurses under the project;</u>                                                                                                                                                                                                                                                                                                             | 30394<br>30395                                     |
| <u>(c) Costs of the project;</u>                                                                                                                                                                                                                                                                                                                                                              | 30396                                              |
| <u>(d) The extent to which the project met the expected outcomes developed under division (A) of section 3701.924 of the Revised Code.</u>                                                                                                                                                                                                                                                    | 30397<br>30398<br>30399                            |
| <u>(4) The director shall assess and review results of the project.</u>                                                                                                                                                                                                                                                                                                                       | 30400<br>30401                                     |
| <u>(5) The director shall recommend best practices and opportunities for improving technology, education, comprehensive training, consultation, and technical assistance for health care service providers in the patient centered medical home model of care.</u>                                                                                                                            | 30402<br>30403<br>30404<br>30405<br>30406          |
| <u>(B) The director may contract with an entity that has significant experience in assisting physician-led practices and advanced practice nurse-led primary care practices in transitioning to the patient centered medical home model of care. The contract shall require the entity to do both of the following:</u>                                                                       | 30407<br>30408<br>30409<br>30410<br>30411          |
| <u>(1) Provide, to each practice that enters into a contract with the director pursuant to section 3701.927 of the Revised Code, comprehensive training, consultation, and technical assistance in the operation of a patient centered medical home, including assistance with leadership training, scheduling changes, staff support, and care management for chronic health conditions;</u> | 30412<br>30413<br>30414<br>30415<br>30416<br>30417 |
| <u>(2) Assist the director in identifying necessary financial and operational requirements and any barriers or challenges associated with transitioning to a patient centered medical home</u>                                                                                                                                                                                                | 30418<br>30419<br>30420                            |



model of care. 30421

(C) The project established under this section shall begin 30422  
not later than the date the first practice enters into a contract 30423  
with the director pursuant to section 3701.927 of the Revised Code 30424  
and shall cease not later than the date the final report is 30425  
submitted pursuant to division (B)(3) of section 3701.929 of the 30426  
Revised Code. 30427

(D) The ~~pilot~~ project shall not be operated in a manner that 30428  
requires a patient, unless otherwise required by the Revised Code, 30429  
to receive a referral from a physician in a practice selected for 30430  
inclusion in the pilot project under division (A)(1) of this 30431  
section ~~185.05~~ of the Revised Code as a condition of being 30432  
authorized to receive specialized health care services from an 30433  
individual licensed or certified under Title XLVII of the Revised 30434  
Code to provide those services. 30435

**Sec. ~~185.03~~ 3701.924.** (A) The patient centered medical home 30436  
education advisory group is hereby created for the purpose of 30437  
~~implementing and administering~~ advising the director of health on 30438  
the implementation and administration of the patient centered 30439  
medical home ~~pilot project~~ education program. The advisory group 30440  
shall develop and provide to the director a set of expected 30441  
outcomes for the pilot project. The advisory group shall consider 30442  
and provide other recommendations to the director and complete 30443  
other duties as the director considers appropriate. 30444

(B) The advisory group shall consist of the following ~~voting~~ 30445  
members: 30446

(1) The following members appointed by the director of 30447  
health: 30448

~~(1)(a)~~ (a) One individual with expertise in the training and 30449  
education of primary care physicians ~~who is appointed~~ recommended 30450

by the dean of the university of Toledo college of medicine; 30451

~~(2)~~(b) One individual with expertise in the training and 30452  
education of primary care physicians ~~who is appointed~~ recommended 30453  
by the dean of the Boonshoft school of medicine at Wright state 30454  
university; 30455

~~(3)~~(c) One individual with expertise in the training and 30456  
education of primary care physicians ~~who is appointed~~ recommended 30457  
by the president and dean of the northeast Ohio medical 30458  
university; 30459

~~(4)~~(d) One individual with expertise in the training and 30460  
education of primary care physicians ~~who is appointed~~ recommended 30461  
by the dean of the Ohio university college of osteopathic 30462  
medicine; 30463

~~(5)~~(e) Two individuals ~~appointed~~ recommended by the governing 30464  
board of the Ohio academy of family physicians; 30465

~~(6)~~(f) One individual ~~appointed~~ recommended by the governing 30466  
board of the Ohio chapter of the American college of physicians; 30467

~~(7)~~(g) One individual ~~appointed~~ recommended by the governing 30468  
board of the Ohio chapter of the American academy of pediatrics; 30469

~~(8)~~(h) One individual ~~appointed~~ recommended by the governing 30470  
board of the Ohio osteopathic association; 30471

~~(9)~~(i) One individual with expertise in the training and 30472  
education of advanced practice nurses ~~who is appointed,~~ 30473  
recommended by the governing board of the Ohio council of deans 30474  
and directors of baccalaureate and higher degree programs in 30475  
nursing; 30476

~~(10)~~(j) One individual ~~appointed~~ recommended by the governing 30477  
board of the Ohio nurses association; 30478

~~(11)~~(k) One individual ~~appointed~~ recommended by the governing 30479  
board of the Ohio association of advanced practice nurses; 30480

|                                                                                                                                                                                                                                                                                                                                                                                          |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <del>(12)</del> (1) One individual <del>appointed</del> <u>recommended</u> by the governing board of the Ohio council for home care and hospice;                                                                                                                                                                                                                                         | 30481<br>30482                                     |
| <del>(13)</del> (m) One individual <del>appointed</del> <u>recommended</u> by the superintendent of insurance;                                                                                                                                                                                                                                                                           | 30483<br>30484                                     |
| <u>(n) An employee of the department of health;</u>                                                                                                                                                                                                                                                                                                                                      | 30485                                              |
| <u>(o) Not more than five additional members who have relevant expertise that the director considers appropriate.</u>                                                                                                                                                                                                                                                                    | 30486<br>30487                                     |
| <del>(C)</del> (2) The <del>advisory group shall consist of the following nonvoting, ex officio</del> members:                                                                                                                                                                                                                                                                           | 30488<br>30489                                     |
| <del>(1)</del> (a) The executive director of the state medical board, or the director's designee;                                                                                                                                                                                                                                                                                        | 30490<br>30491                                     |
| <del>(2)</del> (b) The executive director of the board of nursing or the director's designee;                                                                                                                                                                                                                                                                                            | 30492<br>30493                                     |
| <del>(3)</del> (c) The chancellor of the Ohio board of regents, or the chancellor's designee;                                                                                                                                                                                                                                                                                            | 30494<br>30495                                     |
| <del>(4)</del> (d) The individual within the department of job and family services who serves as the director of medicaid, or the director's designee;                                                                                                                                                                                                                                   | 30496<br>30497<br>30498                            |
| <del>(5) The director of health or the director's designee.</del>                                                                                                                                                                                                                                                                                                                        | 30499                                              |
| <del>(D) Advisory group members who are appointed shall serve at the pleasure of their appointing authorities. Terms of office of appointed members shall be three years, except that a member's term ends if the pilot project ceases operation during the member's term.</del>                                                                                                         | 30500<br>30501<br>30502<br>30503<br>30504          |
| <u>(C)(1) In making the original appointments of the members specified in divisions (B)(1)(a) to (m) of this section, the director shall appoint the member who served in that capacity in the patient centered medical home advisory group, as it existed immediately prior to the effective date of this section. If for any reason the member who served immediately prior to the</u> | 30505<br>30506<br>30507<br>30508<br>30509<br>30510 |

effective date of this section is unable to serve on the advisory group, the director shall request from the specified recommending authority a list of not less than two persons qualified to serve as members of the advisory group. The director shall appoint as a member one person from the list submitted by the recommending authority. 30511  
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(2) The advisory group members specified in divisions (B)(1)(a) to (m) of this section shall serve at the pleasure of the director, in consultation with their respective recommending authorities. 30517  
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(3) Vacancies shall be filled in the manner provided for original appointments. 30521  
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(D) Members shall serve without compensation, except to the extent that serving on the advisory group is considered part of their regular employment duties. 30523  
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(E) The advisory group shall select director may appoint from among its the members of the advisory group a chairperson and vice-chairperson. The advisory group may select any other officers it considers necessary to conduct its business. 30526  
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A majority of the members of the advisory group constitutes a quorum for the transaction of official business. A majority of a quorum is necessary for the advisory group to take any action, except that when one or more members of a quorum are required to abstain from voting as provided in division (C)(1)(d) or (C)(2)(e) of section 185.05 of the Revised Code, the number of members necessary for a majority of a quorum shall be reduced accordingly make any recommendations to the director. 30530  
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The advisory group shall meet as necessary to fulfill its duties. The times and places for the meetings shall be selected by the chairperson at the call of the director. The director shall call the advisory group to meet not less than annually to discuss 30538  
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or consider recommendations to the director on the administration 30542  
of the patient centered medical home education program. 30543

(F) Sections 101.82 to 101.87 of the Revised Code do not 30544  
apply to the advisory group. 30545

**Sec. ~~185.05~~ 3701.925.** (A) The patient centered medical home 30546  
education advisory group shall accept applications for inclusion 30547  
in the patient centered medical home education pilot project from 30548  
primary care practices with educational affiliations, as 30549  
determined by the advisory group, with one or more of the 30550  
following: 30551

(1) The Boonshoft school of medicine at Wright state 30552  
university; 30553

(2) The university of Toledo college of medicine; 30554

(3) The northeast Ohio medical university; 30555

(4) The Ohio university college of osteopathic medicine; 30556

(5) The college of nursing at the university of Toledo; 30557

(6) The Wright state university college of nursing and 30558  
health; 30559

(7) The college of nursing at Kent state university; 30560

(8) The university of Akron college of nursing; 30561

(9) The school of nursing at Ohio university. 30562

(B)(1) Subject to division (C)(1) of this section, the 30563  
advisory group shall ~~select~~ recommend to the director of health 30564  
for inclusion in the pilot project not ~~more~~ less than the 30565  
following number of ~~physician~~ practices led by physicians: 30566

(a) Ten practices affiliated with the Boonshoft school of 30567  
medicine at Wright state university; 30568

(b) Ten practices affiliated with the university of Toledo 30569

|                                                                                                                                                                                                                                                                                                                      |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| college of medicine;                                                                                                                                                                                                                                                                                                 | 30570                                     |
| (c) Ten practices affiliated with the northeast Ohio medical university;                                                                                                                                                                                                                                             | 30571<br>30572                            |
| (d) Ten practices affiliated with the centers for osteopathic research and education of the Ohio university college of osteopathic medicine.                                                                                                                                                                         | 30573<br>30574<br>30575                   |
| (2) Subject to division (C)(2) of this section, the advisory group shall <del>select</del> <u>recommend to the director of health</u> for inclusion in the pilot project not less than the following number of <del>advanced practice nurse</del> primary care practices <u>led by advanced practice nurses</u> :    | 30576<br>30577<br>30578<br>30579<br>30580 |
| (a) One practice affiliated with the college of nursing at the university of Toledo;                                                                                                                                                                                                                                 | 30581<br>30582                            |
| (b) One practice affiliated with the Wright state university college of nursing and health;                                                                                                                                                                                                                          | 30583<br>30584                            |
| (c) One practice affiliated with the college of nursing at Kent state university or the university of Akron college of nursing;                                                                                                                                                                                      | 30585<br>30586<br>30587                   |
| (d) One practice affiliated with the school of nursing at Ohio university.                                                                                                                                                                                                                                           | 30588<br>30589                            |
| (C)(1) All of the following apply with respect to the <del>selection</del> <u>recommendation</u> of <del>physician</del> <u>physician-led</u> practices under division (B) of this section:                                                                                                                          | 30590<br>30591<br>30592                   |
| (a) The advisory group shall strive to <del>select physician</del> <u>recommend physician-led</u> practices in such a manner that the pilot project includes a diverse range of primary care specialties, including practices specializing in pediatrics, geriatrics, general internal medicine, or family medicine. | 30593<br>30594<br>30595<br>30596<br>30597 |
| (b) When evaluating an application, the advisory group shall consider the percentage of patients in the <del>physician</del> <u>physician-led</u>                                                                                                                                                                    | 30598<br>30599                            |

practice who are part of a medically underserved population, 30600  
including medicaid recipients and individuals without health 30601  
insurance. 30602

(c) The advisory group shall ~~select~~ recommend not fewer than 30603  
six practices that serve rural areas of this state, as those areas 30604  
are determined by the advisory group. 30605

(d) A member of the advisory group shall abstain from 30606  
participating in any vote taken regarding the ~~selection~~ 30607  
recommendation of a ~~physician~~ physician-led practice if the member 30608  
would receive any financial benefit from having the practice 30609  
included in the pilot project. 30610

(2) All of the following apply with respect to the ~~selection~~ 30611  
recommendation of advanced practice ~~nurse~~ nurse-led primary care 30612  
practices under division (B) of this section: 30613

(a) When evaluating an application, the advisory group shall 30614  
consider the percentage of patients in the advanced practice ~~nurse~~ 30615  
nurse-led primary care practice who are part of a medically 30616  
underserved population, including medicaid recipients and 30617  
individuals without health insurance. 30618

(b) If the advisory group determines that it has not received 30619  
an application from a sufficiently qualified advanced practice 30620  
~~nurse~~ nurse-led primary care practice affiliated with a particular 30621  
institution specified in division (B)(2) of this section, the 30622  
advisory group shall make the ~~selections~~ recommendations required 30623  
under that division in such a manner that the greatest possible 30624  
number of those institutions are ~~represented~~ recommended to be 30625  
included in the pilot project. To be ~~selected~~ recommended in this 30626  
manner, a practice remains subject to the eligibility requirements 30627  
specified in division (B) of section ~~185.06~~ 3701.926 of the 30628  
Revised Code. As specified in division (B)(2) of this section, the 30629  
number of practices ~~selected~~ recommended for inclusion in the 30630

pilot project shall be at least four. 30631

(c) A member of the advisory group shall abstain from 30632  
participating in any vote taken regarding the ~~selection~~ 30633  
recommendation of an advanced practice ~~nurse~~ nurse-led primary 30634  
care practice if the member would receive any financial benefit 30635  
from having the practice included in the pilot project. 30636

(D) The advisory group shall provide a copy of all 30637  
applications received under this section to the director of health 30638  
after making recommendations under division (B)(1) of this 30639  
section. 30640

**Sec. ~~185.06~~ 3701.926.** (A) To be eligible for inclusion in the 30641  
patient centered medical home education pilot project, a ~~physician~~ 30642  
physician-led practice shall meet all of the following 30643  
requirements: 30644

(1) Consist of physicians who are board-certified in family 30645  
medicine, general pediatrics, or internal medicine, as those 30646  
designations are issued by a medical specialty certifying board 30647  
recognized by the American board of medical specialties or 30648  
American osteopathic association; 30649

(2) Be capable of adapting the practice during the period in 30650  
which the practice ~~receives funding from~~ participates in the 30651  
patient centered medical home education ~~advisory group~~ pilot 30652  
project in such a manner that the practice is fully compliant with 30653  
the minimum standards for operation of a patient centered medical 30654  
home, as those standards are established by the ~~advisory group~~ 30655  
director of health; 30656

(3) Have submitted an application to participate in the 30657  
project established under former section 185.05 of the Revised 30658  
Code not later than April 15, 2011. 30659

(4) Meet any other criteria established by the ~~advisory group~~ 30660



director as part of the selection process. 30661

(B) To be eligible for inclusion in the pilot project, an 30662  
advanced practice ~~nurse~~ nurse-led primary care practice shall meet 30663  
all of the following requirements: 30664

(1) Consist of advanced practice nurses ~~who meet, each of~~ 30665  
whom meets all of the following requirements: 30666

(a) ~~Hold~~ Holds a certificate to prescribe issued under 30667  
section 4723.48 of the Revised Code; 30668

(b) ~~Are~~ Is board-certified as a family nurse practitioner or 30669  
adult nurse practitioner by the American academy of nurse 30670  
practitioners or American nurses credentialing center, 30671  
board-certified as a geriatric nurse practitioner or women's 30672  
health nurse practitioner by the American nurses credentialing 30673  
center, or is board-certified as a pediatric nurse practitioner by 30674  
the American nurses credentialing center or pediatric nursing 30675  
certification board; 30676

(c) ~~Has a collaboration agreement~~ Collaborates under a 30677  
standard care arrangement with a physician with board 30678  
certification as specified in division (A)(1) of this section and 30679  
who is an active participant on the health care team. 30680

(2) Be capable of adapting the primary care practice during 30681  
the period in which the practice ~~receives funding from~~ 30682  
participates in the advisory group project in such a manner that 30683  
the practice is fully compliant with the minimum standards for 30684  
operation of a patient centered medical home, as those standards 30685  
are established by the ~~advisory group~~ director; 30686

(3) Have submitted an application to participate in the 30687  
project established under former section 185.05 of the Revised 30688  
Code not later than April 15, 2011. 30689

(4) Meet any other criteria established by the ~~advisory group~~ 30690

director as part of the selection process. 30691

**Sec. 185.07 3701.927.** The ~~patient centered medical home education advisory group~~ director of health shall enter into a 30692  
contract with each primary care practice selected by the director 30693  
for inclusion in the patient centered medical home education pilot 30694  
project. The contract shall specify the terms and conditions for 30695  
inclusion in the pilot project, including a requirement that the 30696  
practice provide comprehensive, coordinated primary care services 30697  
to patients and serve as the patients' medical home. The contract 30698  
shall also require the practice to participate in the training of 30699  
medical students, advanced practice nursing students, ~~or~~ physician 30700  
assistant students, and primary care medical residents. 30701  
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The director may include as part of the contract any other 30703  
requirements necessary for a practice to be included in the 30704  
project, including requirements regarding the number of patients 30705  
served who are medicaid recipients and individuals without health 30706  
insurance. 30707

**Sec. 185.09 3701.928.** (A) The director of health or, at the 30708  
director's request, the patient centered medical home education 30709  
advisory group shall jointly may work with all medical and, 30710  
nursing, and physician assistant schools or programs in this state 30711  
to develop appropriate curricula designed to prepare primary care 30712  
physicians and, advanced practice nurses, and physician assistants 30713  
to practice within the patient centered medical home model of 30714  
care. In developing the curricula, the director or advisory group, 30715  
medical schools, and nursing and the schools or programs shall 30716  
include all of the following: 30717

(1) Components for use at the medical student, advanced 30718  
practice nursing student, physician assistant student, and primary 30719  
care resident training levels; 30720

(2) Components that reflect, as appropriate, the special 30721  
needs of patients who are part of a medically underserved 30722  
population, including medicaid recipients, individuals without 30723  
health insurance, individuals with disabilities, individuals with 30724  
chronic health conditions, and individuals within racial or ethnic 30725  
minority groups; 30726

(3) Components that include training in interdisciplinary 30727  
cooperation between physicians ~~and~~, advanced practice nurses, and 30728  
physician assistants in the patient centered medical home model of 30729  
care, including curricula ensuring that a common conception of a 30730  
patient centered medical home model of care is provided to medical 30731  
students, advanced practice nurses, physician assistants, and 30732  
primary care residents. 30733

(B) The director or advisory group ~~shall~~ may work in 30734  
association with the medical ~~and~~, nursing, and physician assistant 30735  
schools or programs to identify funding sources to ensure that the 30736  
curricula developed under division (A) of this section are 30737  
accessible to medical students, advanced practice nursing 30738  
students, physician assistant students, and primary care 30739  
residents. The director or advisory group shall consider 30740  
scholarship options or incentives provided to students in addition 30741  
to those provided under the choose Ohio first scholarship program 30742  
operated under section 3333.61 of the Revised Code. 30743

**Sec. 185.12 3701.929.** (A) ~~The patient-centered medical home~~ 30744  
~~education advisory group~~ If the director of health establishes the 30745  
patient centered medical home education pilot project, the 30746  
director shall prepare reports of its findings and recommendations 30747  
from the ~~patient-centered medical home education~~ pilot project. 30748  
Each report shall include an evaluation of the learning 30749  
opportunities generated by the pilot project, the physicians and 30750  
advanced practice nurses trained in the pilot project, the costs 30751

of the pilot project, and the extent to which the pilot project 30752  
has met the set of expected outcomes developed under division (A) 30753  
of section ~~185.03~~ 3701.924 of the Revised Code. 30754

(B) The reports shall be completed in accordance with the 30755  
following schedule: 30756

(1) An interim report not later than six months after the 30757  
date on which the ~~first funding is released~~ last primary care 30758  
practice selected to participate in the project enters into a 30759  
contract with the department of health pursuant to section ~~185.11~~ 30760  
3701.927 of the Revised Code; 30761

(2) An update of the interim report not later than one year 30762  
after the date ~~on which the first funding is released~~ specified 30763  
under division (B)(1) of this section; 30764

(3) A final report not later than two years after the date ~~on~~ 30765  
~~which the first funding is released~~ specified under division 30766  
(B)(1) of this section. 30767

(C) The ~~advisory group~~ director shall submit each of the 30768  
reports to the governor and, in accordance with section 101.68 of 30769  
the Revised Code, to the general assembly. 30770

**Sec. 3701.93.** Subject to available funds, the director of 30771  
health shall establish the Ohio violent death reporting system to 30772  
collect and maintain information, data, and records regarding 30773  
violent deaths in Ohio. 30774

**Sec. 3701.931.** The Ohio violent death reporting system shall 30775  
do all of the following regarding violent death information, data, 30776  
and records maintained in the system: 30777

(A) Monitor the incidence and causes of the various types of 30778  
violent deaths; 30779

(B) Make appropriate epidemiologic studies of the violent deaths; 30780  
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(C) Analyze trends and patterns in, and circumstances related to, the violent deaths; 30782  
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(D) With the assistance of the advisory group established pursuant to section 3701.932 of the Revised Code, recommend actions to relevant entities to prevent violent deaths and make any other such recommendations the director of health determines necessary. 30784  
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Sec. 3701.932. The director of health shall establish an advisory group of interested parties and stakeholders to recommend actions to relevant entities to prevent violent deaths, and make other recommendations the director determines necessary, in accordance with division (D) of section 3701.931 of the Revised Code. 30789  
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Sec. 3701.933. The data collection model used by the Ohio violent death reporting system shall follow the data collection model used by the United States centers for disease control and prevention national violent death reporting system and any other data collection model set forth by the director of health pursuant to section 3701.934 of the Revised Code. 30795  
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Sec. 3701.934. The director of health, pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, shall do all of the following: 30801  
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(A) Specify the types of violent deaths that shall be included in the Ohio violent death reporting system; 30804  
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(B) Specify the information, data, and records to be collected for use by the Ohio violent death reporting system; 30806  
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(C) Specify the sources from which the information, data, and 30808

records are to be collected for use by the Ohio violent death reporting system; 30809  
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(D) If determined appropriate by the director, set forth any other data collection model to be used by the Ohio violent death reporting system. 30811  
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Sec. 3701.935. The director of health shall collect information about violent deaths in Ohio only from existing sources related to violent crimes and shall not conduct independent criminal investigations in order to obtain information, data, or records for use by the Ohio violent death reporting system. 30814  
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Sec. 3701.936. At the request of the director of health, every department, agency, and political subdivision of the state shall provide information, data, records, and otherwise assist in the execution of sections 3701.93 to 3701.9314 of the Revised Code. 30820  
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Sec. 3701.937. At the request of the director of health, any individual or entity not specified in section 3701.936 of the Revised Code, at the individual's or entity's discretion, may provide information, data, records, and otherwise assist in the execution of sections 3701.93 to 3701.9314 of the Revised Code. Any information, data, and records provided to the director by any other individual or entity shall contain only information, data, or records that are available or reasonably drawn from any information, data, and record developed and kept in the normal course of business. 30825  
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Sec. 3701.938. Notwithstanding any section of the Revised Code pertaining to confidentiality, any individual, public social service agency, or public agency that provides services to 30835  
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individuals or families, law enforcement agency, coroner, or 30838  
public entity that provided services to an individual whose death 30839  
is the type of death specified by the director of health under 30840  
section 3701.934 of the Revised Code shall provide information, 30841  
data, records, and otherwise assist in the execution of sections 30842  
3701.93 to 3701.9314 of the Revised Code. 30843

Sec. 3701.9310. Except as otherwise provided in section 30844  
3701.9212 of the Revised Code, all of the following are not public 30845  
records under section 149.43 of the Revised Code, shall be 30846  
confidential, and shall be published only in statistical form: 30847

(A) Information, data, and records collected for use and 30848  
maintained by the Ohio violent death reporting system including, 30849  
but not limited to, medical records, law enforcement investigative 30850  
records, coroner investigative records, laboratory reports, and 30851  
other records concerning a decedent; 30852

(B) Work products created in carrying out the purposes of the 30853  
Ohio violent death reporting system. 30854

Sec. 3701.9311. Information, data, and records collected for 30855  
use and maintained by, and all work products created in carrying 30856  
out the purposes of, the Ohio violent death reporting system shall 30857  
not be subject to subpoena or discovery while in the possession of 30858  
the system or admissible in any criminal or civil proceeding if 30859  
obtained through, or from, the system. 30860

Sec. 3701.9312. The director of health, pursuant to rules 30861  
adopted in accordance with Chapter 119. of the Revised Code, shall 30862  
establish standards and procedures to make available to 30863  
researchers confidential information collected by the Ohio violent 30864  
death reporting system. Researchers complying with those standards 30865  
and procedures also shall comply with the confidentiality 30866

requirements of section 3701.9310 of the Revised Code. 30867

Sec. 3701.9314. The director of health may adopt rules in 30868  
accordance with Chapter 119. of the Revised Code necessary to 30869  
establish, maintain, and carry out the purposes of the Ohio 30870  
violent death reporting system under sections 3701.93 to 3701.9314 30871  
of the Revised Code. 30872

**Sec. 3702.141.** (A) As used in this section: 30873

(1) "Existing health care facility" means a health care 30874  
facility that is licensed or otherwise approved to practice in 30875  
this state, in accordance with applicable law, is staffed and 30876  
equipped to provide health care services, and actively provides 30877  
health services or has not been actively providing health services 30878  
for less than twelve consecutive months. 30879

(2) "Freestanding birthing center" means any facility in 30880  
which deliveries routinely occur, regardless of whether the 30881  
facility is located on the campus of another health care facility, 30882  
and which is not licensed under Chapter 3711. of the Revised Code 30883  
as a level one, two, or three maternity unit or a limited 30884  
maternity unit. 30885

~~(3) "Health care facility" and "health service" have the same~~ 30886  
~~meanings as in section 3702.51 of the Revised Code~~ means: 30887

(a) A hospital registered under section 3701.07 of the 30888  
Revised Code; 30889

(b) A nursing home licensed under section 3721.02 of the 30890  
Revised Code, or by a political subdivision certified under 30891  
section 3721.09 of the Revised Code; 30892

(c) A county home or a county nursing home as defined in 30893  
section 5155.31 of the Revised Code that is certified under Title 30894  
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 30895



|                                                                           |       |
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| <u>U.S.C.A. 301, as amended;</u>                                          | 30896 |
| <u>(d) A freestanding dialysis center;</u>                                | 30897 |
| <u>(e) A freestanding inpatient rehabilitation facility;</u>              | 30898 |
| <u>(f) An ambulatory surgical facility;</u>                               | 30899 |
| <u>(g) A freestanding cardiac catheterization facility;</u>               | 30900 |
| <u>(h) A freestanding birthing center;</u>                                | 30901 |
| <u>(i) A freestanding or mobile diagnostic imaging center;</u>            | 30902 |
| <u>(j) A freestanding radiation therapy center.</u>                       | 30903 |
| <u>A health care facility does not include the offices of</u>             | 30904 |
| <u>private physicians and dentists whether for individual or group</u>    | 30905 |
| <u>practice, residential facilities licensed under section 5123.19 of</u> | 30906 |
| <u>the Revised Code, or an institution for the sick that is operated</u>  | 30907 |
| <u>exclusively for patients who use spiritual means for healing and</u>   | 30908 |
| <u>for whom the acceptance of medical care is inconsistent with their</u> | 30909 |
| <u>religious beliefs, accredited by a national accrediting</u>            | 30910 |
| <u>organization, exempt from federal income taxation under section</u>    | 30911 |
| <u>501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26</u>       | 30912 |
| <u>U.S.C.A. 1, as amended, and providing twenty-four hour nursing</u>     | 30913 |
| <u>care pursuant to the exemption in division (E) of section 4723.32</u>  | 30914 |
| <u>of the Revised Code from the licensing requirements of Chapter</u>     | 30915 |
| <u>4723. of the Revised Code.</u>                                         | 30916 |
| <u>(4) "Health service" means a clinically related service, such</u>      | 30917 |
| <u>as a diagnostic, treatment, rehabilitative, or preventive service.</u> | 30918 |
| (B) Section 3702.14 of the Revised Code shall not be                      | 30919 |
| construed to require any existing health care facility that is            | 30920 |
| conducting an activity specified in section 3702.11 of the Revised        | 30921 |
| Code, which activity was initiated on or before March 20, 1997, to        | 30922 |
| alter, upgrade, or otherwise improve the structure or fixtures of         | 30923 |
| the facility in order to comply with any rule adopted under               | 30924 |
| section 3702.11 of the Revised Code relating to that activity,            | 30925 |

unless one of the following applies: 30926

(1) The facility initiates a construction, renovation, or reconstruction project that involves a capital expenditure of at least fifty thousand dollars, not including expenditures for equipment or staffing or operational costs, and that directly involves the area in which the existing service is conducted. 30927  
30928  
30929  
30930  
30931

(2) The facility initiates another activity specified in section 3702.11 of the Revised Code. 30932  
30933

~~(3) The facility initiates a service level designation change for obstetric and newborn care.~~ 30934  
30935

~~(4)~~ The facility proposes to add a cardiac catheterization laboratory to an existing cardiac catheterization service. 30936  
30937

~~(5)~~(4) The facility proposes to add an open-heart operating room to an existing open-heart surgery service. 30938  
30939

~~(6)~~(5) The director of health determines, by clear and convincing evidence, that failure to comply with the rule would create an imminent risk to the health and welfare of any patient. 30940  
30941  
30942

(C) If division (B)~~(4)~~(3) or ~~(5)~~(4) of this section applies, any alteration, upgrade, or other improvement required shall apply only to the proposed addition to the existing service if the cost of the addition is less than the capital expenditure threshold set forth in division (B)(1) of this section. 30943  
30944  
30945  
30946  
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(D) No person or government entity shall divide or otherwise segment a construction, renovation, or reconstruction project in order to evade application of the capital expenditure threshold set forth in division (B)(1) of this section. 30948  
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30951

**Sec. 3702.31.** (A) The quality monitoring and inspection fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce this section and sections 3702.11 to 3702.20, 3702.30, 3702.301, ~~and~~ 3702.32, and 30952  
30953  
30954  
30955

3702.33 of the Revised Code and rules adopted pursuant to those 30956  
sections. The director shall deposit in the fund any moneys 30957  
collected pursuant to this section or section 3702.32 of the 30958  
Revised Code. All investment earnings of the fund shall be 30959  
credited to the fund. 30960

(B) The director of health shall adopt rules pursuant to 30961  
Chapter 119. of the Revised Code establishing fees for both of the 30962  
following: 30963

(1) Initial and renewal license applications submitted under 30964  
section 3702.30 of the Revised Code. The fees established under 30965  
division (B)(1) of this section shall not exceed the actual and 30966  
necessary costs of performing the activities described in division 30967  
(A) of this section. 30968

(2) Inspections conducted under section 3702.15 or 3702.30 of 30969  
the Revised Code. The fees established under division (B)(2) of 30970  
this section shall not exceed the actual and necessary costs 30971  
incurred during an inspection, including any indirect costs 30972  
incurred by the department for staff, salary, or other 30973  
administrative costs. The director of health shall provide to each 30974  
health care facility or provider inspected pursuant to section 30975  
3702.15 or 3702.30 of the Revised Code a written statement of the 30976  
fee. The statement shall itemize and total the costs incurred. 30977  
Within fifteen days after receiving a statement from the director, 30978  
the facility or provider shall forward the total amount of the fee 30979  
to the director. 30980

(3) The fees described in divisions (B)(1) and (2) of this 30981  
section shall meet both of the following requirements: 30982

(a) For each service described in section 3702.11 of the 30983  
Revised Code, the fee shall not exceed one thousand seven hundred 30984  
fifty dollars annually, except that the total fees charged to a 30985  
health care provider under this section shall not exceed five 30986

thousand dollars annually. 30987

(b) The fee shall exclude any costs reimbursable by the 30988  
United States centers for medicare and medicaid services as part 30989  
of the certification process for the medicare program established 30990  
under Title XVIII of the "Social Security Act," 79 Stat. 286 30991  
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 30992  
established under Title XIX of the "Social Security Act," 79 Stat. 30993  
286 (1965), 42 U.S.C. 1396. 30994

(4) The director shall not establish a fee for any service 30995  
for which a licensure or inspection fee is paid by the health care 30996  
provider to a state agency for the same or similar licensure or 30997  
inspection. 30998

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 30999  
Revised Code: 31000

(A) "Applicant" means any person that submits an application 31001  
for a certificate of need and who is designated in the application 31002  
as the applicant. 31003

(B) "Person" means any individual, corporation, business 31004  
trust, estate, firm, partnership, association, joint stock 31005  
company, insurance company, government unit, or other entity. 31006

(C) "Certificate of need" means a written approval granted by 31007  
the director of health to an applicant to authorize conducting a 31008  
reviewable activity. 31009

(D) "~~Health service~~ Service area" means ~~a geographic region~~ 31010  
~~designated by the director of health under section 3702.58 of the~~ 31011  
~~Revised Code~~ the current and projected primary and secondary 31012  
service areas to which the long-term care facility is, or will be, 31013  
providing long-term care services. 31014

(E) "~~Health~~ Primary service area" means ~~a clinically related~~ 31015  
~~service, such as a diagnostic, treatment, rehabilitative, or~~ 31016

~~preventive service the geographic region, usually comprised of the~~ 31017  
~~Ohio zip code in which the long-term care facility is located and~~ 31018  
~~contiguous zip codes, from which approximately seventy-five to~~ 31019  
~~eighty per cent of the facility's residents currently originate or~~ 31020  
~~are expected to originate.~~ 31021

(F) ~~"Health Secondary service agency area" means an agency~~ 31022  
~~designated to serve a health service area in accordance with~~ 31023  
~~section 3702.58 of the Revised Code the geographic region, usually~~ 31024  
~~comprised of Ohio zip codes not included in the primary service~~ 31025  
~~area, excluding isolated exceptions, from which the facility's~~ 31026  
~~remaining residents currently originate or are expected to~~ 31027  
~~originate.~~ 31028

(G) ~~"Health care facility" means:~~ 31029

~~(1) A hospital registered under section 3701.07 of the~~ 31030  
~~Revised Code;~~ 31031

~~(2) A nursing home licensed under section 3721.02 of the~~ 31032  
~~Revised Code, or by a political subdivision certified under~~ 31033  
~~section 3721.09 of the Revised Code;~~ 31034

~~(3) A county home or a county nursing home as defined in~~ 31035  
~~section 5155.31 of the Revised Code that is certified under Title~~ 31036  
~~XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 31037  
~~U.S.C.A. 301, as amended;~~ 31038

~~(4) A freestanding dialysis center;~~ 31039

~~(5) A freestanding inpatient rehabilitation facility;~~ 31040

~~(6) An ambulatory surgical facility;~~ 31041

~~(7) A freestanding cardiac catheterization facility;~~ 31042

~~(8) A freestanding birthing center;~~ 31043

~~(9) A freestanding or mobile diagnostic imaging center;~~ 31044

~~(10) A freestanding radiation therapy center.~~ 31045

~~A health care facility does not include the offices of private physicians and dentists whether for individual or group practice, residential facilities licensed under section 5123.19 of the Revised Code, or an institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing twenty four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.~~

~~(H) "Medical equipment" means a single unit of medical equipment or a single system of components with related functions that is used to provide health services.~~

~~(I) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (K)(I) of this section, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5111. of the Revised Code, or any self-insurance plan.~~

~~(J)(H) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision.~~

~~(K)(I) "Health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.~~

~~(I)~~(J) "Existing ~~health~~ long-term care facility" means either 31077  
of the following: 31078

(1) A ~~health~~ long-term care facility that is licensed or 31079  
otherwise authorized to operate in this state in accordance with 31080  
applicable law, including a county home or a county nursing home 31081  
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31082  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31083  
U.S.C. 301, as amended, is staffed and equipped to provide ~~health~~ 31084  
long-term care services, and is actively providing ~~health~~ 31085  
long-term care services; 31086

(2) A ~~health~~ long-term care facility that is licensed or 31087  
otherwise authorized to operate in this state in accordance with 31088  
applicable law, including a county home or a county nursing home 31089  
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31090  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31091  
U.S.C. 301, as amended, or that has beds registered under section 31092  
3701.07 of the Revised Code as skilled nursing beds or long-term 31093  
care beds and has provided long-term care services for at least 31094  
three hundred sixty-five consecutive days within the twenty-four 31095  
months immediately preceding the date a certificate of need 31096  
application is filed with the director of health. 31097

~~(M)~~(K) "State" means the state of Ohio, including, but not 31098  
limited to, the general assembly, the supreme court, the offices 31099  
of all elected state officers, and all departments, boards, 31100  
offices, commissions, agencies, institutions, and other 31101  
instrumentalities of the state of Ohio. "State" does not include 31102  
political subdivisions. 31103

~~(N)~~(L) "Political subdivision" means a municipal corporation, 31104  
township, county, school district, and all other bodies corporate 31105  
and politic responsible for governmental activities only in 31106  
geographic areas smaller than that of the state to which the 31107  
sovereign immunity of the state attaches. 31108

|                                                                                                                                                                                                                                                                                                                                |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <del>(O)</del> (M) "Affected person" means:                                                                                                                                                                                                                                                                                    | 31109                                     |
| (1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;                                                                                                                                                                              | 31110<br>31111<br>31112                   |
| (2) The person that requested the reviewability ruling in question;                                                                                                                                                                                                                                                            | 31113<br>31114                            |
| (3) Any person that resides or regularly uses <del>health</del> <u>long-term</u> care facilities within the <del>geographic</del> <u>service</u> area served or to be served by the <del>health</del> <u>long-term</u> care services that would be provided under the certificate of need or reviewability ruling in question; | 31115<br>31116<br>31117<br>31118<br>31119 |
| (4) Any <del>health</del> <u>long-term</u> care facility that is located in the <del>health</del> service area where the <del>health</del> <u>long-term</u> care services would be provided under the certificate of need or reviewability ruling in question;                                                                 | 31120<br>31121<br>31122<br>31123          |
| (5) Third-party payers that reimburse <del>health</del> <u>long-term</u> care facilities for services in the <del>health</del> service area where the <del>health</del> <u>long-term</u> care services would be provided under the certificate of need or reviewability ruling in question.                                    | 31124<br>31125<br>31126<br>31127          |
| <del>(6) Any other person who testified at a public hearing held under division (B) of section 3702.52 of the Revised Code or submitted written comments in the course of review of the certificate of need application in question.</del>                                                                                     | 31128<br>31129<br>31130<br>31131          |
| <del>(P) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following:</del>                                                                                     | 31132<br>31133<br>31134<br>31135          |
| <del>(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic</del>                                                                                                                                    | 31136<br>31137<br>31138                   |



|                                                                               |       |
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| <del>physician;</del>                                                         | 31139 |
| <del>(2) Maintaining an active medical staff, the majority of</del>           | 31140 |
| <del>which is comprised of osteopathic physicians;</del>                      | 31141 |
| <del>(3) Maintaining a medical staff executive committee that has</del>       | 31142 |
| <del>osteopathic physicians as a majority of its members.</del>               | 31143 |
| <del>(Q) "Ambulatory surgical facility" has the same meaning as in</del>      | 31144 |
| <del>section 3702.30 of the Revised Code.</del>                               | 31145 |
| <del>(R) Except as provided in division (S) of this section,</del>            | 31146 |
| <del>"reviewable activity" means any of the following activities:</del>       | 31147 |
| <del>(1) The establishment, development, or construction of a new</del>       | 31148 |
| <del>long term care facility;</del>                                           | 31149 |
| <del>(2) The replacement of an existing long term care facility;</del>        | 31150 |
| <del>(3) The renovation of a long term care facility that involves</del>      | 31151 |
| <del>a capital expenditure of two million dollars or more, not</del>          | 31152 |
| <del>including expenditures for equipment, staffing, or operational</del>     | 31153 |
| <del>costs;</del>                                                             | 31154 |
| <del>(4) Either of the following changes in long term care bed</del>          | 31155 |
| <del>capacity:</del>                                                          | 31156 |
| <del>(a) An increase in bed capacity;</del>                                   | 31157 |
| <del>(b) A relocation of beds from one physical facility or site</del>        | 31158 |
| <del>to another, excluding the relocation of beds within a long term</del>    | 31159 |
| <del>care facility or among buildings of a long term care facility at</del>   | 31160 |
| <del>the same site.</del>                                                     | 31161 |
| <del>(5) Any change in the health services, bed capacity, or site,</del>      | 31162 |
| <del>or any other failure to conduct the reviewable activity in</del>         | 31163 |
| <del>substantial accordance with the approved application for which a</del>   | 31164 |
| <del>certificate of need concerning long term care beds was granted, if</del> | 31165 |
| <del>the change is made within five years after the implementation of</del>   | 31166 |
| <del>the reviewable activity for which the certificate was granted;</del>     | 31167 |

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| <del>(6) The expenditure of more than one hundred ten per cent of</del>       | 31168 |
| <del>the maximum expenditure specified in a certificate of need</del>         | 31169 |
| <del>concerning long term care beds.</del>                                    | 31170 |
| <del>(S) "Reviewable activity" does not include any of the</del>              | 31171 |
| <del>following activities:</del>                                              | 31172 |
| <del>(1) Acquisition of computer hardware or software;</del>                  | 31173 |
| <del>(2) Acquisition of a telephone system;</del>                             | 31174 |
| <del>(3) Construction or acquisition of parking facilities;</del>             | 31175 |
| <del>(4) Correction of cited deficiencies that are in violation of</del>      | 31176 |
| <del>federal, state, or local fire, building, or safety laws and rules</del>  | 31177 |
| <del>and that constitute an imminent threat to public health or safety;</del> | 31178 |
| <del>(5) Acquisition of an existing health care facility that does</del>      | 31179 |
| <del>not involve a change in the number of the beds, by service, or in</del>  | 31180 |
| <del>the number or type of health services;</del>                             | 31181 |
| <del>(6) Correction of cited deficiencies identified by</del>                 | 31182 |
| <del>accreditation surveys of the joint commission on accreditation of</del>  | 31183 |
| <del>healthcare organizations or of the American osteopathic</del>            | 31184 |
| <del>association;</del>                                                       | 31185 |
| <del>(7) Acquisition of medical equipment to replace the same or</del>        | 31186 |
| <del>similar equipment for which a certificate of need has been issued</del>  | 31187 |
| <del>if the replaced equipment is removed from service;</del>                 | 31188 |
| <del>(8) Mergers, consolidations, or other corporate</del>                    | 31189 |
| <del>reorganizations of health care facilities that do not involve a</del>    | 31190 |
| <del>change in the number of beds, by service, or in the number or type</del> | 31191 |
| <del>of health services;</del>                                                | 31192 |
| <del>(9) Construction, repair, or renovation of bathroom</del>                | 31193 |
| <del>facilities;</del>                                                        | 31194 |
| <del>(10) Construction of laundry facilities, waste disposal</del>            | 31195 |
| <del>facilities, dietary department projects, heating and air</del>           | 31196 |
| <del>conditioning projects, administrative offices, and portions of</del>     | 31197 |

|                                                                               |       |
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| <del>medical office buildings used exclusively for physician services;</del>  | 31198 |
| <del>(11) Acquisition of medical equipment to conduct research</del>          | 31199 |
| <del>required by the United States food and drug administration or</del>      | 31200 |
| <del>clinical trials sponsored by the national institute of health. Use</del> | 31201 |
| <del>of medical equipment that was acquired without a certificate of</del>    | 31202 |
| <del>need under division (S)(11) of this section and for which</del>          | 31203 |
| <del>premarket approval has been granted by the United States food and</del>  | 31204 |
| <del>drug administration to provide services for which patients or</del>      | 31205 |
| <del>reimbursement entities will be charged shall be a reviewable</del>       | 31206 |
| <del>activity.</del>                                                          | 31207 |
| <del>(12) Removal of asbestos from a health care facility.</del>              | 31208 |
| <del>Only that portion of a project that meets the requirements of</del>      | 31209 |
| <del>this division is not a reviewable activity.</del>                        | 31210 |
| <del>(T) "Small rural hospital" means a hospital that is located</del>        | 31211 |
| <del>within a rural area, has fewer than one hundred beds, and to which</del> | 31212 |
| <del>fewer than four thousand persons were admitted during the most</del>     | 31213 |
| <del>recent calendar year.</del>                                              | 31214 |
| <del>(U) "Children's hospital" means any of the following:</del>              | 31215 |
| <del>(1) A hospital registered under section 3701.07 of the</del>             | 31216 |
| <del>Revised Code that provides general pediatric medical and surgical</del>  | 31217 |
| <del>care, and in which at least seventy five per cent of annual</del>        | 31218 |
| <del>inpatient discharges for the preceding two calendar years were</del>     | 31219 |
| <del>individuals less than eighteen years of age;</del>                       | 31220 |
| <del>(2) A distinct portion of a hospital registered under section</del>      | 31221 |
| <del>3701.07 of the Revised Code that provides general pediatric</del>        | 31222 |
| <del>medical and surgical care, has a total of at least one hundred</del>     | 31223 |
| <del>fifty registered pediatric special care and pediatric acute care</del>   | 31224 |
| <del>beds, and in which at least seventy five per cent of annual</del>        | 31225 |
| <del>inpatient discharges for the preceding two calendar years were</del>     | 31226 |
| <del>individuals less than eighteen years of age;</del>                       | 31227 |

~~(3) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (U)(1) of this section.~~

~~(V)(N)~~ "Long-term care facility" means any of the following:

(1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(2) The portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act";

(3) The portion of any hospital that contains beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds.

~~(W)(O)~~ "Long-term care bed" or "bed" means a bed ~~in a long-term care facility that is categorized as one of the following:~~

(1) A bed that is located in a facility that is a nursing home licensed under section 3721.02 of the Revised Code or a facility licensed by a political subdivision certified under section 3721.09 of the Revised Code and is included in the authorized maximum licensed capacity of the facility;

(2) A bed that is located in the portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility under the medicare program or a nursing facility under the medicaid program and is included in the authorized maximum certified capacity of that portion of the facility;

(3) A bed that is registered under section 3701.07 of the

|                                                                               |       |
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| <u>Revised Code as a skilled nursing bed, a long-term care bed, or a</u>      | 31258 |
| <u>special skilled nursing bed;</u>                                           | 31259 |
| <u>(4) A bed in a county home or county nursing home that has</u>             | 31260 |
| <u>been certified under section 5155.38 of the Revised Code as having</u>     | 31261 |
| <u>been in operation on July 1, 1993, and is eligible for licensure</u>       | 31262 |
| <u>as a nursing home bed;</u>                                                 | 31263 |
| <u>(5) A bed held as an approved bed under a certificate of need</u>          | 31264 |
| <u>approved by the director.</u>                                              | 31265 |
| <u>A bed cannot simultaneously be both a bed described in</u>                 | 31266 |
| <u>division (0)(1), (2), (3), or (4) of this section and a bed</u>            | 31267 |
| <u>described in division (0)(5) of this section.</u>                          | 31268 |
| <del>(X) "Freestanding birthing center" means any facility in</del>           | 31269 |
| <del>which deliveries routinely occur, regardless of whether the</del>        | 31270 |
| <del>facility is located on the campus of another health care facility,</del> | 31271 |
| <del>and which is not licensed under Chapter 3711. of the Revised Code</del>  | 31272 |
| <del>as a level one, two, or three maternity unit or a limited</del>          | 31273 |
| <del>maternity unit.</del>                                                    | 31274 |
| <del>(Y)(1)(P) "Reviewability ruling" means a ruling issued by the</del>      | 31275 |
| <del>director of health under division (A) of section 3702.52 of the</del>    | 31276 |
| <del>Revised Code as to whether a particular proposed project is or is</del>  | 31277 |
| <del>not a reviewable activity.</del>                                         | 31278 |
| <del>(2) "Nonreviewability ruling" means a ruling issued under</del>          | 31279 |
| <del>that division that a particular proposed project is not a</del>          | 31280 |
| <del>reviewable activity.</del>                                               | 31281 |
| <del>(Z)(1) "Metropolitan statistical area" means an area of this</del>       | 31282 |
| <del>state designated a metropolitan statistical area or primary</del>        | 31283 |
| <del>metropolitan statistical area in United States office of</del>           | 31284 |
| <del>management and budget bulletin no. 93-17, June 30, 1993, and its</del>   | 31285 |
| <del>attachments.</del>                                                       | 31286 |
| <del>(2) "Rural area" means any area of this state not located</del>          | 31287 |

|                                                                                                                                                                                                                                                                                                                               |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <del>within a metropolitan statistical area.</del>                                                                                                                                                                                                                                                                            | 31288                                              |
| <del>(AA)</del> (O) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.                                                                                                                                                                                                                     | 31289<br>31290                                     |
| <del>(BB)</del> (R) "Principal participant" means both of the following:                                                                                                                                                                                                                                                      | 31291                                              |
| (1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a <del>health</del> <u>long-term</u> care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;                                  | 31292<br>31293<br>31294<br>31295<br>31296          |
| (2) An officer, director, trustee, or general partner of an applicant, of a <del>health</del> <u>long-term</u> care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.                                                                | 31297<br>31298<br>31299<br>31300                   |
| <del>(CC)</del> (S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or represents widespread deficiencies resulting in actual harm that is not immediate jeopardy. | 31301<br>31302<br>31303<br>31304<br>31305<br>31306 |
| <del>(DD)</del> (T) "Immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or represents widespread deficiencies resulting in immediate jeopardy to resident health or safety.           | 31307<br>31308<br>31309<br>31310<br>31311          |
| <u>(U) "Existing bed" or "existing long-term care bed" means a bed from an existing long-term care facility, a bed described in division (O)(5) of this section, or a bed correctly reported as a long-term care bed pursuant to section 5155.38 of the Revised Code.</u>                                                     | 31312<br>31313<br>31314<br>31315<br>31316          |
| <u>Sec. 3702.511. (A) Except as provided in division (B) of this</u>                                                                                                                                                                                                                                                          | 31317                                              |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>section, the following activities are reviewable under sections</u>    | 31318 |
| <u>3702.51 to 3702.62 of the Revised Code:</u>                            | 31319 |
| <u>(1) Establishment, development, or construction of a new</u>           | 31320 |
| <u>long-term care facility;</u>                                           | 31321 |
| <u>(2) Replacement of an existing long-term care facility;</u>            | 31322 |
| <u>(3) Renovation of or addition to a long-term care facility</u>         | 31323 |
| <u>that involves a capital expenditure of two million dollars or</u>      | 31324 |
| <u>more, not including expenditures for equipment, staffing, or</u>       | 31325 |
| <u>operational costs;</u>                                                 | 31326 |
| <u>(4) Either of the following changes in long-term care bed</u>          | 31327 |
| <u>capacity:</u>                                                          | 31328 |
| <u>(a) An increase in bed capacity;</u>                                   | 31329 |
| <u>(b) A relocation of beds from one physical facility or site</u>        | 31330 |
| <u>to another, excluding relocation of beds within a long-term care</u>   | 31331 |
| <u>facility or among buildings of a long-term care facility at the</u>    | 31332 |
| <u>same site.</u>                                                         | 31333 |
| <u>(5) Any change in the bed capacity or site, or any other</u>           | 31334 |
| <u>failure to conduct a reviewable activity in substantial accordance</u> | 31335 |
| <u>with the approved application for which a certificate of need</u>      | 31336 |
| <u>concerning long-term care beds was granted, if the change is made</u>  | 31337 |
| <u>within five years after the implementation of the reviewable</u>       | 31338 |
| <u>activity for which the certificate was granted;</u>                    | 31339 |
| <u>(6) Expenditure of more than one hundred ten per cent of the</u>       | 31340 |
| <u>maximum expenditure specified in a certificate of need concerning</u>  | 31341 |
| <u>long-term care beds.</u>                                               | 31342 |
| <u>(B) The following activities are not subject to review under</u>       | 31343 |
| <u>sections 3702.51 to 3702.62 of the Revised Code:</u>                   | 31344 |
| <u>(1) Acquisition of computer hardware or software;</u>                  | 31345 |
| <u>(2) Acquisition of a telephone system;</u>                             | 31346 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(3) Construction or acquisition of parking facilities;</u>             | 31347 |
| <u>(4) Correction of cited deficiencies that constitute an</u>            | 31348 |
| <u>imminent threat to public health or safety and are in violation of</u> | 31349 |
| <u>federal, state, or local fire, building, or safety statutes,</u>       | 31350 |
| <u>ordinances, rules, or regulations;</u>                                 | 31351 |
| <u>(5) Acquisition of an existing long-term care facility that</u>        | 31352 |
| <u>does not involve a change in the number of the beds;</u>               | 31353 |
| <u>(6) Mergers, consolidations, or other corporate</u>                    | 31354 |
| <u>reorganizations of long-term care facilities that do not involve a</u> | 31355 |
| <u>change in the number of beds;</u>                                      | 31356 |
| <u>(7) Construction, repair, or renovation of bathroom</u>                | 31357 |
| <u>facilities;</u>                                                        | 31358 |
| <u>(8) Construction of laundry facilities, waste disposal</u>             | 31359 |
| <u>facilities, dietary department projects, heating and air</u>           | 31360 |
| <u>conditioning projects, administrative offices, and portions of</u>     | 31361 |
| <u>medical office buildings used exclusively for physician services;</u>  | 31362 |
| <u>(9) Removal of asbestos from a health care facility.</u>               | 31363 |
| <u>Only that portion of a project that is described in this</u>           | 31364 |
| <u>division is not reviewable.</u>                                        | 31365 |
| <b>Sec. 3702.52.</b> The director of health shall administer a state      | 31366 |
| certificate of need program in accordance with sections 3702.51 to        | 31367 |
| 3702.62 of the Revised Code and rules adopted under those                 | 31368 |
| sections.                                                                 | 31369 |
| (A) The director shall issue rulings on whether a particular              | 31370 |
| proposed project is a reviewable activity. The director shall             | 31371 |
| issue a ruling not later than forty-five days after receiving a           | 31372 |
| request for a ruling accompanied by the information needed to make        | 31373 |
| the ruling. If the director does not issue a ruling in that time,         | 31374 |
| the project shall be considered to have been ruled not a                  | 31375 |
| reviewable activity.                                                      | 31376 |



(B)(1) Each application for a certificate of need shall be 31377  
submitted to the director on forms and in the manner prescribed by 31378  
the director. Each application shall include a plan for obligating 31379  
the capital expenditures or implementing the proposed project on a 31380  
timely basis in accordance with section ~~3702.525~~ 3702.524 of the 31381  
Revised Code. Each application shall also include all other 31382  
information required by rules adopted under division (B) of 31383  
section 3702.57 of the Revised Code. 31384

(2) Each application shall be accompanied by the application 31385  
fee established in rules adopted under division (G) of section 31386  
3702.57 of the Revised Code. Application fees received by the 31387  
director under this division shall be deposited into the state 31388  
treasury to the credit of the certificate of need fund, which is 31389  
hereby created. The director shall use the fund only to pay the 31390  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 31391  
3702.51 to 3702.62 of the Revised Code and rules adopted under 31392  
those sections. An application fee is nonrefundable unless the 31393  
director determines that the application cannot be accepted. 31394

(3) The director shall review applications for certificates 31395  
of need. As part of a review, the director shall determine whether 31396  
an application is complete. The director shall not consider an 31397  
application to be complete unless the application meets all 31398  
criteria for a complete application specified in rules adopted 31399  
under section 3702.57 of the Revised Code. The director shall mail 31400  
to the applicant a written notice that the application is 31401  
complete, or a written request for additional information, not 31402  
later than thirty days after receiving an application or a 31403  
response to an earlier request for information. Except as provided 31404  
in section ~~3702.523~~ 3702.522 of the Revised Code, the director 31405  
shall not make more than two requests for additional information. 31406  
The director's determination that an application is not complete 31407  
is final and not subject to appeal. 31408

~~The director may conduct a public informational hearing in 31409  
the course of reviewing any application for a certificate of need, 31410  
and shall conduct one if requested to do so by any affected person 31411  
not later than fifteen days after the director mails the notice 31412  
that the application is complete. The hearing shall be conducted 31413  
in the community in which the activities authorized by the 31414  
certificate of need would be carried out. Any affected person may 31415  
testify at the hearing. The director may, with the health service 31416  
agency's consent, designate a health service agency to conduct the 31417  
hearing. 31418~~

~~(4) Except during a public hearing or as necessary to comply 31419  
with a subpoena issued under division ~~(E)~~(F) of this section, 31420  
after a notice of completeness has been received, no person shall 31421  
make revisions to information that was submitted to the director 31422  
before the director mailed the notice of completeness or knowingly 31423  
discuss in person or by telephone the merits of the application 31424  
with the director. A person may supplement an application after a 31425  
notice of completeness has been received by submitting clarifying 31426  
information to the director. ~~If one or more persons request a 31427  
meeting in person or by telephone, the director shall make a 31428  
reasonable effort to invite interested parties to the meeting or 31429  
conference call. 31430~~~~

(C) All of the following apply to the process of granting or 31431  
denying a certificate of need: 31432

(1) If the project proposed in a certificate of need 31433  
application meets all of the applicable certificate of need 31434  
criteria for approval under sections 3702.51 to 3702.62 of the 31435  
Revised Code and the rules adopted under those sections, the 31436  
director shall grant a certificate of need for all or part of the 31437  
project that is the subject of the application by the applicable 31438  
deadline specified in division (C)(4) of this section or any 31439  
extension of it under division (C)(5) of this section. 31440

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities ~~proposed to be conducted in the same or different health service areas.~~

~~(3) If the director receives written objections to an application from any~~ Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the thirtieth day after mailing the notice of completeness, ~~the director shall notify the applicant and assign a hearing examiner to conduct an adjudication hearing concerning the application in accordance with Chapter 119. of the Revised Code. In or, in~~ the case of applications under comparative review, ~~if the director receives written objections to any of the applications from any affected person by the thirtieth day after the director mails the last notice of completeness, the director shall notify all of the applicants and appoint a hearing examiner to conduct a consolidated adjudication hearing concerning the applications in accordance with Chapter 119. of the Revised Code. The hearing examiner shall be employed by or under contract with the department of health.~~

~~The adjudication hearings may be conducted in the health service area in which the reviewable activity is proposed to be conducted. Consolidated adjudication hearings for applications in comparative review may be conducted in the geographic region in which all of the reviewable activities will be conducted. The applicant, the director, and the affected persons that filed objections to the application shall be parties to the hearing. If none of the affected persons that submitted written objections to the application appears or prosecutes the hearing, the hearing examiner shall dismiss the hearing and the director shall grant a certificate of need for all or part of the project that is the~~

~~subject of the application if the proposed project meets all of 31473  
the applicable certificate of need criteria for approval under 31474  
sections 3702.51 to 3702.62 of the Revised Code and the rules 31475  
adopted under those sections. The affected persons bear the burden 31476  
of proving by a preponderance of evidence that the project is not 31477  
needed or that granting the certificate would not be in accordance 31478  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 31479  
adopted under those sections. 31480~~

~~(4) Except as provided in division (C)(5) of this section, 31481  
the director shall grant or deny certificate of need applications 31482  
for which an adjudication hearing is not conducted under division 31483  
(C)(3) of this section not later than sixty days after mailing the 31484  
notice of completeness or, in the case of an application proposing 31485  
addition of long term care beds, not later than sixty days after 31486  
such other time as is specified in rules adopted under section 31487  
3702.57 of the Revised Code. Except as provided in division (C)(5) 31488  
of this section, the director shall grant or deny certificate of 31489  
need applications for which an adjudication hearing is conducted 31490  
under division (C)(3) of this section not later than thirty days 31491  
after the expiration of the time for filing objections to the 31492  
report and recommendation of the hearing examiner under section 31493  
119.09 of the Revised Code. The director shall base decisions 31494  
concerning applications for which an adjudication hearing is 31495  
conducted under division (C)(3) of this section on the report and 31496  
recommendations of the hearing examiner. 31497~~

~~(5) Except as otherwise provided in division (C)(6) of this 31498  
section, the director or the applicant may extend the deadline 31499  
prescribed in division (C)(4) of this section once, for no longer 31500  
than thirty days, by written notice before the end of the deadline 31501  
prescribed by division (C)(4) of this section. An extension by the 31502  
director under division (C)(5) of this section shall apply to all 31503  
applications that are in comparative review. 31504~~

(6) No applicant in a comparative review may extend the 31505  
deadline specified in division (C)(4) of this section. 31506

(7) If the director does not grant or deny the certificate by 31507  
the applicable deadline specified in division (C)(4) of this 31508  
section or any extension of it under division (C)(5) of this 31509  
section, the certificate shall be considered to have been granted. 31510

(8) In granting a certificate of need, the director shall 31511  
specify as the maximum capital expenditure the certificate holder 31512  
may obligate under the certificate a figure equal to one hundred 31513  
ten per cent of the approved project cost. 31514

(9) In granting a certificate of need, the director may grant 31515  
the certificate with conditions that must be met by the holder of 31516  
the certificate. 31517

(D) When a certificate of need application is approved for a 31518  
project under which the beds are relocated, a number of beds equal 31519  
to the number relocated shall cease to be operated in the 31520  
long-term care facility from which they were relocated, except 31521  
that the beds may continue to be operated for not more than 31522  
fifteen days to allow relocation of residents to the facility to 31523  
which the beds have been relocated. Notwithstanding section 31524  
3721.03 of the Revised Code, if the relocated beds are in a home 31525  
licensed under Chapter 3721. of the Revised Code, the facility's 31526  
license is automatically reduced by the number of beds relocated 31527  
effective fifteen days after the beds are relocated. If the beds 31528  
are in a facility that is certified as a skilled nursing facility 31529  
or nursing facility under Title XVIII or XIX of the "Social 31530  
Security Act," the certification for the beds shall be 31531  
surrendered. If the beds are registered under section 3701.07 of 31532  
the Revised Code as skilled nursing beds or long-term care beds, 31533  
the director shall remove the beds from registration not later 31534  
than fifteen days after the beds are relocated. 31535

(E) The director shall monitor the activities of persons 31536  
granted certificates of need during the period beginning with the 31537  
granting of the certificate of need and ending five years after 31538  
implementation of the activity for which the certificate was 31539  
granted. 31540

~~(E)~~(F) When reviewing applications for certificates of need, 31541  
considering appeals under section 3702.60 of the Revised Code, or 31542  
monitoring activities of persons granted certificates of need, the 31543  
director may issue and enforce, in the manner provided in section 31544  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 31545  
compel ~~the production of a person to testify and produce~~ documents 31546  
relevant to review of the application, consideration of the 31547  
appeal, or monitoring of the activities. In addition, the director 31548  
or the director's designee, ~~which may include a health service~~ 31549  
~~agency,~~ may visit the sites where the activities are or will be 31550  
conducted. 31551

~~(F)~~(G) The director may withdraw certificates of need. 31552

~~(G)~~ The director shall conduct, on a regular basis, health 31553  
system data collection and analysis activities and prepare 31554  
reports. The director shall make recommendations based upon these 31555  
activities to the public health council concerning the adoption of 31556  
appropriate rules under section 3702.57 of the Revised Code. (H) 31557  
All health long-term care facilities and other health care 31558  
providers shall submit to the director, upon request, any 31559  
information prescribed by rules adopted under division (H) of 31560  
section 3702.57 of the Revised Code that is necessary to conduct 31561  
reviews of certificate of need applications and to develop 31562  
~~recommendations for criteria for reviews, and that is prescribed~~ 31563  
~~by rules adopted under division (H) of section 3702.57 of the~~ 31564  
Revised Code. 31565

~~(H)~~(I) Any decision to grant or deny a certificate of need 31566  
shall consider the special needs and circumstances resulting from 31567

moral and ethical values and the free exercise of religious rights 31568  
of ~~health~~ long-term care facilities administered by religious 31569  
organizations, and the special needs and circumstances of inner 31570  
city and rural communities. 31571

**Sec. ~~3702.522~~ 3702.521.** (A) Reviews of applications for 31572  
certificates of need to recategorize hospital beds to skilled 31573  
nursing beds shall be conducted in accordance with this division 31574  
and rules adopted by the ~~public~~ director of health ~~council~~. 31575

(1) No hospital recategorizing beds shall apply for a 31576  
certificate of need for more than twenty skilled nursing beds. 31577

(2) No beds for which a certificate of need is requested 31578  
under this division shall be reviewed under or counted in any 31579  
formula developed under ~~public health council~~ rules adopted by the 31580  
director for the purpose of determining the number of long-term 31581  
care beds that may be needed within the state. 31582

(3) No beds shall be approved under this division unless the 31583  
hospital certifies and demonstrates in the application that the 31584  
beds will be dedicated to patients with a length of stay of no 31585  
more than thirty days. 31586

(4) No beds shall be approved under this division unless the 31587  
hospital can satisfactorily demonstrate in the application that it 31588  
is routinely unable to place the patients planned for the beds in 31589  
accessible skilled nursing facilities. 31590

(5) In developing rules to implement this division, the 31591  
~~public health council~~ director shall give special attention to the 31592  
required documentation of the need for such beds, including the 31593  
efforts made by the hospital to place patients in suitable skilled 31594  
nursing facilities, and special attention to the appropriate size 31595  
of units with such beds given the historical pattern of the 31596  
applicant hospital's documented difficulty in placing skilled 31597

nursing patients. 31598

(B) ~~To assist the director of health~~ For assistance in 31599  
monitoring the use of hospital beds recategorized as skilled 31600  
nursing beds after August 5, 1989, the ~~public health council~~ 31601  
director shall adopt rules specifying appropriate quarterly 31602  
procedures for reporting to the department of health. 31603

(C) A patient may stay in a hospital bed that, after August 31604  
5, 1989, has been recategorized as a skilled nursing bed for more 31605  
than thirty days if the hospital is able to demonstrate that it 31606  
made a good faith effort to place the patient in an accessible 31607  
skilled nursing facility acceptable to the patient within the 31608  
thirty-day period, but was unable to do so. 31609

(D) No hospital bed recategorized after August 5, 1989, as a 31610  
skilled nursing bed shall be covered by a provider agreement under 31611  
the medical assistance program established under Chapter 5111. of 31612  
the Revised Code. 31613

(E) Nothing in this section requires a hospital to place a 31614  
patient in any nursing home if the patient does not wish to be 31615  
placed in the nursing home. Nothing in this section limits the 31616  
ability of a hospital to file a certificate of need application 31617  
for the addition of long-term care beds that meet the definition 31618  
of "home" in section 3721.01 of the Revised Code. Nothing in this 31619  
section limits the ability of the director to grant certificates 31620  
of need necessary for hospitals to engage in demonstration 31621  
projects authorized by the federal government for the purpose of 31622  
enhancing long-term quality of care and cost containment. Nothing 31623  
in this section limits the ability of hospitals to develop swing 31624  
bed programs in accordance with federal regulations. 31625

No hospital that is granted a certificate of need after 31626  
August 5, 1989, to recategorize hospital beds as skilled nursing 31627  
beds is subject to sections 3721.01 to 3721.09 of the Revised 31628



Code. If the portion of the hospital in which the recategorized 31629  
beds are located is certified as a skilled nursing facility under 31630  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 31631  
U.S.C.A. 301, as amended, that portion of the hospital is subject 31632  
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 31633  
the Revised Code. If the beds are registered pursuant to section 31634  
3701.07 of the Revised Code as long-term care beds, the beds are 31635  
subject to sections 3721.50 to 3721.58 of the Revised Code. 31636

~~(F) The public health council shall adopt rules authorizing 31637  
the creation of one or more nursing home placement clearinghouses. 31638  
Any public or private agency or facility may apply to the 31639  
department of health to serve as a nursing home placement 31640  
clearinghouse, and the rules shall provide the procedure for 31641  
application and process for designation of clearinghouses. 31642~~

~~The department may approve one or more clearinghouses, but in 31643  
no event shall there be more than one nursing home placement 31644  
clearinghouse in each county. Any nursing home may list with a 31645  
nursing home placement clearinghouse the services it provides and 31646  
the types of patients it is approved for and equipped to serve. 31647  
The clearinghouse shall make reasonable efforts to update its 31648  
information at least every six months. 31649~~

~~If an appropriate clearinghouse has been designated, each 31650  
hospital granted a certificate of need after August 5, 1989, to 31651  
recategorize hospital beds as skilled nursing beds shall, and any 31652  
other hospital may, utilize the nursing home placement 31653  
clearinghouse prior to admitting a patient to a skilled nursing 31654  
bed within the hospital and prior to keeping a patient in a 31655  
skilled nursing bed within a hospital in excess of thirty days. 31656~~

~~The department shall provide at least annually to all 31657  
hospitals a list of the designated nursing home placement 31658  
clearinghouses. 31659~~

**Sec. ~~3702.523~~ 3702.522.** A person who has an application for a certificate of need pending with the director of health may revise the application to change the site of the proposed project unless either of the following applies:

(A) The director, under section 3702.52 of the Revised Code, has mailed the applicant a written notice that the application is complete.

(B) The application is subject to a comparative review under section 3702.593 of the Revised Code.

The only revision that may be made in the revised application is the site of the proposed project. The revised site of the proposed project must be located in the same county as the site of the proposed project specified in the original application. The director may not accept a revised application if it includes revisions other than the site of the proposed project or if the revised site is located in a different county than the county in which the site specified in the original application is located.

A revised application shall be accompanied by an additional, ~~non-refundable~~ nonrefundable fee equal to twenty-five per cent of the fee charged under section 3702.52 of the Revised Code for the original application. The additional fee shall be deposited into the certificate of need fund created under section 3702.52 of the Revised Code.

On acceptance of a revised application, the director shall continue to review the application as revised in accordance with section 3702.52 of the Revised Code to determine whether it is complete and, if necessary and regardless of whether the director previously made two requests for additional information, may make a final written request to the applicant for additional information not later than thirty days after the date the director accepts the revised application.

**Sec. ~~3702.524~~ 3702.523.** (A) Except as provided in division 31691  
(B) of this section, a certificate of need ~~granted on or after~~ 31692  
~~April 20, 1995,~~ is not transferable prior to the completion of the 31693  
reviewable activity for which it was granted. If any person 31694  
holding a certificate of need ~~issued on or after that date~~ 31695  
transfers the certificate of need to another person before the 31696  
reviewable activity is completed, or enters into an agreement that 31697  
contemplates the transfer of the certificate of need on the 31698  
completion of the reviewable activity, the certificate of need is 31699  
void. If the controlling interest in an entity that holds a 31700  
certificate of need ~~issued on or after that date~~ is transferred 31701  
prior to the completion of the reviewable activity, the 31702  
certificate of need is void. 31703

(B) Division (A) of this section does not prohibit the 31704  
transfer of a certificate of need ~~issued on or after April 20,~~ 31705  
~~1995,~~ between affiliated or related persons, as defined in rules 31706  
adopted under section 3702.57 of the Revised Code, if the transfer 31707  
does not result in a change in the person that holds the ultimate 31708  
controlling interest, as defined in the rules, in the certificate 31709  
of need. 31710

The transfer of a ~~health~~ long-term care facility after the 31711  
completion of a reviewable activity for which a certificate of 31712  
need was issued ~~on or after April 20, 1995,~~ is not a transfer of 31713  
the certificate of need, unless the facility is transferred 31714  
pursuant to an agreement entered into prior to the completion of 31715  
the reviewable activity. 31716

**Sec. ~~3702.525~~ 3702.524.** (A) Not later than twenty-four months 31717  
after the date the director of health mails the notice that the 31718  
certificate of need has been granted or, if the grant or denial of 31719  
the certificate of need is appealed under section 3702.60 of the 31720  
Revised Code, not later than twenty-four months after issuance of 31721

an order granting the certificate that is not subject to further 31722  
appeal, each person holding a certificate of need granted ~~on or~~ 31723  
~~after April 20, 1995,~~ shall: 31724

(1) If the project for which the certificate of need was 31725  
granted primarily involves construction and is to be financed 31726  
primarily through external borrowing of funds, secure financial 31727  
commitment for the stated purpose of developing the project and 31728  
commence construction that continues uninterrupted except for 31729  
interruptions or delays that are unavoidable due to reasons beyond 31730  
the person's control, including labor strikes, natural disasters, 31731  
material shortages, or comparable events; 31732

(2) If the project for which the certificate of need was 31733  
granted primarily involves construction and is to be financed 31734  
primarily internally, receive formal approval from the holder's 31735  
board of directors or trustees or other governing authority to 31736  
commit specified funds for implementation of the project and 31737  
commence construction that continues uninterrupted except for 31738  
interruptions or delays that are unavoidable due to reasons beyond 31739  
the person's control, including labor strikes, natural disasters, 31740  
material shortages, or comparable events; 31741

~~(3) If the project for which the certificate of need was 31742  
granted primarily involves acquisition of medical equipment, enter 31743  
into a contract to purchase or lease the equipment and to accept 31744  
the equipment at the site for which the certificate was granted;~~ 31745

~~(4)~~ If the project for which the certificate of need was 31746  
granted involves no capital expenditure or only minor renovations 31747  
to existing structures, provide the health long-term care service 31748  
~~or activity~~ by the means specified in the approved application for 31749  
the certificate; 31750

~~(5)~~(4) If the project for which the certificate of need was 31751  
granted primarily involves leasing a building or space that 31752

requires only minor renovations to the existing space, execute a 31753  
lease and provide the health long-term care service ~~or activity~~ by 31754  
the means specified in the approved application for the 31755  
certificate; 31756

~~(6)~~(5) If the project for which the certificate of need was 31757  
granted primarily involves leasing a building or space that has 31758  
not been constructed or requires substantial renovations to 31759  
existing space, commence construction for the purpose of 31760  
implementing the reviewable activity that continues uninterrupted 31761  
except for interruptions or delays that are unavoidable due to 31762  
reasons beyond the person's control, including labor strikes, 31763  
natural disasters, material shortages, or comparable events. 31764

(B) The twenty-four-month period specified in division (A) of 31765  
this section shall not be extended by any means, including the 31766  
granting of a subsequent or replacement certificate of need. Each 31767  
person holding a certificate of need ~~granted on or after April 20,~~ 31768  
~~1995,~~ shall provide the director of health documentation of 31769  
compliance with that division not later than the earlier of thirty 31770  
days after complying with that division or five days after the 31771  
twenty-four-month period expires. Not later than the earlier of 31772  
fifteen days after receiving the documentation or fifteen days 31773  
after the twenty-four-month period expires, the director shall 31774  
send by certified mail a notice to the holder of the certificate 31775  
of need specifying whether the holder has complied with division 31776  
(A) of this section. 31777

(C) ~~Notwithstanding division (B) of this section, the~~ 31778  
~~twenty four month period specified in division (A) of this section~~ 31779  
~~shall be extended for an additional twenty four months for any~~ 31780  
~~certificate of need granted for the purchase and relocation of~~ 31781  
~~licensed nursing home beds on February 26, 1999.~~ 31782

~~(D)~~ A certificate of need ~~granted on or after April 20, 1995,~~ 31783  
expires, regardless of whether the director sends a notice under 31784

division (B) of this section, if the holder fails to comply with 31785  
division (A) ~~or (C)~~ of this section or to provide information 31786  
under division (B) of this section as necessary for the director 31787  
to determine compliance. The determination by the director that a 31788  
certificate of need has expired is final and not appealable under 31789  
Chapter 119. of the Revised Code. 31790

**Sec. ~~3702.526~~ 3702.525.** Every six months after complying with 31791  
section ~~3702.525~~ 3702.524 of the Revised Code, the holder of the 31792  
certificate of need shall demonstrate to the director of health, 31793  
in the form and manner required by rules adopted under section 31794  
3702.57 of the Revised Code, that reasonable progress is being 31795  
made toward the completion of the reviewable activity. If the 31796  
director determines, in accordance with standards specified in the 31797  
rules, that reasonable progress is not being made, ~~he~~ the director 31798  
shall withdraw the certificate of need. 31799

**Sec. 3702.526.** (A) Except as provided in division (B) of this 31800  
section, the director of health shall accept an application for a 31801  
replacement certificate of need for an activity described in 31802  
division (A)(5) of section 3702.511 of the Revised Code to replace 31803  
an approved certificate of need for that activity if all of the 31804  
following conditions are met: 31805

(1) The applicant is the same as the applicant for the 31806  
approved certificate of need or an affiliated or related person as 31807  
described in division (B) of section 3702.523 of the Revised Code. 31808

(2) The source of any long-term care beds to be relocated is 31809  
the same as in the approved certificate of need. 31810

(3) The application for the approved certificate of need was 31811  
not subject to comparative review under section 3702.593 of the 31812  
Revised Code. 31813

(B) The director shall not accept an application for a 31814

replacement certificate that proposes to increase the number of 31815  
long-term care beds to be relocated specified in the application 31816  
for the approved certificate of need. 31817

(C) For the purpose of determining whether long-term care 31818  
beds are from an existing long-term care facility, the director 31819  
shall consider the date of filing of the application for a 31820  
replacement certificate to be the same as the date of filing of 31821  
the original application for the approved certificate of need. 31822

(D) Any long-term care beds that were approved in the 31823  
approved certificate of need remain approved in the application 31824  
for a replacement certificate. 31825

(E) The applicant shall submit with the application for a 31826  
replacement certificate a nonrefundable fee equal to the 31827  
application fee for the approved certificate of need. 31828

(F) Upon approval of the application for a replacement 31829  
certificate, the original certificate of need is automatically 31830  
voided. 31831

**Sec. 3702.527.** A bed described in division (O)(5) of section 31832  
3702.51 of the Revised Code may be converted to a bed described in 31833  
division (O)(1), (2), (3), or (4) of that section only as provided 31834  
in the certificate of need under which the beds were approved or 31835  
its replacement certificate of need. 31836

**Sec. 3702.53.** (A) No person shall carry out any reviewable 31837  
activity unless a certificate of need for such activity has been 31838  
granted under sections 3702.51 to 3702.62 of the Revised Code or 31839  
the person is exempted by division ~~(S)~~(B) of section ~~3702.51~~ 31840  
~~3702.511~~ or section ~~3702.5210~~ or 3702.62 of the Revised Code from 31841  
the requirement that a certificate of need be obtained. No person 31842  
shall carry out any reviewable activity if a certificate of need 31843  
authorizing that activity has been withdrawn by the director of 31844

health under section 3702.52 or ~~3702.526~~ 3702.525 of the Revised Code. No person shall carry out a reviewable activity if the certificate of need authorizing that activity is void pursuant to section ~~3702.524~~ 3702.523 of the Revised Code or has expired pursuant to section ~~3702.525~~ 3702.524 of the Revised Code.

(B) No person shall separate portions of any proposal for any reviewable activity to evade the requirements of sections 3702.51 to 3702.62 of the Revised Code.

(C) No person granted a certificate of need shall carry out the reviewable activity authorized by the certificate of need other than in substantial accordance with the approved application for the certificate of need.

**Sec. 3702.531.** The director of health shall evaluate and may investigate evidence that appears to demonstrate that any person has violated section 3702.53 of the Revised Code. If the director elects to conduct an investigation, ~~he~~ the director shall mail to the alleged violator by certified mail, return receipt requested, a notice that an investigation is underway.

When conducting an investigation under this section, the director may request any relevant information pertaining to the alleged violation, including the total operating cost of the activity in question during the period of the alleged violation and the total capital cost associated with implementation of the activity. A person shall provide information requested by the director not later than forty-five days after receiving the director's request. The director also may issue and enforce, in the manner provided in Chapter 119. of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to the alleged violation. The subpoenas may be served in any manner authorized by the rules of civil procedure.

The director or ~~his~~ the director's designee, ~~which may~~



~~include a health service agency,~~ may conduct a site visit to 31876  
investigate an alleged violation of section 3702.53 of the Revised 31877  
Code. 31878

Each investigation under this section shall be conducted in a 31879  
manner that protects patient confidentiality. Names or other 31880  
identifying information about any patient shall not be made public 31881  
without the written consent of the patient or ~~his~~ the patient's 31882  
guardian, or, if the patient is a minor, ~~his~~ the patient's parent 31883  
or guardian. 31884

**Sec. 3702.54.** Except as provided in section 3702.541 of the 31885  
Revised Code, divisions (A) and (B) of this section apply when the 31886  
director of health determines that a person has violated section 31887  
3702.53 of the Revised Code. 31888

(A) The director shall impose a civil penalty on the person 31889  
in an amount equal to the greatest of the following: 31890

(1) Three thousand dollars; 31891

(2) Five per cent of the operating cost of the activity that 31892  
constitutes the violation during the period of time it was 31893  
conducted in violation of section 3702.53 of the Revised Code; 31894

(3) If a certificate of need was granted, two per cent of the 31895  
total approved capital cost associated with implementation of the 31896  
activity for which the certificate of need was granted. 31897

In no event, however, shall the penalty exceed two hundred 31898  
fifty thousand dollars. 31899

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 31900  
the director shall refuse to accept for review any application for 31901  
a certificate of need filed by or on behalf of the person, or any 31902  
successor to the person or entity related to the person, for a 31903  
period of not less than one year and not more than three years 31904  
after the director mails the notice of the director's 31905

determination under section 3702.532 of the Revised Code or, if 31906  
the determination is appealed under section 3702.60 of the Revised 31907  
Code, the issuance of the order upholding the determination that 31908  
is not subject to further appeal. In determining the length of 31909  
time during which applications will not be accepted, the director 31910  
may consider any of the following: 31911

(a) The nature and magnitude of the violation; 31912

(b) The ability of the person to have averted the violation; 31913

(c) Whether the person disclosed the violation to the 31914  
director before the director commenced his investigation; 31915

(d) The person's history of compliance with sections 3702.51 31916  
to 3702.62 and the rules adopted under section 3702.57 of the 31917  
Revised Code; 31918

(e) Any community hardship that may result from refusing to 31919  
accept future applications from the person. 31920

(2) Notwithstanding the one-year minimum imposed by division 31921  
(B)(1) of this section, the director may establish a period of 31922  
less than one year during which the director will refuse to accept 31923  
certificate of need applications if, after reviewing all 31924  
information available to the director, the director determines and 31925  
expressly indicates in the notice mailed under section 3702.532 of 31926  
the Revised Code that refusing to accept applications for a longer 31927  
period would result in hardship to the community in which the 31928  
person provides ~~health~~ long-term care services. The director's 31929  
finding of community hardship shall not affect the granting or 31930  
denial of any future certificate of need application filed by the 31931  
person. 31932

**Sec. 3702.55.** A person that the director of health determines 31933  
has violated section 3702.53 of the Revised Code shall cease 31934  
conducting the activity that constitutes the violation or 31935

utilizing the ~~equipment~~ or facility resulting from the violation 31936  
not later than thirty days after the person receives the notice 31937  
mailed under section 3702.532 of the Revised Code or, if the 31938  
person appeals the director's determination under section 3702.60 31939  
of the Revised Code, thirty days after the person receives an 31940  
order upholding the director's determination that is not subject 31941  
to further appeal. 31942

If any person determined to have violated section 3702.53 of 31943  
the Revised Code fails to cease conducting an activity or using 31944  
~~equipment~~ or a facility as required by this section or if the 31945  
person continues to seek payment or reimbursement for services 31946  
rendered or costs incurred in conducting the activity as 31947  
prohibited by section 3702.56 of the Revised Code, in addition to 31948  
the penalties imposed under section 3702.54 or 3702.541 of the 31949  
Revised Code: 31950

(A) The director of health may refuse to include any beds 31951  
involved in the activity in the bed capacity of a hospital for 31952  
purposes of registration under section 3701.07 of the Revised 31953  
Code; 31954

(B) The director of health may refuse to license, or may 31955  
revoke a license or reduce bed capacity previously granted to, a 31956  
hospice care program under section 3712.04 of the Revised Code; a 31957  
nursing home, ~~rest home~~ residential care facility, or home for the 31958  
aging under section 3721.02 of the Revised Code; or any beds 31959  
within any of those facilities that are involved in the activity; 31960

(C) A political subdivision certified under section 3721.09 31961  
of the Revised Code may refuse to license, or may revoke a license 31962  
or reduce bed capacity previously granted to, a nursing home, ~~rest~~ 31963  
~~home~~ residential care facility, or home for the aging, or any beds 31964  
within any of those facilities that are involved in the activity; 31965

(D) The director of mental health may refuse to license under 31966

section 5119.20 of the Revised Code, or may revoke a license or 31967  
reduce bed capacity previously granted to, a hospital receiving 31968  
mentally ill persons or beds within such a hospital that are 31969  
involved in the activity; 31970

(E) The department of job and family services may refuse to 31971  
enter into a provider agreement that includes a facility, beds, or 31972  
services that result from the activity. 31973

**Sec. 3702.56.** No third-party payer or other person ~~or~~ 31974  
~~government entity~~ is required to pay, and no person shall seek or 31975  
accept payment or reimbursement for, any service rendered or costs 31976  
incurred in conducting an activity during the period of time in 31977  
which the activity was conducted in violation of section 3702.53 31978  
of the Revised Code. Each person that accepts any amount in 31979  
violation of this division shall refund that amount on request of 31980  
the person ~~or government entity~~ that paid it. 31981

**Sec. 3702.57.** (A) The ~~public~~ director of health ~~council~~ shall 31982  
adopt rules establishing procedures and criteria for reviews of 31983  
applications for certificates of need and issuance, denial, or 31984  
withdrawal of certificates. 31985

(1) In adopting rules that establish criteria for reviews of 31986  
applications of certificates of need, the ~~council~~ director shall 31987  
consider the availability of and need for long-term care beds to 31988  
provide care and treatment to persons diagnosed as having 31989  
traumatic brain injuries and shall prescribe criteria for 31990  
reviewing applications that propose to add long-term care beds to 31991  
provide care and treatment to persons diagnosed as having 31992  
traumatic brain injuries. 31993

(2) The criteria for reviews of applications for certificates 31994  
of need shall relate to the need for the reviewable activity and 31995  
shall pertain to all of the following matters: 31996

(a) The impact of the reviewable activity on the cost and 31997  
quality of ~~health~~ long-term care services in the relevant 31998  
~~geographic~~ service area, including, but not limited, to the 31999  
historical and projected utilization of the services to which the 32000  
application pertains and the effect of the reviewable activity on 32001  
utilization of other providers of similar services; 32002

(b) The quality of the services to be provided as the result 32003  
of the activity, as evidenced by the historical performance of the 32004  
persons that will be involved in providing the services and by the 32005  
provisions that are proposed in the application to ensure quality, 32006  
including but not limited to adequate available personnel, 32007  
available ancillary and support services, available equipment, 32008  
size and configuration of physical plant, and relations with other 32009  
providers; 32010

(c) The impact of the reviewable activity on the availability 32011  
and accessibility of the type of services proposed in the 32012  
application to the population of the relevant ~~geographic~~ service 32013  
area, and the level of access to the services proposed in the 32014  
application that will be provided to medically underserved 32015  
individuals such as recipients of public assistance and 32016  
individuals who have no health insurance or whose health insurance 32017  
is insufficient; 32018

(d) The activity's short- and long-term financial feasibility 32019  
and cost-effectiveness, the impact of the activity on the 32020  
applicant's costs and charges, and a comparison of the applicant's 32021  
costs and charges with those of providers of similar services in 32022  
the applicant's proposed service area; 32023

(e) The advantages, disadvantages, and costs of alternatives 32024  
to the reviewable activity; 32025

(f) The impact of the activity on all other providers of 32026  
similar services in the ~~health service area or other~~ relevant 32027

~~geographic~~ service area, including the impact on their 32028  
utilization, market share, and financial status; 32029

(g) The historical performance of the applicant and related 32030  
or affiliated parties in complying with previously granted 32031  
certificates of need and any applicable certification, 32032  
accreditation, or licensure requirements; 32033

~~(h) The relationship of the activity to the current edition 32034  
of the state health resources plan issued under section 3702.521 32035  
of the Revised Code; 32036~~

~~(i)~~ The historical performance of the applicant and related 32037  
or affiliated parties in providing cost-effective health long-term 32038  
care services; 32039

~~(j)~~(i) The special needs and circumstances of the applicant 32040  
or population proposed to be served by the proposed project, 32041  
including research activities, prevalence of particular diseases, 32042  
unusual demographic characteristics, cost-effective contractual 32043  
affiliations, and other special circumstances; 32044

~~(k)~~(j) The appropriateness of the zoning status of the 32045  
proposed site of the activity; 32046

~~(l)~~(k) The participation by the applicant in research 32047  
conducted by the United States food and drug administration or 32048  
clinical trials sponsored by the national institutes of health. 32049

(3) The criteria for reviews of applications shall include a 32050  
formula for determining each county's long-term care bed need for 32051  
purposes of section 3702.593 of the Revised Code and may include 32052  
other formulas for determining need for beds. 32053

Any rules prescribing criteria that establish ratios of beds 32054  
to population shall specify the bases for establishing the ratios 32055  
or mitigating factors or exceptions to the ratios. 32056

(B) The ~~council~~ director shall adopt rules specifying all of 32057

the following: 32058

(1) Information that must be provided in applications for 32059  
certificates of need; 32060

(2) Procedures for reviewing applications for completeness of 32061  
information; 32062

(3) Criteria for determining that the application is 32063  
complete. 32064

(C) The ~~council~~ director shall adopt rules specifying 32065  
requirements that holders of certificates of need must meet in 32066  
order for the certificates to remain valid and establishing 32067  
definitions and requirements for obligation of capital 32068  
expenditures and implementation of projects authorized by 32069  
certificates of need. 32070

(D) The ~~council~~ director shall adopt rules establishing 32071  
criteria and procedures under which the director of health may 32072  
withdraw a certificate of need if the holder fails to meet 32073  
requirements for continued validity of the certificate. 32074

(E) The ~~council~~ director shall adopt rules establishing 32075  
procedures under which the department of health shall monitor 32076  
project implementation activities of holders of certificates of 32077  
need. The rules adopted under this division also may establish 32078  
procedures for monitoring implementation activities of persons 32079  
that have received nonreviewability rulings. 32080

(F) The ~~council~~ director shall adopt rules establishing 32081  
procedures under which the director of health shall review 32082  
certificates of need whose holders exceed or appear likely to 32083  
exceed an expenditure maximum specified in a certificate. 32084

(G) The ~~council~~ director shall adopt rules establishing 32085  
certificate of need application fees sufficient to pay the costs 32086  
incurred by the department for administering sections 3702.51 to 32087

3702.62 of the Revised Code and to pay health service agencies for 32088  
the functions they perform under division (D)(5) of section 32089  
~~3702.58 of the Revised Code.~~ Unless rules are adopted under this 32090  
division establishing different application fees, the application 32091  
fee for a project not involving a capital expenditure shall be 32092  
three thousand dollars and the application fee for a project 32093  
involving a capital expenditure shall be nine-tenths of one per 32094  
cent of the capital expenditure proposed subject to a minimum of 32095  
three thousand dollars and a maximum of twenty thousand dollars. 32096

(H) The ~~council~~ director shall adopt rules specifying 32097  
information that is necessary to conduct reviews of certificate of 32098  
need applications and to develop ~~recommendations for~~ criteria for 32099  
reviews that ~~health long-term~~ care facilities and other health 32100  
~~care providers~~ are to submit to the director under division ~~(G)~~(H) 32101  
of section 3702.52 of the Revised Code. 32102

(I) The ~~council~~ director shall adopt rules defining 32103  
"affiliated person," "related person," and "ultimate controlling 32104  
interest" for purposes of section ~~3702.524~~ 3702.523 of the Revised 32105  
Code. 32106

(J) The ~~council~~ director shall adopt rules prescribing 32107  
requirements for holders of certificates of need to demonstrate to 32108  
the director under section ~~3702.526~~ 3702.525 of the Revised Code 32109  
that reasonable progress is being made toward completion of the 32110  
reviewable activity and establishing standards by which the 32111  
director shall determine whether reasonable progress is being 32112  
made. 32113

(K) The ~~public health council~~ director shall adopt all rules 32114  
under divisions (A) to (J) of this section in accordance with 32115  
Chapter 119. of the Revised Code. The ~~council~~ director may adopt 32116  
other rules as necessary to carry out the purposes of sections 32117  
3702.51 to 3702.62 of the Revised Code. 32118



**Sec. 3702.59.** (A) The director of health shall accept for review certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.

(B)(1) The director shall not approve an application for a certificate of need for the addition of long-term care beds to an existing ~~health~~ long-term care facility or for the development of a new ~~health~~ long-term care facility if any of the following apply:

(a) The existing ~~health~~ long-term care facility in which the beds are being placed has one or more waivers for life safety code deficiencies, one or more state fire code violations, or one or more state building code violations, and the project identified in the application does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing ~~health~~ long-term care facility in which the beds are being placed;

(b) During the sixty-month period preceding the filing of the application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing ~~health~~ long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing ~~health~~ long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 32149<br>32150                                                                |
| (iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.                                                                                                                                                                                                                                                                                                                                                                                                                           | 32151<br>32152<br>32153<br>32154                                              |
| (d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:                                                                                                                   | 32155<br>32156<br>32157<br>32158<br>32159<br>32160<br>32161<br>32162<br>32163 |
| (i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 32164<br>32165                                                                |
| (ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 32166<br>32167                                                                |
| (iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 32168<br>32169<br>32170                                                       |
| (2) In applying divisions (B)(1)(a) to (d) of this section, the director shall not consider deficiencies or violations cited before the applicant or a principal participant acquired or began to own or operate the <del>health</del> <u>long-term</u> care facility at which the deficiencies or violations were cited. The director may disregard deficiencies and violations cited after the <del>health</del> <u>long-term</u> care facility was acquired or began to be operated by the applicant or a principal participant if the deficiencies or violations were attributable to circumstances that arose under the previous owner | 32171<br>32172<br>32173<br>32174<br>32175<br>32176<br>32177<br>32178<br>32179 |

or operator and the applicant or principal participant has 32180  
implemented measures to alleviate the circumstances. In the case 32181  
of an application proposing development of a new ~~health~~ long-term 32182  
care facility by relocation of beds, the director shall not 32183  
consider deficiencies or violations that were solely attributable 32184  
to the physical plant of the existing ~~health~~ long-term care 32185  
facility from which the beds are being relocated. 32186

(C) The director also shall accept for review any application 32187  
for the conversion of infirmary beds to long-term care beds if the 32188  
infirmary meets all of the following conditions: 32189

(1) Is operated exclusively by a religious order; 32190

(2) Provides care exclusively to members of religious orders 32191  
who take vows of celibacy and live by virtue of their vows within 32192  
the orders as if related; 32193

(3) Was providing care exclusively to members of such a 32194  
religious order on January 1, 1994. 32195

(D) Notwithstanding division (C)(2) of this section, a 32196  
facility that has been granted a certificate of need under 32197  
division (C) of this section may provide care to any of the 32198  
following family members of the individuals described in division 32199  
(C)(2) of this section: mothers, fathers, brothers, sisters, 32200  
brothers-in-law, sisters-in-law, or children. 32201

The long-term care beds in a facility that have been granted 32202  
a certificate of need under division (C) of this section may not 32203  
be relocated pursuant to sections 3702.592 to 3702.594 of the 32204  
Revised Code. 32205

**Sec. 3702.592.** (A) The director of health shall accept, for 32206  
review under section 3702.52 of the Revised Code, certificate of 32207  
need applications for any of the following purposes if the 32208  
proposed increase in beds is attributable ~~solely~~ to a replacement 32209

|                                                                                    |       |
|------------------------------------------------------------------------------------|-------|
| or relocation of existing beds from an existing <del>health</del> <u>long-term</u> | 32210 |
| care facility within the same county:                                              | 32211 |
| (1) Approval of beds in a new <del>health</del> <u>long-term</u> care facility     | 32212 |
| or an increase of beds in an existing <del>health</del> <u>long-term</u> care      | 32213 |
| facility if the beds are proposed to be licensed as nursing home                   | 32214 |
| beds under Chapter 3721. of the Revised Code;                                      | 32215 |
| (2) Approval of beds in a new county home or new county                            | 32216 |
| nursing home, or an increase of beds in an existing county home or                 | 32217 |
| existing county nursing home if the beds are proposed to be                        | 32218 |
| certified as skilled nursing facility beds under the medicare                      | 32219 |
| program, Title XVIII of the "Social Security Act," 49 Stat. 286                    | 32220 |
| (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under                 | 32221 |
| the medicaid program, Title XIX of the "Social Security Act," 49                   | 32222 |
| Stat. 286 (1965), 42 U.S.C. 1396, as amended;                                      | 32223 |
| (3) An increase of hospital beds registered pursuant to                            | 32224 |
| section 3701.07 of the Revised Code as long-term care beds;                        | 32225 |
| (4) An increase of hospital beds registered pursuant to                            | 32226 |
| section 3701.07 of the Revised Code as special skilled nursing                     | 32227 |
| beds that were originally authorized by and are operated in                        | 32228 |
| accordance with section <del>3702.522</del> <u>3702.521</u> of the Revised Code.   | 32229 |
| (B) The director shall accept applications described in                            | 32230 |
| division (A) of this section at any time.                                          | 32231 |
| <b>Sec. 3702.593.</b> (A) At the times specified in this section,                  | 32232 |
| the director of health shall accept, for review under section                      | 32233 |
| 3702.52 of the Revised Code, certificate of need applications for                  | 32234 |
| any of the following purposes if the proposed increase in beds is                  | 32235 |
| attributable solely to relocation of existing beds from an                         | 32236 |
| existing <del>health</del> <u>long-term</u> care facility in a county with excess  | 32237 |
| beds to a <del>health</del> <u>long-term</u> care facility in a county in which    | 32238 |
| there are fewer long-term care beds than the county's bed need:                    | 32239 |

|                                                                                |       |
|--------------------------------------------------------------------------------|-------|
| (1) Approval of beds in a new <del>health</del> <u>long-term</u> care facility | 32240 |
| or an increase of beds in an existing <del>health</del> <u>long-term</u> care  | 32241 |
| facility if the beds are proposed to be licensed as nursing home               | 32242 |
| beds under Chapter 3721. of the Revised Code;                                  | 32243 |
| (2) Approval of beds in a new county home or new county                        | 32244 |
| nursing home, or an increase of beds in an existing county home or             | 32245 |
| existing county nursing home if the beds are proposed to be                    | 32246 |
| certified as skilled nursing facility beds under the medicare                  | 32247 |
| program, Title XVIII of the "Social Security Act," 49 Stat. 286                | 32248 |
| (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under             | 32249 |
| the medicaid program, Title XIX of the "Social Security Act," 49               | 32250 |
| Stat. 286 (1965), 42 U.S.C. 1396, as amended;                                  | 32251 |
| (3) An increase of hospital beds registered pursuant to                        | 32252 |
| section 3701.07 of the Revised Code as long-term care beds.                    | 32253 |
| (B) For the purpose of implementing this section, the                          | 32254 |
| director shall do all of the following:                                        | 32255 |
| (1) <del>Determine</del> <u>Not later than April 1, 2012, and every four</u>   | 32256 |
| <u>years thereafter, determine</u> the long-term care bed supply for each      | 32257 |
| county, which shall consist of all of the following:                           | 32258 |
| (a) Nursing home beds licensed under Chapter 3721. of the                      | 32259 |
| Revised Code;                                                                  | 32260 |
| (b) Beds certified as skilled nursing facility beds under the                  | 32261 |
| medicare program or nursing facility beds under the medicaid                   | 32262 |
| program;                                                                       | 32263 |
| (c) <u>Beds in any portion of a hospital that are properly</u>                 | 32264 |
| <u>registered under section 3701.07 of the Revised Code as skilled</u>         | 32265 |
| <u>nursing beds, long-term care beds, or special skilled nursing</u>           | 32266 |
| <u>beds;</u>                                                                   | 32267 |
| (d) Beds in a county home or county nursing home that are                      | 32268 |
| certified under section 5155.38 of the Revised Code as having been             | 32269 |

in operation on July 1, 1993, and are eligible for licensure as 32270  
nursing home beds; 32271

~~(d)(e) Beds held as approved long term care beds under a 32272  
certificate of need approved by the director described in division 32273  
(O)(5) of section 3702.51 of the Revised Code. 32274~~

(2) Determine the long-term care bed occupancy rate for the 32275  
state at the time the determination is made; 32276

(3) For each county, determine the county's bed need by 32277  
identifying the number of long-term care beds that would be needed 32278  
in the county in order for the statewide occupancy rate for a 32279  
projected population aged sixty-five and older to be ninety per 32280  
cent. 32281

In determining each county's bed need, the director shall use 32282  
the formula developed in rules adopted under section 3702.57 of 32283  
the Revised Code. ~~The director's first determination after the 32284  
effective date of this section shall be made not later than April 32285  
1, 2010. The second determination shall be made not later than 32286  
April 1, 2012. Thereafter, a~~ A determination shall be made every 32287  
four years. After each determination is made, the director shall 32288  
publish the county's bed need on the web site maintained by the 32289  
department of health. 32290

(C) The director's consideration of a certificate of need 32291  
that would increase the number of beds in a county shall be 32292  
consistent with the county's bed need determined under division 32293  
(B) of this section except as follows: 32294

(1) If a county's occupancy rate is less than eighty-five per 32295  
cent, the county shall be considered to have no need for 32296  
additional beds. 32297

(2) Even if a county is determined not to need any additional 32298  
long-term care beds, the director may approve an increase in beds 32299  
equal to up to ten per cent of the county's bed supply if the 32300

county's occupancy rate is greater than ninety per cent. 32301

(D)(1) ~~Applications made under this section shall be subject~~ 32302  
~~to comparative review.~~ The review period for the first ~~comparative~~ 32303  
review process ~~after the effective date of this section~~ shall 32304  
begin July 1, 2010, and end June 30, 2012. The next review period 32305  
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 32306  
review period for each comparative review process shall begin on 32307  
the first day of July following the end of the previous review 32308  
period and shall be four years. 32309

(2) Certificate of need applications shall be accepted during 32310  
the first month of the review period and reviewed ~~from the first~~ 32311  
~~day of the review period~~ through the thirtieth day of April of the 32312  
following year. 32313

(3) Except for the first review period after ~~the effective~~ 32314  
~~date of this section~~ October 16, 2009, each review period may 32315  
consist of two phases. The first phase of the review period shall 32316  
be the period during which the director accepts and reviews 32317  
certificate of need applications as provided in division (D)(2) of 32318  
this section. If the director determines that there will be 32319  
acceptance and review of additional certificate of need 32320  
applications, the second phase of the review period shall begin on 32321  
the first day of July of the third year of the review period. The 32322  
second phase shall be limited to acceptance and review of 32323  
applications for redistribution of beds made available pursuant to 32324  
division ~~(G)(2)(I)~~ of this section. During the period between the 32325  
first and second phases of the review period, the director shall 32326  
act in accordance with division ~~(H)(I)~~ of this section. 32327

(E) The director shall consider certificate of need 32328  
applications in accordance with all of the following: 32329

(1) The number of beds approved for a county shall include 32330  
only beds available for relocation from another county and shall 32331

not exceed the bed need of the receiving county; 32332

(2) The director shall consider the existence of community 32333  
resources serving persons who are age sixty-five or older or 32334  
disabled that are demonstrably effective in providing alternatives 32335  
to long-term care facility placement. 32336

(3) The director shall approve relocation of beds from a 32337  
county only if, after the relocation, the number of beds remaining 32338  
in the county will exceed the county's bed need by at least one 32339  
hundred beds; 32340

(4) The director shall approve relocation of beds from a 32341  
~~health~~ long-term care facility only if, after the relocation, the 32342  
number of beds in the facility's service area is at least equal to 32343  
the state bed need rate. For purposes of this division, a 32344  
facility's service area shall be either of the following: 32345

(a) The census tract in which the facility is located, if the 32346  
facility is located in an area designated by the United States 32347  
secretary of health and human services as a health professional 32348  
shortage area under the "Public Health Service Act," 88 Stat. 682 32349  
(1944), 42 U.S.C. 254(e), as amended; 32350

(b) The area that is within a fifteen-mile radius of the 32351  
facility's location, if the facility is not located in a health 32352  
professional shortage area. 32353

(F) Applications made under this section are subject to 32354  
comparative review if two or more applications are submitted 32355  
during the same review period and any of the following applies: 32356

(1) The applications propose to relocate beds from the same 32357  
county and the number of beds for which certificates of need are 32358  
being requested totals more than the number of beds available in 32359  
the county from which the beds are to be relocated. 32360

(2) The applications propose to relocate beds to the same 32361



county and the number of beds for which certificates of need are 32362  
being requested totals more than the number of beds needed in the 32363  
county to which the beds are to be relocated. 32364

(3) The applications propose to relocate beds from the same 32365  
service area and the number of beds left in the service area from 32366  
which the beds are being relocated would be less than the state 32367  
bed need rate determined by the director. 32368

(G) In determining which applicants should receive preference 32369  
in the comparative review process, the director shall consider all 32370  
of the following as weighted priorities: 32371

(1) Whether the beds will be part of a continuing care 32372  
retirement community; 32373

(2) Whether the beds will serve an underserved population, 32374  
such as low-income individuals, individuals with disabilities, or 32375  
individuals who are members of racial or ethnic minority groups; 32376

(3) Whether the project in which the beds will be included 32377  
will provide alternatives to institutional care, such as adult 32378  
day-care, home health care, respite or hospice care, mobile meals, 32379  
residential care, independent living, or congregate living 32380  
services; 32381

(4) Whether the ~~health~~ long-term care facility's owner or 32382  
operator will participate in medicaid waiver programs for 32383  
alternatives to institutional care; 32384

(5) Whether the project in which the beds will be included 32385  
will reduce alternatives to institutional care by converting 32386  
residential care beds or other alternative care beds to long-term 32387  
care beds; 32388

(6) Whether the facility in which the beds will be placed has 32389  
positive resident and family satisfaction surveys; 32390

(7) Whether the facility in which the beds will be placed has 32391

fewer than fifty long-term care beds; 32392

(8) Whether the ~~health~~ long-term care facility in which the 32393  
beds will be placed is located within the service area of a 32394  
hospital and is designed to accept patients for rehabilitation 32395  
after an in-patient hospital stay; 32396

(9) Whether the ~~health~~ long-term care facility in which the 32397  
beds will be placed is or proposes to become a nurse aide training 32398  
and testing site; 32399

(10) The rating, under the centers for medicare and medicaid 32400  
services' five star nursing home quality rating system, of the 32401  
~~health~~ long-term care facility in which the beds will be placed. 32402

~~(G)(1) When a certificate of need application is approved 32403  
during the initial phase of a four year review period, on 32404  
completion of the project under which the beds are relocated, that 32405  
number of beds shall cease to be operated in the health care 32406  
facility from which they were relocated and, if the licensure or 32407  
certification of those beds cannot be or is not transferred to the 32408  
facility to which the beds are relocated, the licensure or 32409  
certification shall be surrendered. 32410~~

~~(2) In (H) A person who has submitted an application under 32411  
this section that is not subject to comparative review may revise 32412  
the site of the proposed project pursuant to section 3702.522 of 32413  
the Revised Code. 32414~~

(I) When a certificate of need application is approved during 32415  
the initial phase of a four-year review period, in addition to the 32416  
actions required by division ~~(G)(1)~~(D) of this section 3702.52 of 32417  
the Revised Code, the ~~health~~ long-term care facility from which 32418  
the beds were relocated shall reduce the number of beds operated 32419  
in the facility by a number of beds equal to at least ten per cent 32420  
of the number of beds relocated and shall surrender the licensure 32421  
or certification of those beds. If these beds are in a home 32422

licensed under Chapter 3721. of the Revised Code, the long-term 32423  
care facility shall have the beds removed from the license. If the 32424  
beds are in a facility that is certified as a skilled nursing 32425  
facility or nursing facility under Title XVIII or XIX of the 32426  
"Social Security Act," the facility shall surrender the 32427  
certification of these beds. If the beds are registered as skilled 32428  
nursing beds or long-term care beds under section 3701.07 of the 32429  
Revised Code, the long-term care facility shall surrender the 32430  
registration for these beds. This reduction shall be made not 32431  
later than the completion date of the project for which the beds 32432  
were relocated. 32433

~~(H)~~(J)(1) Once approval of certificate of need applications 32434  
in the first phase of a four-year review period is complete, the 32435  
director shall make a new determination of the bed need for each 32436  
county by reducing the county's bed need by the number of beds 32437  
approved for relocation to the county. The new bed-need 32438  
determination shall be made not later than the first day of April 32439  
of the third year of the review period. 32440

(2) The director may publish on the department's web site the 32441  
remaining bed need for counties that will be considered for 32442  
redistribution of beds that, in accordance with division ~~(G)~~(2)~~(I)~~ 32443  
of this section, have ceased or will cease to be operated. The 32444  
director shall base the determination of whether to include a 32445  
county on all of the following: 32446

(a) The statewide number of beds that, in accordance with 32447  
division ~~(G)~~(2)~~(I)~~ of this section, have ceased or will cease to 32448  
be operated; 32449

(b) The county's remaining bed need; 32450

(c) The county's bed occupancy rate. 32451

~~(I)~~(K) If the director publishes the remaining bed need for a 32452  
county under division ~~(H)~~(J)(2) of this section, the director may, 32453

beginning on the first day of the second phase of the review 32454  
period, accept certificate of need applications for redistribution 32455  
to ~~health~~ long-term care facilities in that county of beds that 32456  
have ceased or will cease operation in accordance with division 32457  
(~~G~~)(~~2~~)(I) of this section. The total number of beds approved for 32458  
redistribution in the second phase of a review period shall not 32459  
exceed the number that have ceased or will cease operation in 32460  
accordance with division (~~G~~)(~~2~~)(I) of this section. Beds that are 32461  
not approved for redistribution during the second phase of a 32462  
review period shall not be available for redistribution at any 32463  
future time. 32464

**Sec. 3702.594.** (A) The director of health shall accept, for 32465  
review under section 3702.52 of the Revised Code, certificate of 32466  
need applications for an increase in beds in an existing nursing 32467  
home if all of the following conditions are met: 32468

(1) The proposed increase is attributable solely to a 32469  
relocation of licensed nursing home beds from an existing nursing 32470  
home to another existing nursing home located in a county that is 32471  
contiguous to the county from which the beds are to be relocated; 32472

(2) Not more than a total of thirty nursing home beds are 32473  
proposed for relocation to the same existing nursing home 32474  
regardless of the number of applications filed. Once the 32475  
cumulative total of beds relocated under this section to a nursing 32476  
home reaches thirty, no further applications under this section 32477  
will be accepted until the period of monitoring specified in 32478  
division (E) of section 3702.52 of the Revised Code of the most 32479  
recent reviewable activity implemented under this section has 32480  
expired; 32481

(3) After the proposed relocation, there will be existing 32482  
nursing home beds remaining in the county from which the beds are 32483  
relocated; 32484

(4) The beds are proposed to be licensed as nursing home beds 32485  
under Chapter 3721. of the Revised Code. 32486

(B) The director shall accept applications described in 32487  
division (A) of this section at any time. 32488

**Sec. 3702.60.** (A) Any affected person may appeal a 32489  
reviewability ruling ~~issued on or after April 20, 1995,~~ to the 32490  
director of health in accordance with Chapter 119. of the Revised 32491  
Code, and the director shall provide an adjudication hearing in 32492  
accordance with that chapter. An affected person may appeal the 32493  
director's ruling in the adjudication hearing to the tenth 32494  
district court of appeals. 32495

(B) The certificate of need applicant or another affected 32496  
person may appeal to the director in accordance with Chapter 119. 32497  
of the Revised Code a decision issued by the director ~~on or after~~ 32498  
~~April 20, 1995,~~ to grant or deny a certificate of need application 32499  
~~for which an adjudication hearing was not conducted under section~~ 32500  
~~3702.52 of the Revised Code,~~ and the director shall provide an 32501  
adjudication hearing in accordance with that chapter. The 32502  
certificate of need applicant or other affected person that 32503  
appeals the director's decision to grant or deny a certificate of 32504  
need application must prove by a preponderance of the evidence 32505  
that the director's decision is not in accordance with sections 32506  
3702.52 to 3702.62 of the Revised Code or rules adopted under 32507  
those sections. The certificate of need applicant or an affected 32508  
person that was a party to and participated in an adjudication 32509  
hearing conducted under this division ~~or section 3702.52 of the~~ 32510  
~~Revised Code~~ may appeal to the tenth district court of appeals the 32511  
decision issued by the director following the adjudication 32512  
hearing. ~~No person may appeal to the director or a court the~~ 32513  
~~director's granting of a certificate of need prior to June 30,~~ 32514  
~~1995, under the version of section 3702.52 of the Revised Code in~~ 32515

~~effect immediately prior to that date due to failure to submit 32516  
timely written objections, no person may appeal to the director or 32517  
a court the director's granting of a certificate of need under 32518  
division (C)(1) of section 3702.52 of the Revised Code. 32519~~

(C) The certificate of need holder may appeal to the director 32520  
in accordance with Chapter 119. of the Revised Code a decision 32521  
issued by the director under section 3702.52 or ~~3702.526~~ 3702.525 32522  
of the Revised Code ~~on or after April 20, 1995,~~ to withdraw a 32523  
certificate of need, and the director shall provide an 32524  
adjudication hearing in accordance with that chapter. The person 32525  
may appeal the director's ruling in the adjudication hearing to 32526  
the tenth district court of appeals. 32527

(D) Any person determined by the director to have violated 32528  
section 3702.53 of the Revised Code may appeal that determination, 32529  
or the penalties imposed under section 3702.54 or 3702.541 of the 32530  
Revised Code, to the director in accordance with Chapter 119. of 32531  
the Revised Code, and the director shall provide an adjudication 32532  
hearing in accordance with that chapter. The person may appeal the 32533  
director's ruling in the adjudication hearing to the tenth 32534  
district court of appeals. 32535

(E) Each person appealing under this section to the director 32536  
shall file with the director, not later than thirty days after the 32537  
decision, ruling, or determination of the director was mailed, a 32538  
notice of appeal designating the decision, ruling, or 32539  
determination appealed from. 32540

(F) Each person appealing under this section to the tenth 32541  
district court of appeals shall file with the court, not later 32542  
than thirty days after the date the director's adjudication order 32543  
was mailed, a notice of appeal designating the order appealed 32544  
from. The appellant also shall file notice with the director not 32545  
later than thirty days after the date the order was mailed. 32546

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 32579                                                                                                    |
| (H) No person may intervene in an appeal brought under this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 32580<br>32581                                                                                           |
| <b>Sec. 3702.62.</b> <del>(A) Any action pursuant to section 140.03, 140.04, 140.05, 307.091, 313.21, 339.01, 339.021, 339.03, 339.06, 339.08, 339.09, 339.12, 339.14, 513.05, 513.07, 513.08, 513.081, 513.12, 513.15, 513.17, 513.171, 749.02, 749.03, 749.14, 749.16, 749.20, 749.25, 749.28, 749.35, 1751.06, or 3707.29 of the Revised Code shall be taken in accordance with sections 3702.51 to 3702.61 of the Revised Code.</del>                                                                                                                                                                                                                                                                                                                               | 32582<br>32583<br>32584<br>32585<br>32586<br>32587<br>32588                                              |
| <del>(B) A nursing home certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that is required to apply for licensure as a residential facility under section 5123.19 of the Revised Code is not, with respect to the portion of the home certified as an intermediate care facility for the mentally retarded, subject to sections <u>Sections</u> 3702.51 to 3702.61 of the Revised Code <u>do not apply to any part of long-term care facility's campus that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended.</u></del> | 32589<br>32590<br>32591<br>32592<br>32593<br>32594<br>32595<br>32596<br>32597<br>32598<br>32599<br>32600 |
| <b>Sec. 3703.01.</b> (A) Except as otherwise provided in this section, the division of <del>labor</del> <u>industrial compliance</u> in the department of commerce shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 32601<br>32602<br>32603                                                                                  |
| (1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 32604<br>32605                                                                                           |
| (2) Condemn all unsanitary or defective plumbing that is found in connection with those places;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 32606<br>32607                                                                                           |
| (3) Order changes in plumbing necessary to insure the safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 32608                                                                                                    |



of the public health. 32609

(B)(1)(a) The division of ~~labor~~ industrial compliance, boards 32610  
of health of city and general health districts, and county 32611  
building departments shall not inspect plumbing or collect fees 32612  
for inspecting plumbing in particular types of buildings in any 32613  
municipal corporation that is certified by the board of building 32614  
standards under section 3781.10 of the Revised Code to exercise 32615  
enforcement authority for plumbing in those types of buildings. 32616

(b) The division shall not inspect plumbing or collect fees 32617  
for inspecting plumbing in particular types of buildings in any 32618  
health district that employs one or more plumbing inspectors 32619  
certified pursuant to division (D) of this section to enforce 32620  
Chapters 3781. and 3791. of the Revised Code and the rules adopted 32621  
pursuant to those chapters relating to plumbing in those types of 32622  
buildings. 32623

(c) The division shall not inspect plumbing or collect fees 32624  
for inspecting plumbing in particular types of buildings in any 32625  
health district where the county building department is authorized 32626  
to inspect those types of buildings pursuant to a contract 32627  
described in division (C)(1) of this section. 32628

(d) The division shall not inspect plumbing or collect fees 32629  
for inspecting plumbing in particular types of buildings in any 32630  
health district where the board of health has entered into a 32631  
contract with the board of health of another district to conduct 32632  
inspections pursuant to division (C)(2) of this section. 32633

(2) No county building department shall inspect plumbing or 32634  
collect fees for inspecting plumbing in any type of building in a 32635  
health district unless the department is authorized to inspect 32636  
that type of building pursuant to a contract described in division 32637  
(C)(1) of this section. 32638

(3) No municipal corporation shall inspect plumbing or 32639

collect fees for inspecting plumbing in types of buildings for 32640  
which it is not certified by the board of building standards under 32641  
section 3781.10 of the Revised Code to exercise enforcement 32642  
authority. 32643

(4) No board of health of a health district shall inspect 32644  
plumbing or collect fees for inspecting plumbing in types of 32645  
buildings for which it does not have a plumbing inspector 32646  
certified pursuant to division (D) of this section. 32647

(C)(1) The board of health of a health district may enter 32648  
into a contract with a board of county commissioners to authorize 32649  
the county building department to inspect plumbing in buildings 32650  
within the health district. The contract may designate that the 32651  
department inspect either residential or nonresidential buildings, 32652  
as those terms are defined in section 3781.06 of the Revised Code, 32653  
or both types of buildings, so long as the department employs or 32654  
contracts with a plumbing inspector certified pursuant to division 32655  
(D) of this section to inspect the types of buildings the contract 32656  
designates. The board of health may enter into a contract 32657  
regardless of whether the health district employs any certified 32658  
plumbing inspectors to enforce Chapters 3781. and 3791. of the 32659  
Revised Code. 32660

(2) The board of health of a health district, regardless of 32661  
whether it employs any certified plumbing inspectors to enforce 32662  
Chapters 3781. and 3791. of the Revised Code, may enter into a 32663  
contract with the board of health of another health district to 32664  
authorize that board to inspect plumbing in buildings within the 32665  
contracting board's district. The contract may designate the 32666  
inspection of either residential or nonresidential buildings as 32667  
defined in section 3781.06 of the Revised Code, or both types of 32668  
buildings, so long as the board that performs the inspections 32669  
employs a plumbing inspector certified pursuant to division (D) of 32670  
this section to inspect the types of buildings the contract 32671

designates. 32672

(D) The superintendent of ~~labor~~ industrial compliance shall 32673  
adopt rules prescribing minimum qualifications based on education, 32674  
training, experience, or demonstrated ability, that the 32675  
superintendent shall use in certifying or recertifying plumbing 32676  
inspectors to do plumbing inspections for health districts and 32677  
county building departments that are authorized to perform 32678  
inspections pursuant to a contract under division (C)(1) of this 32679  
section, and for continuing education of plumbing inspectors. 32680  
Those minimum qualifications shall be related to the types of 32681  
buildings for which a person seeks certification. 32682

(E) The superintendent may enter into reciprocal 32683  
registration, licensure, or certification agreements with other 32684  
states and other agencies of this state relative to plumbing 32685  
inspectors if both of the following apply: 32686

(1) The requirements for registration, licensure, or 32687  
certification of plumbing inspectors under the laws of the other 32688  
state or laws administered by the other agency are substantially 32689  
equal to the requirements the superintendent adopts under division 32690  
(D) of this section for certifying plumbing inspectors. 32691

(2) The other state or agency extends similar reciprocity to 32692  
persons certified under this chapter. 32693

(F) The superintendent may select and contract with one or 32694  
more persons to do all of the following regarding examinations for 32695  
certification of plumbing inspectors: 32696

(1) Prepare, administer, score, and maintain the 32697  
confidentiality of the examination; 32698

(2) Maintain responsibility for all expenses required to 32699  
comply with division (F)(1) of this section; 32700

(3) Charge each applicant a fee for administering the 32701

examination in an amount the superintendent authorizes; 32702

(4) Design the examination for certification of plumbing 32703  
inspectors to determine an applicant's competence to inspect 32704  
plumbing. 32705

(G) Standards and methods prescribed in local plumbing 32706  
regulations shall not be less than those prescribed in Chapters 32707  
3781. and 3791. of the Revised Code and the rules adopted pursuant 32708  
to those chapters. 32709

(H) Notwithstanding any other provision of this section, the 32710  
division shall make a plumbing inspection of any building or other 32711  
place that there is reason to believe is in a condition to be a 32712  
menace to the public health. 32713

**Sec. 3703.03.** In the administration of sections 3703.01 to 32714  
3703.08 of the Revised Code, the division of ~~labor~~ industrial 32715  
compliance shall enforce rules governing plumbing adopted by the 32716  
board of building standards under authority of sections 3781.10 32717  
and 3781.11 of the Revised Code, and register those persons 32718  
engaged in or at the plumbing business. 32719

Plans and specifications for all plumbing to be installed in 32720  
or for buildings coming within such sections shall be submitted to 32721  
and approved by the division before the contract for plumbing is 32722  
let. 32723

**Sec. 3703.04.** The superintendent of ~~labor~~ industrial 32724  
compliance shall appoint such number of plumbing inspectors as is 32725  
required. The inspectors shall be practical plumbers with at least 32726  
seven years' experience, and skilled and well-trained in matters 32727  
pertaining to sanitary regulations concerning plumbing work. 32728

**Sec. 3703.05.** Plumbing inspectors employed by the division of 32729  
~~labor~~ industrial compliance assigned to the enforcement of 32730

sections 3703.01 to 3703.08 of the Revised Code may, between 32731  
sunrise and sunset, enter any building where there is good and 32732  
sufficient reason to believe that the sanitary condition of the 32733  
premises endangers the public health, for the purpose of making an 32734  
inspection to ascertain the condition of the premises. 32735

**Sec. 3703.06.** When any building is found to be in a sanitary 32736  
condition or when changes which are ordered, under authority of 32737  
this chapter, in the plumbing, drainage, or ventilation have been 32738  
made, and after a thorough inspection and approval by the 32739  
superintendent of ~~labor~~ industrial compliance, the superintendent 32740  
shall issue a certificate, which shall be posted in a conspicuous 32741  
place for the benefit of the public at large. Upon notification by 32742  
the superintendent, the certificate shall be revoked for any 32743  
violation of those sections. 32744

**Sec. 3703.07.** No plumbing work shall be done in any building 32745  
or place coming within the jurisdiction of the division of ~~labor~~ 32746  
industrial compliance, except in cases of repairs or leaks in 32747  
existing plumbing, until a permit has been issued by the division. 32748

Before granting such permit, an application shall be made by 32749  
the owner of the property or by the person, firm, or corporation 32750  
which is to do the work. The application shall be made on a form 32751  
prepared by the division for the purpose, and each application 32752  
shall be accompanied by a fee of twenty-seven dollars, and an 32753  
additional fee of seven dollars for each trap, vented fixture, 32754  
appliance, or device. Each application also shall be accompanied 32755  
by a plan approval fee of eighteen dollars for work containing one 32756  
through twenty fixtures; thirty-six dollars for work containing 32757  
twenty-one through forty fixtures; and fifty-four dollars for work 32758  
containing forty-one or more fixtures. 32759

Whenever a reinspection is made necessary by the failure of 32760

the applicant or plumbing contractor to have the work ready for 32761  
inspection when so reported, or by reason of faulty or improper 32762  
installation, the person shall pay a fee of forty-five dollars for 32763  
each reinspection. 32764

All fees collected pursuant to this section shall be paid 32765  
into the state treasury to the credit of the ~~labor~~ industrial 32766  
compliance operating fund created in section 121.084 of the 32767  
Revised Code. 32768

The superintendent of ~~labor~~ industrial compliance, by rule 32769  
adopted in accordance with Chapter 119. of the Revised Code, may 32770  
increase the fees required by this section and may establish fees 32771  
to pay the costs of the division to fulfill its duties established 32772  
by this chapter, including, but not limited to, fees for 32773  
administering a program for continuing education for, and 32774  
certifying and recertifying plumbing inspectors. The fees shall 32775  
bear some reasonable relationship to the cost of administering and 32776  
enforcing the provisions of this chapter. 32777

**Sec. 3703.08.** Any owner, agent, or manager of a building in 32778  
which an inspection is made by the division of ~~labor~~ industrial 32779  
compliance, a board of health of a health district, or a certified 32780  
department of building inspection of a municipal corporation or a 32781  
county shall have the entire system of drainage and ventilation 32782  
repaired, as the division, board of health, or department of 32783  
building inspection directs by its order. After due notice to 32784  
repair that work is given, the owner, agent, or manager shall 32785  
notify the public authority that issued the order when the work is 32786  
ready for its inspection. No person shall fail to have the work 32787  
ready for inspection at the time specified in the notice. 32788

**Sec. 3703.10.** All prosecutions and proceedings by the 32789  
division of ~~labor~~ industrial compliance for the violation of 32790

sections 3703.01 to 3703.08 of the Revised Code, or for the 32791  
violation of any of the orders or rules of the division under 32792  
those sections, shall be instituted by the superintendent of ~~labor~~ 32793  
industrial compliance. All fines or judgments collected by the 32794  
division shall be paid into the state treasury to the credit of 32795  
the ~~labor~~ industrial compliance operating fund created by section 32796  
121.084 of the Revised Code. 32797

The superintendent, the board of health of a general or city 32798  
health district, or any person charged with enforcing the rules of 32799  
the division adopted under sections 3703.01 to 3703.08 of the 32800  
Revised Code may petition the court of common pleas for injunctive 32801  
or other appropriate relief requiring any person violating a rule 32802  
adopted or order issued by the superintendent under those sections 32803  
to comply with the rule or order. The court of common pleas of the 32804  
county in which the offense is alleged to be occurring may grant 32805  
injunctive or other appropriate relief. 32806

The superintendent may do all of the following: 32807

(A) Deny an applicant certification as a plumbing inspector; 32808

(B) Suspend or revoke the certification of a plumbing 32809  
inspector; 32810

(C) Examine any certified plumbing inspector under oath; 32811

(D) Examine the records and books of any certified plumbing 32812  
inspector if the superintendent finds the material to be examined 32813  
relevant to a determination described in division (A), (B), or (C) 32814  
of this section. 32815

**Sec. 3703.21.** (A) Within ninety days after September 16, 32816  
2004, the superintendent of ~~labor~~ industrial compliance shall 32817  
appoint a backflow advisory board consisting of not more than ten 32818  
members, who shall serve at the pleasure of the superintendent. 32819  
The superintendent shall appoint a representative from the 32820

plumbing section of the division of ~~labor~~ industrial compliance, 32821  
three representatives recommended by the plumbing administrator of 32822  
the division of ~~labor~~ industrial compliance, a representative of 32823  
the drinking water program of the Ohio environmental protection 32824  
agency, three representatives recommended by the director of 32825  
environmental protection, and not more than two members who are 32826  
not employed by the plumbing or water industry. 32827

The board shall advise the superintendent on matters 32828  
pertaining to the training and certification of backflow 32829  
technicians. 32830

(B) The superintendent shall adopt rules in accordance with 32831  
Chapter 119. of the Revised Code to provide for the certification 32832  
of backflow technicians. The rules shall establish all of the 32833  
following requirements, specifications, and procedures: 32834

(1) Requirements and procedures for the initial certification 32835  
of backflow technicians, including eligibility criteria and 32836  
application requirements and fees; 32837

(2) Specifications concerning and procedures for taking 32838  
examinations required for certification as a backflow technician, 32839  
including eligibility criteria to take the examination and 32840  
application requirements and fees for taking the examination; 32841

(3) Specifications concerning and procedures for renewing a 32842  
certification as a backflow technician, including eligibility 32843  
criteria, application requirements, and fees for renewal; 32844

(4) Specifications concerning and procedures for both of the 32845  
following: 32846

(a) Approval of training agencies authorized to teach 32847  
required courses to candidates for certification as backflow 32848  
technicians or continuing education courses to certified backflow 32849  
technicians; 32850



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (b) Renewal of the approval described in division (B)(4)(a) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                               | 32851<br>32852                                                       |
| (5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;                                                                                                                                                                                                                                                                                                          | 32853<br>32854<br>32855<br>32856                                     |
| (6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;                                                                                                                                                                                                                                                                                                                                                          | 32857<br>32858<br>32859                                              |
| (7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) of this section;                                                                                                                                                                                                                      | 32860<br>32861<br>32862<br>32863<br>32864                            |
| (8) Any provision the superintendent determines is necessary to administer or enforce this section.                                                                                                                                                                                                                                                                                                                                                                                                        | 32865<br>32866                                                       |
| (C) No individual shall engage in the installation, testing, or repair of any isolation backflow prevention device unless that individual possesses a valid certification as a backflow technician. This division does not apply with respect to the installation, testing, or repair of any containment backflow prevention device.                                                                                                                                                                       | 32867<br>32868<br>32869<br>32870<br>32871<br>32872                   |
| (D) Whoever violates division (C) of this section or any rule adopted pursuant to division (B) of this section shall pay a civil penalty of not more than five thousand dollars for each day that the violation continues. The superintendent may, by order, assess a civil penalty under this division, or may request the attorney general to bring a civil action to impose the civil penalty in the court of common pleas of the county in which the violation occurred or where the violator resides. | 32873<br>32874<br>32875<br>32876<br>32877<br>32878<br>32879<br>32880 |
| (E) Any action taken under a rule adopted pursuant to                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 32881                                                                |

division (B)(6) of this section is subject to the appeal process 32882  
of Chapter 119. of the Revised Code. An administrative order 32883  
issued pursuant to rules adopted under division (B)(7) of this 32884  
section and an appeal to that type of administrative order shall 32885  
be executed in accordance with Chapter 119. of the Revised Code. 32886

(F) As used in this section: 32887

(1) "Isolation backflow prevention device" means a device for 32888  
the prevention of the backflow of liquids, solids, or gases that 32889  
is regulated by the building code adopted pursuant to section 32890  
3781.10 of the Revised Code and rules adopted pursuant to this 32891  
section. 32892

(2) "Containment backflow prevention device" means a device 32893  
for the prevention of the backflow of liquids, solids, or gases 32894  
that is installed by the supplier of, or as a requirement of, any 32895  
public water system as defined in division (A) of section 6109.01 32896  
of the Revised Code. 32897

**Sec. 3703.99.** Whoever violates sections 3703.01 to 3703.08 of 32898  
the Revised Code, or any rule the division of ~~labor~~ industrial 32899  
compliance is required to enforce under such sections, shall be 32900  
fined not less than ten nor more than one hundred dollars or 32901  
imprisoned for not less than ten nor more than ninety days, or 32902  
both. No person shall be imprisoned under this section for the 32903  
first offense, and the prosecution always shall be as for a first 32904  
offense unless the affidavit upon which the prosecution is 32905  
instituted contains the allegation that the offense is a second or 32906  
repeated offense. 32907

**Sec. 3704.035.** (A) There is hereby created in the state 32908  
treasury the Title V clean air fund. Except as otherwise provided 32909  
in division (K) of section 3745.11 of the Revised Code, all moneys 32910  
collected under ~~divisions (C), (D), (F), (G), (H), (I), and (J)~~ 32911

~~division (B) of that section and under section 3745.111 of the Revised Code, and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund, shall be credited to the fund. The director shall expend moneys from the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air pollution and rules adopted and terms and conditions of permits, variances, and orders issued under those laws, except that the director shall not expend moneys credited to the fund for the administration and enforcement of motor vehicle inspection and maintenance programs and requirements under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 of the Revised Code.~~

~~Specifically, the~~ The director shall expend all moneys credited to the fund ~~from fees assessed under section 3745.11 of the Revised Code pursuant to the Title V permit program established under section 3704.036 of the Revised Code, and from any gifts, grants, or contributions received for the purposes of that program,~~ solely to administer and enforce ~~that~~ the Title V program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and distinct accounting for all such moneys.

(B) There is hereby created in the state treasury the non-Title V clean air fund. All money collected under divisions (D), (F), (G), (H), (I), and (J) of section 3745.11 of the Revised Code shall be credited to the fund. In addition, any gifts, grants, or contributions received by the director for the purposes of the fund shall be credited to the fund.

The director shall expend money in the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air

pollution, rules adopted under those laws, and terms and 32944  
conditions of permits, variances, and orders issued under those 32945  
laws. However, the director shall not expend money credited to the 32946  
fund for the administration and enforcement of the Title V permit 32947  
program established under this chapter and rules adopted under it 32948  
or motor vehicle inspection and maintenance programs established 32949  
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 32950  
of the Revised Code. 32951

(C) The director shall report biennially to the general 32952  
assembly the amounts of fees and other moneys credited to the ~~fund~~ 32953  
funds under this section and the amounts expended from ~~it~~ them for 32954  
each of the various air pollution control programs. 32955

**Sec. 3705.24.** (A)(1) The ~~public director of health council~~ 32956  
shall, in accordance with section 111.15 of the Revised Code, 32957  
adopt rules prescribing fees for the following items or services 32958  
provided by the state office of vital statistics: 32959

(a) Except as provided in division (A)(4) of this section: 32960

(i) A certified copy of a vital record or a certification of 32961  
birth; 32962

(ii) A search by the office of vital statistics of its files 32963  
and records pursuant to a request for information, regardless of 32964  
whether a copy of a record is provided; 32965

(iii) A copy of a record provided pursuant to a request. 32966

(b) Replacement of a birth certificate following an adoption, 32967  
legitimation, paternity determination or acknowledgement, or court 32968  
order; 32969

(c) Filing of a delayed registration of a vital record; 32970

(d) Amendment of a vital record that is requested later than 32971  
one year after the filing date of the vital record; 32972

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (e) Any other documents or services for which the <del>public</del>       | 32973 |
| <del>health council</del> <u>director</u> considers the charging of a fee | 32974 |
| appropriate.                                                              | 32975 |
| (2) Fees prescribed under division (A)(1)(a) of this section              | 32976 |
| shall not be less than twelve dollars.                                    | 32977 |
| (3) Fees prescribed under division (A)(1) of this section                 | 32978 |
| shall be collected in addition to any fees required by sections           | 32979 |
| 3109.14 and 3705.242 of the Revised Code.                                 | 32980 |
| (4) Fees prescribed under division (A) of this section shall              | 32981 |
| not apply to certifications issued under division (H) of this             | 32982 |
| section or copies provided under section 3705.241 of the Revised          | 32983 |
| Code.                                                                     | 32984 |
| (B) In addition to the fees prescribed under division (A) of              | 32985 |
| this section or section 3709.09 of the Revised Code, the office of        | 32986 |
| vital statistics, the board of health of a city or general health         | 32987 |
| district, or a local registrar of vital statistics who is not a           | 32988 |
| salaried employee of a city or general health district shall              | 32989 |
| charge a five-dollar fee for each certified copy of a vital record        | 32990 |
| and each certification of birth. This fee shall be deposited in           | 32991 |
| the general operations fund created under section 3701.83 of the          | 32992 |
| Revised Code and be used to support the operations, the                   | 32993 |
| modernization, and the automation of the vital records program in         | 32994 |
| this state. A board of health or a local registrar shall forward          | 32995 |
| all fees collected under this division to the department of health        | 32996 |
| not later than thirty days after the end of each calendar quarter.        | 32997 |
| (C) Except as otherwise provided in division (H) of this                  | 32998 |
| section, and except as provided in section 3705.241 of the Revised        | 32999 |
| Code, fees collected by the director of health under sections             | 33000 |
| 3705.01 to 3705.29 of the Revised Code shall be paid into the             | 33001 |
| state treasury to the credit of the general operations fund               | 33002 |
| created by section 3701.83 of the Revised Code. Except as provided        | 33003 |

in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health district where the local registrar is a salaried employee of the district, shall be entitled to a fee for each birth, fetal death, death, or military service certificate properly and completely made out and registered with the local registrar or district and correctly copied and forwarded to the office of vital statistics in accordance with the population of the primary registration district at the last federal census. The fee for each birth, fetal death, death, or military service certificate shall be:

(1) In primary registration districts of over two hundred fifty thousand, twenty cents;

(2) In primary registration districts of over one hundred twenty-five thousand and less than two hundred fifty thousand, sixty cents;

(3) In primary registration districts of over fifty thousand 33035  
and less than one hundred twenty-five thousand, eighty cents; 33036

(4) In primary registration districts of less than fifty 33037  
thousand, one dollar. 33038

(E) The director of health shall annually certify to the 33039  
county treasurers of the several counties the number of birth, 33040  
fetal death, death, and military service certificates registered 33041  
from their respective counties with the names of the local 33042  
registrars and the amounts due each registrar and health district 33043  
at the rates fixed in this section. Such amounts shall be paid by 33044  
the treasurer of the county in which the registration districts 33045  
are located. No fees shall be charged or collected by registrars 33046  
except as provided by this chapter and section 3109.14 of the 33047  
Revised Code. 33048

(F) A probate judge shall be paid a fee of fifteen cents for 33049  
each certified abstract of marriage prepared and forwarded by the 33050  
probate judge to the department of health pursuant to section 33051  
3705.21 of the Revised Code. The fee shall be in addition to the 33052  
fee paid for a marriage license and shall be paid by the 33053  
applicants for the license. 33054

(G) The clerk of a court of common pleas shall be paid a fee 33055  
of one dollar for each certificate of divorce, dissolution, and 33056  
annulment of marriage prepared and forwarded by the clerk to the 33057  
department pursuant to section 3705.21 of the Revised Code. The 33058  
fee for the certified abstract of divorce, dissolution, or 33059  
annulment of marriage shall be added to the court costs allowed in 33060  
these cases. 33061

(H) The fee for an heirloom certification of birth issued 33062  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 33063  
shall be an amount prescribed by rule by the director of health 33064  
plus any fee required by section 3109.14 of the Revised Code. In 33065

setting the amount of the fee, the director shall establish a 33066  
surcharge in addition to an amount necessary to offset the expense 33067  
of processing heirloom certifications of birth. The fee prescribed 33068  
by the director of health pursuant to this division shall be 33069  
deposited into the state treasury to the credit of the heirloom 33070  
certification of birth fund which is hereby created. Money 33071  
credited to the fund shall be used by the office of vital 33072  
statistics to offset the expense of processing heirloom 33073  
certifications of birth. However, the money collected for the 33074  
surcharge, subject to the approval of the controlling board, shall 33075  
be used for the purposes specified by the family and children 33076  
first council pursuant to section 121.37 of the Revised Code. 33077

(I)(1) Four dollars of each fee collected by the board of 33078  
health of a city or general health district for a certified copy 33079  
of a vital record or a certification of birth shall be transferred 33080  
to the office of vital statistics not later than thirty days after 33081  
the end of each calendar quarter. The amount collected shall be 33082  
used to support public health systems. Of each four dollars 33083  
collected, one dollar shall be used by the director of health to 33084  
pay subsidies to boards of health. The subsidies shall be 33085  
distributed in accordance with the same formula established under 33086  
section 3701.342 of the Revised Code for the distribution of state 33087  
health district subsidy funds to boards of health and local health 33088  
departments. 33089

(2) Four dollars of each fee collected by a local registrar 33090  
of vital statistics who is not a salaried employee of a city or 33091  
general health district, for a certified copy of a vital record or 33092  
certification of birth, shall be transferred to the office of 33093  
vital statistics not later than thirty days after the end of each 33094  
calendar quarter. The amount collected shall be used to support 33095  
public health systems. 33096



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Sec. 3705.30. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 33097                                                                |
| (1) "Freestanding birthing center" has the same meaning as in section <del>3702.51</del> <u>3702.141</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                  | 33098<br>33099                                                       |
| (2) "Hospital" means a hospital classified under section 3701.07 of the Revised Code as a general hospital or children's hospital.                                                                                                                                                                                                                                                                                                                                                                             | 33100<br>33101<br>33102                                              |
| (3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.                                                                                                                                                                                                                                                                                                                                                   | 33103<br>33104<br>33105                                              |
| (B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns.                                                                                                                                                                                                                                           | 33106<br>33107<br>33108<br>33109<br>33110                            |
| (C) If the system is implemented under division (B) of this section, all of the following apply:                                                                                                                                                                                                                                                                                                                                                                                                               | 33111<br>33112                                                       |
| (1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code. | 33113<br>33114<br>33115<br>33116<br>33117<br>33118<br>33119<br>33120 |
| (2) On request, each physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division.                                                                                                                                                                 | 33121<br>33122<br>33123<br>33124<br>33125<br>33126                   |

(3) The director may review vital statistics records and 33127  
shall consider expanding the list of congenital anomalies and 33128  
abnormal conditions of newborns reported on birth certificates 33129  
pursuant to section 3705.08 of the Revised Code. 33130

(D) A physician, hospital, or freestanding birthing center 33131  
that provides information to the system under division (C) of this 33132  
section shall not be subject to criminal or civil liability for 33133  
providing the information. 33134

**Sec. 3706.19.** (A) There is hereby created in the Ohio air 33135  
quality development authority the office of ~~ombudsman~~ ombudsperson 33136  
for the small business stationary source technical and 33137  
environmental compliance assistance program created under section 33138  
3704.18 of the Revised Code. The office shall exercise its duties 33139  
independently of any other state agency. 33140

(B) ~~Not later than one year after the effective date of this~~ 33141  
~~section, the~~ The governor, with the advice and consent of the 33142  
senate, shall appoint the ~~initial ombudsman~~ ombudsperson. The 33143  
~~ombudsman~~ ombudsperson shall serve for a term of four years. The 33144  
person who is appointed to serve as the ~~ombudsman~~ ombudsperson 33145  
shall be experienced in management and in working with private 33146  
enterprise and government entities, knowledgeable in the areas of 33147  
arbitration and negotiation, experienced in interpreting statutory 33148  
and regulatory law, and knowledgeable in investigation techniques 33149  
and procedures, recordkeeping, and report writing. The ~~ombudsman~~ 33150  
ombudsperson may be the highest ranking managerial employee of the 33151  
authority. 33152

(C) The ~~ombudsman~~ ombudsperson shall do all of the following: 33153

- (1) Ensure that the goals of the program are being met; 33154
- (2) Conduct independent evaluations of all aspects of the 33155  
program; 33156

|                                                                                                                                                                                                                                                                                                  |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (3) Review the development and implementation of air pollution control requirements that have an impact on small businesses in the state and provide comments and recommendations, as appropriate, to the environmental protection agency and the United States environmental protection agency; | 33157<br>33158<br>33159<br>33160<br>33161 |
| (4) Facilitate and promote the participation of small businesses in the development of rules to be adopted under Chapter 3704. of the Revised Code that affect small businesses;                                                                                                                 | 33162<br>33163<br>33164                   |
| (5) Aid in the dissemination of information, including air pollution requirements and control technologies, to small businesses and other interested persons;                                                                                                                                    | 33165<br>33166<br>33167                   |
| (6) Provide free, confidential assistance on individual source problems and grievances presented by small businesses;                                                                                                                                                                            | 33168<br>33169                            |
| (7) Aid in investigating and resolving complaints against, and disputes involving, the agency from small businesses;                                                                                                                                                                             | 33170<br>33171                            |
| (8) Refer small businesses to the appropriate specialist in the program from whom they may obtain information and assistance on affordable alternative technologies, process changes, and products and operational methods to help reduce air pollution and accidental releases;                 | 33172<br>33173<br>33174<br>33175<br>33176 |
| (9) Work with trade associations and small businesses to effect voluntary compliance with the federal Clean Air Act, Chapter 3704. of the Revised Code, and rules adopted under it;                                                                                                              | 33177<br>33178<br>33179                   |
| (10) Work with other states to establish a network for sharing information on small businesses and their efforts to comply with the federal Clean Air Act and state and local air pollution control laws;                                                                                        | 33180<br>33181<br>33182<br>33183          |
| (11) Seek public and private funding sources that can financially assist small businesses that are in need of moneys to comply with air pollution control laws;                                                                                                                                  | 33184<br>33185<br>33186                   |

(12) Conduct studies to evaluate the impacts of the federal Clean Air Act on the state's economy, local economies, and small businesses. 33187  
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(D) There is hereby created in the state treasury the small business ~~ombudsman~~ ombudsperson fund, which shall consist of moneys transferred to it from the Title V clean air fund created in section 3704.035 of the Revised Code. Moneys in the fund shall be used exclusively for the purposes of this section. 33190  
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The director of environmental protection and the executive director of the authority annually shall determine the amount of moneys necessary for the operation of the office of the ~~ombudsman~~ ombudsperson. Thereafter, the director shall request the director of budget and management to, and that director shall, transfer that amount of moneys from the Title V clean air fund to the small business ~~ombudsman~~ ombudsperson fund. 33195  
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(E) There is hereby created in the state treasury the small business assistance fund, which shall consist of moneys credited to it under division (K) of section 3745.11 of the Revised Code. The ~~ombudsman~~ ombudsperson shall use moneys in the fund solely to provide financial assistance to small businesses that have one hundred or fewer employees and that are having financial difficulty complying with the "Clean Air Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and regulations adopted under it. 33202  
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In accordance with Chapter 119. of the Revised Code, the ~~ombudsman~~ ombudsperson shall adopt rules establishing procedures and requirements governing grants awarded under this division. 33211  
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**Sec. 3709.03.** (A) There is hereby created in each general health district a district advisory council. A council shall consist of the president of the board of county commissioners, the chief executive of each municipal corporation not constituting a 33214  
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city health district, and the president of the board of township trustees of each township. The board of county commissioners, the legislative body of a municipal corporation, and the board of township trustees of a township may select an alternate from among themselves to serve if the president, the chief executive, or the president of the board of township trustees is unable to attend any meeting of the district advisory council. When attending a meeting on behalf of a council member, the alternate may vote on any matter on which the member is authorized to vote.

The council shall organize by selecting a chair and secretary from among its members. The council shall adopt bylaws governing its meetings, the transaction of business, and voting procedures.

The council shall meet annually in March at a place determined by the chair and the health commissioner for the purpose of electing the chair and the secretary, making necessary appointments to the board of health, receiving and considering the annual or special reports from the board of health, and making recommendations to the board of health or to the department of health in regard to matters for the betterment of health and sanitation within the district or for needed legislation. The secretary of the council shall notify the district health commissioner and the director of health of the proceedings of such meeting.

Special meetings of the council shall be held on the order of any of the following:

(1) The director of health;

(2) The board of health;

(3) The lesser of five or a majority of district advisory council members.

The district health commissioner shall attend all meetings of the council.

(B) The district advisory council shall appoint four members 33249  
of the board of health, and the remaining member shall be 33250  
appointed by the health district licensing council established 33251  
under section 3709.41 of the Revised Code. At least one member of 33252  
the board of health shall be a physician. Appointments shall be 33253  
made with due regard to equal representation of all parts of the 33254  
district. 33255

(C) If at an annual or special meeting at which a member of 33256  
the board of health is to be appointed fewer than a majority of 33257  
the members of the district council are present, the council, by 33258  
the majority vote of council members present, may organize an 33259  
executive committee to make the appointment. An executive 33260  
committee shall consist of five council members, including the 33261  
president of the board of county commissioners, the council chair, 33262  
the council secretary, and two additional council members selected 33263  
by majority affirmative vote of the council members present at the 33264  
meeting. The additional members selected shall include one 33265  
representative of municipal corporations in the district that are 33266  
not city health districts and one representative of townships in 33267  
the district. If an individual is eligible for more than one 33268  
position on the executive committee due to holding a particular 33269  
office, the individual shall fill one position on the committee 33270  
and the other position shall be filled by a member selected by a 33271  
majority affirmative vote of the council members present at the 33272  
meeting. A council member's alternate for annual meetings may 33273  
serve as the member's alternate at meetings of the executive 33274  
committee. 33275

Not later than thirty days after an executive committee is 33276  
organized, the committee shall meet and the council chair shall 33277  
present to the committee the matter of appointing a member of the 33278  
board of health. The committee shall appoint the board member by 33279  
majority affirmative vote. In the case of a combined health 33280

district, the executive committee shall appoint only members of 33281  
the board of health that are to be appointed by the district 33282  
advisory council, unless the contract for administration of health 33283  
affairs in the combined district provides otherwise. If a majority 33284  
affirmative vote is not reached within thirty days after the 33285  
executive committee is organized, the director of health shall 33286  
appoint the member of the board of health under the authority 33287  
conferred by section 3709.03 of the Revised Code. 33288

If the council fails to meet or appoint a member of the board 33289  
of health as required by this section or section 3709.02 of the 33290  
Revised Code, the director of health, ~~with the consent of the~~ 33291  
~~public health council,~~ may appoint the member. 33292

**Sec. 3709.04.** If in any general health district the district 33293  
advisory council fails to meet or to select a board of health, the 33294  
director of health may, ~~with the consent of the public health~~ 33295  
~~council,~~ appoint a board of health for such district which shall 33296  
have and exercise all powers conferred on a board of health of a 33297  
general health district. 33298

**Sec. 3709.06.** If any city fails to establish a board of 33299  
health under section 3709.05 of the Revised Code, the director of 33300  
health, ~~with the approval of the public health council,~~ may 33301  
appoint a health commissioner for such city, and fix ~~his~~ the 33302  
commissioner's salary and term of office. Such commissioner shall 33303  
have the same powers and perform the duties granted to or imposed 33304  
upon a board of health of a city health district, except that 33305  
rules, regulations, or orders of a general nature, made by ~~him~~ the 33306  
commissioner and required to be published, shall be approved by 33307  
the director. The salary of such commissioner and all necessary 33308  
expenses incurred by ~~him~~ the commissioner in performing the duties 33309  
of the board shall be paid by and be a valid claim against such 33310  
city. 33311

Sec. 3709.085. (A) The board of health of a city or general health district may enter into a contract with any political subdivision or other governmental agency to obtain or provide all or part of any services, including, but not limited to, enforcement services, for the purposes of Chapter 3704. of the Revised Code, the rules adopted and orders made pursuant thereto, or any other ordinances or rules for the prevention, control, and abatement of air pollution.

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

(a) "Semipublic disposal system" means a disposal system that treats the sanitary sewage discharged from publicly or privately owned buildings or places of assemblage, entertainment, recreation, education, correction, hospitalization, housing, or employment, but does not include a disposal system that treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of section 6111.04 of the Revised Code pursuant to division (F)(7) of that section; or a disposal system for the treatment of industrial waste.

(b) Terms defined in section 6111.01 of the Revised Code have the same meanings as in that section.

(2) The board of health of a city or general health district may enter into a contract with the environmental protection agency to conduct on behalf of the agency inspection or enforcement services, for the purposes of Chapter 6111. of the Revised Code and rules adopted thereunder, for the disposal or treatment of sewage from semipublic disposal systems. The board of health of a city or general health district may charge a fee established pursuant to section 3709.09 of the Revised Code to be paid by the owner or operator of a semipublic disposal system for inspections conducted by the board pursuant to a contract entered into under



division (B)(2) of this section, except that the board shall not 33343  
charge a fee for those inspections conducted at any recreational 33344  
vehicle park, recreation camp, or combined park-camp that is 33345  
licensed under section 3729.05 of the Revised Code or at any 33346  
manufactured home park that is licensed under section ~~3733.03~~ 33347  
4781.27 of the Revised Code. 33348

**Sec. 3709.09.** (A) The board of health of a city or general 33349  
health district may, by rule, establish a uniform system of fees 33350  
to pay the costs of any services provided by the board. 33351

The fee for issuance of a certified copy of a vital record or 33352  
a certification of birth shall not be less than the fee prescribed 33353  
for the same service under division (A)(1) of section 3705.24 of 33354  
the Revised Code and shall include the fees required by division 33355  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 33356

Fees for services provided by the board for purposes 33357  
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 33358  
3730.03, and 3749.04 of the Revised Code shall be established in 33359  
accordance with rules adopted under division (B) of this section. 33360  
The district advisory council, in the case of a general health 33361  
district, and the legislative authority of the city, in the case 33362  
of a city health district, may disapprove any fee established by 33363  
the board of health under this division, and any such fee, as 33364  
disapproved, shall not be charged by the board of health. 33365

(B) The ~~public director of health council~~ shall adopt rules 33366  
under section 111.15 of the Revised Code that establish fee 33367  
categories and a uniform methodology for use in calculating the 33368  
costs of services provided for purposes specified in sections 33369  
3701.344, 3711.10, 3718.06, 3729.07, 3730.03, and 3749.04 of the 33370  
Revised Code. In adopting the rules, the ~~public health council~~ 33371  
director shall consider recommendations it receives from advisory 33372  
boards established either by statute or the director ~~of health~~ for 33373

entities subject to the fees. 33374

(C) Except when a board of health establishes a fee by 33375  
adopting a rule as an emergency measure, the board of health shall 33376  
hold a public hearing regarding each proposed fee for a service 33377  
provided by the board for a purpose specified in section 3701.344, 33378  
3711.10, 3718.06, 3729.07, 3730.03, or 3749.04 of the Revised 33379  
Code. If a public hearing is held, at least twenty days prior to 33380  
the public hearing the board shall give written notice of the 33381  
hearing to each entity affected by the proposed fee. The notice 33382  
shall be mailed to the last known address of each entity and shall 33383  
specify the date, time, and place of the hearing and the amount of 33384  
the proposed fee. 33385

(D) If payment of a fee established under this section is not 33386  
received by the day on which payment is due, the board of health 33387  
shall assess a penalty. The amount of the penalty shall be equal 33388  
to twenty-five per cent of the applicable fee. 33389

(E) All rules adopted by a board of health under this section 33390  
shall be adopted, recorded, and certified as are ordinances of 33391  
municipal corporations and the record thereof shall be given in 33392  
all courts the same effect as is given such ordinances, but the 33393  
advertisements of such rules shall be by publication in one 33394  
newspaper of general circulation within the health district. 33395  
Publication shall be made once a week for two consecutive weeks or 33396  
as provided in section 7.16 of the Revised Code, and such rules 33397  
shall take effect and be in force ten days from the date of the 33398  
first publication. 33399

**Sec. 3709.092.** (A) A board of health of a city or general 33400  
health district shall transmit to the director of health all fees 33401  
or additional amounts that the ~~public health council~~ director 33402  
requires to be collected under sections 3701.344, 3718.06, 33403  
3729.07, and 3749.04 of the Revised Code. The fees and amounts 33404

shall be transmitted according to the following schedule: 33405

(1) For fees and amounts received by the board on or after 33406  
the first day of January but not later than the thirty-first day 33407  
of March, transmit the fees and amounts not later than the 33408  
fifteenth day of May; 33409

(2) For fees and amounts received by the board on or after 33410  
the first day of April but not later than the thirtieth day of 33411  
June, transmit the fees and amounts not later than the fifteenth 33412  
day of August; 33413

(3) For fees and amounts received by the board on or after 33414  
the first day of July but not later than the thirtieth day of 33415  
September, transmit the fees and amounts not later than the 33416  
fifteenth day of November; 33417

(4) For fees and amounts received by the board on or after 33418  
the first day of October but not later than the thirty-first day 33419  
of December, transmit the fees and amounts not later than the 33420  
fifteenth day of February of the following year. 33421

(B) The director shall deposit the fees and amounts received 33422  
under this section into the state treasury to the credit of the 33423  
general operations fund created in section 3701.83 of the Revised 33424  
Code. Each amount shall be used solely for the purpose for which 33425  
it was collected. 33426

**Sec. 3709.32.** The president of each board of health providing 33427  
health services in one or more health districts and the chief 33428  
executive officer of each health department providing health 33429  
services in one or more health districts shall, on or before the 33430  
first day of March of each year, certify the amounts expended 33431  
during the preceding calendar year which qualify for state health 33432  
district subsidy funds under section 3701.342 of the Revised Code 33433  
and rules ~~of~~ adopted by the public director of health council. The 33434

director of health shall certify the amount payable under the 33435  
state health district subsidy funds distribution formula adopted 33436  
by the ~~public director of health council~~ under section 3701.342 of 33437  
the Revised Code to the director of budget and management for 33438  
payment. Payment shall not be made unless: 33439

(A) The board or department has provided such information 33440  
concerning services and costs as is requested by the director of 33441  
health; 33442

(B) The certificate of the board of health or health 33443  
department has been endorsed by the director of health; 33444

(C) The board or department has complied with section 33445  
3701.342 of the Revised Code and ~~public health council~~ rules 33446  
adopted by the director of health; 33447

(D) The municipal corporations and townships composing the 33448  
health district have provided adequate local funding for public 33449  
health services. The ~~public director of health council~~ shall 33450  
determine what constitutes adequate local funding, and may grant 33451  
an exception to this requirement to a municipal corporation or 33452  
township if unusually severe economic conditions prevent it from 33453  
receiving adequate tax revenues to help support minimally 33454  
acceptable public health services. 33455

No state health district subsidy funds shall be granted to 33456  
any board or department that decreases its appropriation for 33457  
public health services in anticipation of using state funds to 33458  
provide public health services normally supported by local 33459  
revenues. 33460

**Sec. 3709.35.** If the director of health ~~finds~~ charges that 33461  
the health commissioner or a member of the board of health of a 33462  
health district is guilty of misfeasance, malfeasance, or 33463  
nonfeasance or has failed to perform any or all of the duties 33464

required by sections 3701.10, 3701.29, 3701.81, 3707.08, 3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised Code, the director ~~shall prefer a charge against the commissioner or board member before the public health council and~~ shall notify the commissioner or board member as to the time and place at which such charges will be heard. If the ~~council~~ director, after hearing, finds the commissioner or board member guilty of the charge, it may remove such commissioner or member from office.

If the lesser of three or one-fifth of the members of a district advisory council have reason to believe a member of the board of health of a general health district is guilty of misfeasance, malfeasance, or nonfeasance or has failed to perform any or all of the duties required by sections 3701.10, 3701.29, 3701.81, 3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised Code, the district advisory council members shall prefer a charge against the board member before the district advisory council and shall notify the board member as to the time and place at which such charges will be heard. If a majority of the council, after hearing, finds the board member guilty of the charge, it may remove the member from office.

When any member of the board of health of a general or city health district is removed from office, the district advisory council or the chief executive of the city, upon notice of such removal, shall within thirty days after receipt of such notice fill the vacancy in accordance with section 3709.03 or 3709.05 of the Revised Code.

**Sec. 3710.01.** As used in this chapter:

(A) "Asbestos" means the asbestiform varieties of chrysotile or serpentine, amosite or cummingtonitegrunerite, crocidolite or riebeckite, actinolite, tremolite, and anthophyllite.

(B) "Asbestos hazard abatement activity" means any activity

involving the removal, renovation, enclosure, repair, or 33496  
encapsulation of reasonably related friable asbestos-containing 33497  
materials in an amount greater than fifty linear feet or fifty 33498  
square feet. "Asbestos hazard abatement activity" also includes 33499  
any such activity involving such asbestos-containing materials in 33500  
an amount of fifty linear or fifty square feet or less if, when 33501  
combined with any other reasonably related activity in terms of 33502  
time and location of the activity, the total amount is in an 33503  
amount greater than fifty linear or fifty square feet. 33504

(C) "Asbestos hazard abatement contractor" means a business 33505  
entity or public entity that engages in or intends to engage in 33506  
asbestos hazard abatement activities and that employs or 33507  
supervises one or more asbestos hazard abatement specialists for 33508  
asbestos hazard abatement activities. "Asbestos hazard abatement 33509  
contractor" does not mean an employee of an asbestos hazard 33510  
abatement contractor, a general contractor who subcontracts to an 33511  
asbestos hazard abatement contractor an asbestos hazard abatement 33512  
activity, or any individual who engages in asbestos hazard 33513  
abatement activity in ~~his~~ the individual's own home. 33514

(D) "Asbestos hazard abatement project" means one or more 33515  
asbestos hazard abatement activities that are conducted by one 33516  
asbestos hazard abatement contractor and that are reasonably 33517  
related to each other. 33518

(E) "Asbestos hazard abatement specialist" means a person 33519  
with responsibility for the oversight or supervision of asbestos 33520  
hazard abatement activities, including asbestos hazard abatement 33521  
project managers, hazard abatement project supervisors and 33522  
foremen, and employees of school districts or other governmental 33523  
or public entities who coordinate or directly supervise or oversee 33524  
asbestos hazard abatement activities performed by school district, 33525  
governmental, or other public employees in school district, 33526  
governmental, or other public buildings. 33527

(F) "Asbestos hazard evaluation specialist" means a person 33528  
responsible for the identification, detection, and assessment of 33529  
asbestos-containing materials, the determination of appropriate 33530  
response actions, or the preparation of asbestos management plans 33531  
for the purpose of protecting the public health from the hazards 33532  
associated with exposure to asbestos, including the performance of 33533  
air and bulk sampling. This category of specialists includes 33534  
management planners, health professionals, industrial hygienists, 33535  
private consultants, or other individuals involved in asbestos 33536  
risk identification or assessment or regulatory activities. 33537

(G) "Business entity" means a partnership, firm, association, 33538  
corporation, sole proprietorship, or other business concern. 33539

(H) "Public entity" means the state or any of its political 33540  
subdivisions or any agency or instrumentality of either. 33541

(I) "License" means a document issued by the department of 33542  
health to a business entity or public entity affirming that the 33543  
entity has met the requirements set forth in this chapter to 33544  
engage in asbestos hazard abatement activities as an asbestos 33545  
hazard abatement contractor. 33546

(J) "Certificate" means: 33547

(1) A document issued by the department to an individual 33548  
affirming that the individual has successfully completed the 33549  
training and other requirements set forth in this chapter to 33550  
qualify as an asbestos hazard abatement specialist, an asbestos 33551  
hazard evaluation specialist, an asbestos hazard abatement worker, 33552  
an asbestos hazard abatement project designer, an asbestos hazard 33553  
abatement air-monitoring technician, an approved asbestos hazard 33554  
training provider, or other category of asbestos hazard specialist 33555  
that the ~~public health council~~ director establishes by rule; or 33556

(2) A document issued by a training institution in accordance 33557  
with rules adopted by the ~~public health council~~ director affirming 33558

that an individual has successfully completed the instruction 33559  
required in all categories as provided in sections 3710.07 and 33560  
3710.10 of the Revised Code. 33561

(K) "Person" means any individual, business entity, 33562  
governmental body, or other public or private entity. 33563

(L) "Encapsulate" means to coat, bind, or resurface walls, 33564  
ceilings, pipes, or other structures to prevent friable asbestos 33565  
from becoming airborne. 33566

(M) "Friable asbestos-containing material" means any material 33567  
that contains more than one per cent asbestos by weight and that 33568  
can be crumbled, pulverized, or reduced to powder, when dry, by 33569  
hand pressure. 33570

(N) "Enclosure" means the permanent confinement of friable 33571  
asbestos-containing materials with an airtight barrier in an area 33572  
not used as an air plenum. 33573

(O) "Renovation" means the removal or stripping of friable 33574  
asbestos-containing materials used on any pipe, duct, boiler, 33575  
tank, reactor, turbine, furnace, or load supporting member. 33576

(P) "Asbestos hazard abatement worker" means the person 33577  
responsible in a nonsupervisory capacity for the performance of an 33578  
asbestos hazard abatement activity. 33579

(Q) "Asbestos hazard abatement project designer" means the 33580  
person responsible for the determination of the workscope, work 33581  
sequence, or performance standards for an asbestos hazard 33582  
abatement activity, including preparation of specifications, 33583  
plans, and contract documents. 33584

(R) "Director" means the director of health or ~~his~~ the 33585  
director's authorized representative. 33586

(S) "Clearance air sampling" means an air sampling performed 33587  
after the completion of any asbestos hazard abatement activity and 33588



prior to the reoccupation of the contained work area by the public 33589  
and conducted for the purpose of protecting the public from the 33590  
health hazards associated with exposure to friable 33591  
asbestos-containing material. 33592

(T) "Asbestos hazard abatement air-monitoring technician" 33593  
means the person who is responsible for environmental monitoring 33594  
or work area clearance air sampling, including air monitoring 33595  
performed to determine completion of response actions under the 33596  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 33597  
States environmental protection agency pursuant to the "Asbestos 33598  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 33599  
2970. "Asbestos hazard abatement air-monitoring technician" does 33600  
not mean an industrial hygienist or industrial hygienist in 33601  
training, certified by the American board of industrial hygiene. 33602

**Sec. 3710.02.** (A) ~~Subject to~~ In accordance with Chapter 119. 33603  
of the Revised Code, the ~~public~~ director of health council shall, 33604  
as ~~it~~ the director determines necessary, adopt rules to carry out 33605  
this chapter. The rules shall include all of the following: 33606

(1) Criteria and procedures for the certification of asbestos 33607  
hazard abatement specialists, asbestos hazard evaluation 33608  
specialists, asbestos hazard abatement workers, asbestos hazard 33609  
abatement project designers, and asbestos hazard abatement 33610  
air-monitoring technicians by the director of health; 33611

(2) Criteria and procedures for the director to examine the 33612  
records of licensees, certificate holders, and asbestos hazard 33613  
abatement training schools; 33614

(3) Procedures and criteria in addition to those provided in 33615  
this chapter for the approval of courses for asbestos hazard 33616  
training; 33617

(4) Fees for licenses, certifications, and course approvals 33618

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| in excess of the levels set in section 3710.05 of the Revised Code | 33619 |
| and fees for the certification of asbestos hazard abatement        | 33620 |
| air-monitoring technicians;                                        | 33621 |
| (5) Levels of asbestos exposure or other circumstances             | 33622 |
| constituting a public health emergency that authorize the director | 33623 |
| to issue an emergency order under division (B) of section 3710.13  | 33624 |
| of the Revised Code;                                               | 33625 |
| (6) Employee training standards, work practices that reduce        | 33626 |
| the risk of contamination and recontamination of the environment,  | 33627 |
| record-keeping requirements, action levels, project clearance      | 33628 |
| levels, and other requirements that asbestos hazard abatement      | 33629 |
| contractors, asbestos hazard abatement specialists, asbestos       | 33630 |
| hazard evaluation specialists, asbestos hazard abatement project   | 33631 |
| designers, asbestos hazard abatement air-monitoring technicians,   | 33632 |
| asbestos hazard abatement workers, and other persons involved with | 33633 |
| asbestos hazard abatement activities must follow for the           | 33634 |
| prevention of hazard to the public;                                | 33635 |
| (7) Worker protection equipment and practices and other            | 33636 |
| health and safety standards for employees and agents of public     | 33637 |
| entities coming in contact with asbestos through asbestos hazard   | 33638 |
| abatement activity;                                                | 33639 |
| (8) Standards of acceptable conduct for licensees and              | 33640 |
| certificate holders engaged in asbestos hazard abatement or        | 33641 |
| evaluation activities and acts and omissions that constitute       | 33642 |
| grounds for the suspension or revocation of a license or           | 33643 |
| certificate, or the denial of an application or renewal of a       | 33644 |
| license or certificate in addition to those otherwise provided in  | 33645 |
| this chapter;                                                      | 33646 |
| (9) Training requirements for asbestos hazard abatement            | 33647 |
| project designers and asbestos hazard abatement air-monitoring     | 33648 |
| technicians;                                                       | 33649 |

(10)(a) Subject to the condition specified in division 33650  
(A)(10)(b) of this section, a standard requiring that the amount 33651  
of asbestos contained in the air in areas accessible to the public 33652  
in buildings that are owned, operated, or leased by a public 33653  
entity be not more than ten thousand asbestos fibers longer than 33654  
five microns per cubic meter of air calculated as an eight-hour 33655  
time-weighted average, which is measured during periods of normal 33656  
building occupancy, and a requirement that measurement of airborne 33657  
asbestos be made by either or both of the following methods, 33658  
provided that results derived by use of the method described in 33659  
division (A)(10)(a)(i) of this section supersede results derived 33660  
by use of the method described in division (A)(10)(a)(ii) of this 33661  
section if both methods are used and the methods yield conflicting 33662  
results concerning the presence of fibers in the tested air that 33663  
may not be asbestos: 33664

(i) Transmission electron microscopy in the manner described 33665  
in the measurement protocol established by the United States 33666  
environmental protection agency as set forth in 40 C.F.R. 763; 33667

(ii) Optical phase contrast microscopy in the manner 33668  
described in the measurement protocol established by the United 33669  
States occupational safety and health administration as set forth 33670  
in 29 C.F.R. 1910. 33671

(b) The ~~public health council~~ director periodically shall 33672  
review the standard required by division (A)(10)(a) of this 33673  
section and determine whether and how it should be amended and how 33674  
it shall be used in conjunction with visual and physical 33675  
assessment of asbestos-containing materials located in buildings 33676  
that are owned, operated, or leased by a public entity to 33677  
determine appropriate and cost-effective response actions to such 33678  
asbestos-containing materials and shall amend the standard if it 33679  
determines that such action is necessary. 33680

(11) Other rules that the ~~public health council~~ director 33681

determines necessary for the implementation of this chapter and to 33682  
protect the public health from the hazards associated with 33683  
exposure to asbestos. 33684

(B) The director shall do all of the following: 33685

(1) Administer and enforce this chapter and the rules ~~of the~~ 33686  
~~public health council~~ adopted pursuant thereto; 33687

(2) Develop comprehensive programs and policies for the 33688  
control and prevention of nonoccupational exposure of the public 33689  
to friable asbestos-containing materials; 33690

(3) Ensure that persons are trained and licensed or 33691  
certified, where appropriate, in accordance with this chapter and 33692  
the rules ~~of the public health council~~ adopted pursuant thereto; 33693

(4) Examine those records of licensed asbestos hazard 33694  
abatement contractors, certified asbestos hazard abatement 33695  
specialists, asbestos hazard evaluation specialists, asbestos 33696  
hazard abatement project designers, asbestos hazard abatement 33697  
air-monitoring technicians, and asbestos hazard training courses 33698  
in accordance with rules adopted by the ~~public health council~~ 33699  
director as ~~he~~ the director determines necessary to determine 33700  
compliance with this chapter and the rules ~~of the public health~~ 33701  
~~council~~ adopted pursuant thereto; 33702

(5) Prohibit and prevent improper asbestos hazard abatement 33703  
procedures and require the modification or alteration of asbestos 33704  
abatement procedures as they relate to this chapter and the rules 33705  
~~of the public health council~~ adopted pursuant thereto; 33706

(6) Collect and disseminate health education information 33707  
relating to safe management of asbestos hazards; 33708

(7) Accept and administer grants from the federal government 33709  
and other sources, both public and private, for carrying out any 33710  
of ~~his~~ the director's functions; 33711

(8) As ~~he~~ the director determines appropriate, conduct 33712  
on-site inspections at any location where an asbestos hazard 33713  
abatement activity is planned, in progress, or has been completed, 33714  
at any location where a public health emergency may occur, is 33715  
occurring, or has occurred, or to evaluate the performance or 33716  
compliance of any person subject to this chapter; 33717

(9) Conduct an on-site audit of each asbestos hazard training 33718  
provider approved pursuant to this chapter, at least once 33719  
biennially, during an actual course conducted by the provider 33720  
within the state; 33721

(10) Cooperate and assist in investigations, as such relate 33722  
to this chapter, conducted by local law enforcement agencies, the 33723  
Ohio environmental protection agency, the United States 33724  
occupational safety and health administration, and other local, 33725  
state, and federal agencies. 33726

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 33727  
contractor's license, a business entity or public entity shall 33728  
meet the requirements of this section. 33729

(B) Each employee or agent of the business entity or public 33730  
entity applying for a license who will come in contact with 33731  
asbestos or will be responsible for an asbestos hazard abatement 33732  
project shall: 33733

(1) Be familiar with all applicable state and federal 33734  
standards for asbestos hazard abatement projects; 33735

(2) Have successfully completed the course of instruction on 33736  
asbestos hazard abatement activities, for their particular 33737  
certification, approved by the department of health pursuant to 33738  
section 3710.10 of the Revised Code, have passed an examination 33739  
approved by the department, and demonstrate to the department that 33740  
~~he~~ the employee or agent is capable of complying with all 33741

applicable standards of this state, the United States 33742  
environmental protection agency, and the United States 33743  
occupational safety and health administration. 33744

(C) A business entity or public entity applying for an 33745  
asbestos hazard abatement contractor's license shall, in addition 33746  
to the other requirements of this section, provide at least one 33747  
asbestos hazard abatement specialist, certified pursuant to this 33748  
chapter and the rules ~~of the public health council~~ adopted 33749  
~~pursuant thereto~~ under it, for each asbestos hazard abatement 33750  
project, and demonstrate to the satisfaction of the department 33751  
that ~~he~~ the applicant: 33752

(1) Has access to at least one asbestos disposal site 33753  
approved by the Ohio environmental protection agency that is 33754  
sufficient for the deposit of all asbestos waste that ~~he~~ the 33755  
applicant will generate during the term of the license; 33756

(2) Is sufficiently qualified to safely remove asbestos, 33757  
demonstrated by reliability as an asbestos hazard abatement 33758  
contractor, possesses a work program that prevents the 33759  
contamination or recontamination of the environment and protects 33760  
the public health from the hazards of exposure to asbestos, 33761  
possesses evidence of certification of each individual employee or 33762  
agent who will be responsible for others who may come in contact 33763  
with friable asbestos-containing materials, possesses evidence of 33764  
training of workers required by section 3710.07 of the Revised 33765  
Code, and has prior successful experience in asbestos hazard 33766  
abatement projects or equivalent qualifications as determined ~~by~~ 33767  
rule in accordance with rules adopted by the public director of 33768  
health ~~council~~; 33769

(3) Possesses a worker protection program consistent with 33770  
requirements established by the ~~public health council~~ director if 33771  
the contractor is a public entity, and a worker protection program 33772  
consistent with the requirements of the United States occupational 33773

safety and health administration if the contractor is a business 33774  
entity; 33775

(4) Is registered as a business entity with the secretary of 33776  
state. 33777

(D) No applicant for licensure as an asbestos hazard 33778  
abatement contractor, in order to meet the requirements of this 33779  
chapter, shall list an employee of another contractor. 33780

(E) The business entity or public entity shall meet any other 33781  
standards that the ~~public health council~~ director, by rule, sets. 33782

(F) Nothing in this chapter or the rules adopted pursuant 33783  
thereto relating to asbestos hazard abatement project designers 33784  
shall be interpreted as authorizing or permitting an individual 33785  
who is certified as an asbestos hazard abatement project designer 33786  
to perform the services of a registered architect or professional 33787  
engineer unless that person is registered under Chapter 4703. or 33788  
4733. of the Revised Code to perform such services. 33789

**Sec. 3710.05.** (A) Except as otherwise provided in this 33790  
chapter, no person shall engage in any asbestos hazard abatement 33791  
activities in this state unless licensed or certified pursuant to 33792  
this chapter. 33793

(B) To apply for licensure as an asbestos abatement 33794  
contractor or certification as an asbestos hazard abatement 33795  
specialist, an asbestos hazard evaluation specialist, an asbestos 33796  
hazard abatement project designer, or an asbestos hazard abatement 33797  
air-monitoring technician, a person shall do all of the following: 33798

(1) Submit a completed application to the department of 33799  
health, on a form provided by the department; 33800

(2) Pay the requisite fee as provided in division (D) of this 33801  
section; 33802

(3) Submit any other information the ~~public~~ director of 33803

health ~~council~~ by rule requires. 33804

(C) The application form for a business entity or public 33805  
entity applying for an asbestos hazard abatement contractor's 33806  
license shall include all of the following: 33807

(1) A description of the protective clothing and respirators 33808  
that the public entity will use to comply with rules adopted by 33809  
the ~~public health council~~ director and that the business entity 33810  
will use to comply with requirements of the United States 33811  
occupational safety and health administration; 33812

(2) A description of procedures the business entity or public 33813  
entity will use for the selection, utilization, handling, removal, 33814  
and disposal of clothing to prevent contamination or 33815  
recontamination of the environment and to protect the public 33816  
health from the hazards associated with exposure to asbestos; 33817

(3) The name and address of each asbestos disposal site that 33818  
the business entity or public entity might use during the year; 33819

(4) A description of the site decontamination procedures that 33820  
the business entity or public entity will use; 33821

(5) A description of the asbestos hazard abatement procedures 33822  
that the business entity or public entity will use; 33823

(6) A description of the procedures that the business entity 33824  
or public entity will use for handling waste containing asbestos; 33825

(7) A description of the air-monitoring procedures that the 33826  
business entity or public entity will use to prevent contamination 33827  
or recontamination of the environment and to protect the public 33828  
health from the hazards of exposure to asbestos; 33829

(8) A description of the final clean-up procedures that the 33830  
business entity or public entity will use; 33831

(9) A list of all partners, owners, and officers of the 33832  
business entity along with their social security numbers; 33833



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (10) The federal tax identification number of the business entity or the public entity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 33834<br>33835                                                                |
| (D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:                                                                                                                                                                                                                                                                                    | 33836<br>33837<br>33838<br>33839<br>33840                                     |
| (1) Seven hundred fifty dollars for asbestos hazard abatement contractors;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 33841<br>33842                                                                |
| (2) Two hundred dollars for asbestos hazard abatement project designers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 33843<br>33844                                                                |
| (3) Fifty dollars for asbestos hazard abatement workers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 33845                                                                         |
| (4) Two hundred dollars for asbestos hazard abatement specialists;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 33846<br>33847                                                                |
| (5) Two hundred dollars for asbestos hazard evaluation specialists; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 33848<br>33849                                                                |
| (6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 33850<br>33851                                                                |
| (E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity meet the requirements of this chapter. | 33852<br>33853<br>33854<br>33855<br>33856<br>33857<br>33858<br>33859<br>33860 |
| <b>Sec. 3710.051.</b> No person shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the                                                                                                                                                                                                                                                                                                                                                                                              | 33861<br>33862<br>33863                                                       |

following: 33864

(A) A requirement that all persons working on the project are 33865  
licensed or certified by the department of health as required by 33866  
this chapter; 33867

(B) A requirement that all project clearance levels and 33868  
sampling be in accordance with ~~the public health council~~ rules 33869  
adopted by the director of health; 33870

(C) A requirement that all clearance air-monitoring be 33871  
conducted by asbestos hazard abatement air-monitoring technicians 33872  
or asbestos hazard evaluation specialists certified by the 33873  
department. 33874

**Sec. 3710.06.** (A) Within fifteen business days after 33875  
receiving an application, the department of health shall 33876  
acknowledge receipt of the application and notify the applicant of 33877  
any deficiency in the application. Within sixty calendar days 33878  
after receiving a completed application, including all additional 33879  
information requested by the department, the department shall 33880  
issue a license or certificate or deny the application. The 33881  
department shall issue only one license or certificate that is in 33882  
effect at one time to a business entity and its principal officers 33883  
and a public entity and its principal officers. 33884

(B)(1) The department shall deny an application if it 33885  
determines that the applicant has not demonstrated the ability to 33886  
comply fully with all applicable federal and state requirements 33887  
and all requirements, procedures, and standards established by the 33888  
~~public~~ director of health council in this chapter. 33889

(2) The department shall deny any application for an asbestos 33890  
hazard abatement contractor's license if the applicant or an 33891  
officer or employee of the applicant has been convicted of a 33892  
felony under any state or federal law designed to protect the 33893

environment. 33894

(3) The department shall send all denials of an application 33895  
by certified mail to the applicant. If the department receives a 33896  
timely request for a hearing from the applicant, as provided in 33897  
division (D) of section 3710.13 of the Revised Code, the 33898  
department shall hold a hearing in accordance with Chapter 119. of 33899  
the Revised Code. 33900

(C) In an emergency that results from a sudden, unexpected 33901  
event that is not a planned asbestos hazard abatement project, the 33902  
department may waive the requirements for a license or 33903  
certificate. For the purposes of this division, "emergency" 33904  
includes operations necessitated by nonroutine failures of 33905  
equipment or by actions of fire and emergency medical personnel 33906  
pursuant to duties within their official capacities. Any person 33907  
who performs an asbestos hazard abatement activity under emergency 33908  
conditions shall notify the director within three days after 33909  
performance thereof. 33910

(D) Each license or certificate issued under this chapter 33911  
expires one year after the date of issue, but each licensee or 33912  
certificate holder may apply to the department for the extension 33913  
of ~~his~~ the holder's license or certificate under the standard 33914  
renewal procedures of Chapter 4745. of the Revised Code. 33915

To qualify for renewal of a license or certificate issued 33916  
under this chapter, each licensee or certificate holder shall send 33917  
the appropriate renewal fee set forth in division (D) of section 33918  
3710.05 of the Revised Code or as adopted by rule by the ~~public~~ 33919  
~~health council~~ director pursuant to division (A)(4) of section 33920  
3710.02 of the Revised Code. 33921

Certificate holders also shall successfully complete an 33922  
annual renewal course approved by the department pursuant to 33923  
section 3710.10 of the Revised Code. 33924

(E) The department may charge a fee in addition to those 33925  
specified in division (D) of section 3710.05 of the Revised Code 33926  
or in ~~rule of~~ rules adopted by the public health council director 33927  
pursuant to division (A)(4) of section 3710.02 of the Revised Code 33928  
if the licensee or certificate holder applies for renewal after 33929  
the expiration thereof or requests a reissuance of any license or 33930  
certificate, provided that no such fee shall exceed the original 33931  
fees by more than fifty per cent. 33932

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 33933  
abatement project, an asbestos hazard abatement contractor shall 33934  
do all of the following: 33935

(1) Prepare a written respiratory protection program as 33936  
defined by the ~~public~~ director of health council pursuant to rule, 33937  
and make the program available to the department of health, and 33938  
workers at the job site if the contractor is a public entity or 33939  
prepare a written respiratory protection program, consistent with 33940  
29 C.F.R. 1910.134 and make the program available to the 33941  
department, and workers at the job site if the contractor is a 33942  
business entity; 33943

(2) Ensure that each worker who will be involved in any 33944  
asbestos hazard abatement project has been examined within the 33945  
preceding year and has been declared by a physician to be 33946  
physically capable of working while wearing a respirator; 33947

(3) Ensure that each of the contractor's employees or agents 33948  
who will come in contact with asbestos-containing materials or 33949  
will be responsible for an asbestos hazard abatement project 33950  
receives the appropriate certification or licensure required by 33951  
this chapter and the following training: 33952

(a) An initial course approved by the department pursuant to 33953  
section 3710.10 of the Revised Code, completed before engaging in 33954  
any asbestos hazard abatement project; and 33955

(b) An annual review course approved by the department 33956  
pursuant to section 3710.10 of the Revised Code. 33957

(B) After obtaining or renewing a license, an asbestos hazard 33958  
abatement contractor shall notify the department, on a form 33959  
approved by the director of health, at least ten days before 33960  
beginning each asbestos hazard abatement project conducted during 33961  
the term of the contractor's license. 33962

(C) In addition to any other fee imposed under this chapter, 33963  
an asbestos hazard abatement contractor shall pay, at the time of 33964  
providing notice under division (B) of this section, the 33965  
department a fee of sixty-five dollars for each asbestos hazard 33966  
abatement project conducted. 33967

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 33968  
engaging in any asbestos hazard abatement project shall, during 33969  
the course of the project: 33970

(1) Conduct each project in a manner that is in compliance 33971  
with the requirements the director of environmental protection 33972  
adopts pursuant to section 3704.03 of the Revised Code and the 33973  
asbestos requirements of the United States occupational safety and 33974  
health administration set forth in 29 C.F.R. 1926.58; 33975

(2) Comply with all applicable rules adopted by the ~~public~~ 33976  
director of health council pursuant to section 3710.02 of the 33977  
Revised Code. 33978

(B) An asbestos hazard abatement contractor that is a public 33979  
entity shall: 33980

(1) Provide workers with protective clothing and equipment 33981  
and ensure that the workers involved in any asbestos hazard 33982  
abatement project use the items properly. Protective clothing and 33983  
equipment shall include: 33984

(a) Respirators approved by the national institute of 33985

occupational safety and health. These respirators shall be fit 33986  
tested in accordance with requirements of the United States 33987  
occupational safety and health administration set forth in 29 33988  
C.F.R. 1926.58(h). At the request of an employee, the asbestos 33989  
hazard abatement contractor shall provide the employee with a 33990  
powered air purifying respirator, in which case, the testing 33991  
requirements of division (B)(1)(a) of this section do not apply. 33992

(b) Items required by the ~~public director of health council~~ 33993  
by rule as provided in division (A)(7) of section 3710.02 of the 33994  
Revised Code. 33995

(2) Comply with all applicable standards of conduct and 33996  
requirements adopted by ~~the public health council and the director~~ 33997  
of health pursuant to section 3710.02 of the Revised Code. 33998

(C) An asbestos hazard abatement specialist engaging in any 33999  
asbestos hazard abatement project shall, during the course of the 34000  
project: 34001

(1) Conduct each project in a manner that will meet 34002  
decontamination procedures, project containment procedures, and 34003  
asbestos fiber dispersal methods as provided in division (A)(6) of 34004  
section 3710.02 of the Revised Code; 34005

(2) Ensure that workers utilize, handle, remove, and dispose 34006  
of the disposable clothing provided by abatement contractors in a 34007  
manner that will prevent contamination or recontamination of the 34008  
environment and protect the public health from the hazards of 34009  
exposure to asbestos; 34010

(3) Ensure that workers utilize protective clothing and 34011  
equipment and comply with the applicable health and safety 34012  
standards set forth in division (A) of section 3710.08 of the 34013  
Revised Code; 34014

(4) Ensure that there is no smoking, eating, or drinking in 34015  
the work area; 34016

(5) Comply with all applicable standards of conduct and requirements adopted by the ~~public health council~~ and director of health pursuant to section 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the ~~public health council~~ and the director of health pursuant to section 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the ~~public council~~ director of health pursuant to section 3710.02 of the Revised Code.

(F) The department may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the department in writing and demonstrates to the satisfaction of the department that the proposed alternative procedure provides equivalent worker protection.

**Sec. 3710.09.** (A) As a means of protecting the public, each asbestos hazard abatement contractor licensed under this chapter shall maintain records of all asbestos hazard abatement projects which ~~he~~ the contractor performs and make these records available to the department of health upon request. The licensee shall maintain the records for at least thirty years.

(B) The records required by this section shall include all of the following:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| (1) The name, social security number, and address of the person who supervised the asbestos hazard abatement project;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 34047<br>34048                                                                                                                      |
| (2) The names and social security numbers of all workers at the job site;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 34049<br>34050                                                                                                                      |
| (3) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 34051<br>34052<br>34053                                                                                                             |
| (4) The starting and completion dates of each asbestos hazard abatement project;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 34054<br>34055                                                                                                                      |
| (5) A summary of the procedures that were used to comply with all applicable federal, state, and local standards;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 34056<br>34057                                                                                                                      |
| (6) The name and address of each asbestos disposal site where the waste containing asbestos was deposited;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 34058<br>34059                                                                                                                      |
| (7) Any other information that the <del>public</del> <u>director of health council</u> , by rule, requires.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 34060<br>34061                                                                                                                      |
| <b>Sec. 3710.10.</b> (A) No person other than the department of health shall conduct or offer to conduct any initial or review training course or examination required by this chapter unless that person is approved to sponsor the courses and examinations under this section. In conducting any such course or examination, the department and the approved person shall administer the courses and examinations according to the United States environmental protection agency "Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, and the rules of the <del>public</del> <u>director of health council</u> adopted pursuant to division (A)(3) of section 3710.02 of the Revised Code. A person may apply for approval or renewal of a course on the health and safety aspects of asbestos hazard abatement activities which meets the requirements of division (A)(3) of section 3710.07 of the Revised Code by submitting a written application on forms provided by the | 34062<br>34063<br>34064<br>34065<br>34066<br>34067<br>34068<br>34069<br>34070<br>34071<br>34072<br>34073<br>34074<br>34075<br>34076 |



department. 34077

(B) In order to obtain or renew department approval, a person 34078  
sponsoring a course shall substantially satisfy all of the 34079  
following criteria: 34080

(1) Provide courses of instruction and examinations that meet 34081  
the requirements of division (A) of this section; 34082

(2) Ensure that instruction is given or supervised by 34083  
personnel with sufficient education and experience as determined, 34084  
~~by rule,~~ in rules adopted by the ~~public health council~~ director; 34085

(3) Maintain lists of students trained and the dates on which 34086  
training occurred for at least twenty years, and make this 34087  
information available to the department upon request. 34088

(C) In order to obtain or renew department approval, a person 34089  
sponsoring an initial course or a review course annually shall 34090  
apply to the department for approval. In applying, the person 34091  
shall submit the fee set forth in division (D) of section 3710.05 34092  
of the Revised Code along with any increase in fee adopted 34093  
pursuant to division (A)(4) of section 3710.02 of the Revised 34094  
Code. 34095

(D)(1) The department shall act or acknowledge receipt of an 34096  
application within ten working days after receiving the 34097  
application. 34098

(2) The department shall act on the application within ninety 34099  
days after it is complete. 34100

(3) The department shall grant contingent approval of an 34101  
application if the department determines the course substantially 34102  
satisfies or will substantially satisfy the criteria in this 34103  
chapter and the rules adopted by the ~~public health council~~ 34104  
director. 34105

(4) The department may deny or revoke approval of a course if 34106

the department determines the course does not or will not 34107  
substantially satisfy the criteria in this chapter or the rules 34108  
adopted by the ~~public health council~~ director. 34109

(5) The department shall grant final approval of a course 34110  
only after an on-site audit by the department which reveals that 34111  
the course substantially satisfies the criteria in this chapter 34112  
and the rules adopted by the ~~public health council~~ director. 34113  
Course approvals expire one year from the date of final approval 34114  
under division (D)(5) of this section. 34115

(E) Each course approval issued under this section expires 34116  
one year after the date of issue, but a person who received 34117  
approval may apply to the department for renewal under the 34118  
standard renewal procedures of Chapter 4745. of the Revised Code. 34119  
The fee prescribed in section 3710.05 of the Revised Code must 34120  
accompany the application. 34121

**Sec. 3710.12.** Subject to the hearing provisions of this 34122  
chapter, the department of health may deny, suspend, or revoke any 34123  
license or certificate, or renewal thereof, if the licensee or 34124  
certificate holder: 34125

(A) Fraudulently or deceptively obtains or attempts to obtain 34126  
a license or certificate; 34127

(B) Fails at any time to meet the qualifications for a 34128  
license or certificate; 34129

(C) Is violating or threatening to violate any provisions of 34130  
any of the following: 34131

(1) This chapter or the rules of the ~~public health council~~ or 34132  
director of health adopted pursuant thereto; 34133

(2) The "National Emission Standard for Hazardous Air 34134  
Pollutants" regulations of the United States environmental 34135  
protection agency as the regulations pertain to asbestos; ~~or~~ 34136

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos. 34137  
34138

**Sec. 3710.13.** (A) Except as otherwise provided in Chapter 119. of the Revised Code or this section, before the department of health takes any action under section 3710.12 of the Revised Code, it shall give the licensee or certificate holder against whom action is contemplated an opportunity for a hearing. 34139  
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Except as otherwise provided in this section, the department shall give notice and hold the hearing in accordance with Chapter 119. of the Revised Code. 34144  
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(B) The department, without notice or hearing and in accordance with ~~the rules of~~ adopted by the public director of health council, may issue an order requiring any action necessary to meet a public health emergency involving asbestos. Any person to whom an order is directed shall immediately comply with the order. Upon application to the director of health, the person shall be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director. 34147  
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(C) If the director determines, pursuant to division (B) of this section, that a public health emergency exists, ~~he~~ the director may order, without a hearing, the denial, suspension, or revocation of any license or certificate issued under this chapter of the parties involved, provided that an opportunity for a hearing is provided to the affected party as soon as reasonably possible. 34155  
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(D) All proceedings under this chapter are subject to Chapter 119. of the Revised Code, except that: 34162  
34163

(1) Upon the request of a licensee or certificate holder, the location of an adjudicatory hearing is the county seat of the county in which the licensee or certificate holder conducts 34164  
34165  
34166

business. 34167

(2) The director shall notify, by certified mail or personal 34168  
delivery, a licensee or certificate holder that ~~he~~ the licensee or 34169  
certificate holder is entitled to a hearing if ~~he~~ the licensee or 34170  
certificate holder requests it, in writing, within ten days of the 34171  
time that ~~he~~ the licensee or certificate holder receives the 34172  
notice. If the licensee or certificate holder requests such a 34173  
hearing, the director shall set the hearing date no later than ten 34174  
days after the director receives the request. 34175

(3) The director shall not apply for or receive a 34176  
postponement or continuation of an adjudication hearing. If a 34177  
licensee or certificate holder requests a postponement or 34178  
continuation of an adjudication hearing, the director only shall 34179  
grant the request if the licensee or certificate holder 34180  
demonstrates extreme hardship in complying with the hearing date. 34181  
If the director grants a postponement or continuation on the 34182  
grounds of extreme hardship, the director shall include in the 34183  
record of the case, the nature and cause of the extreme hardship. 34184

(4) In lieu of an adjudicatory hearing required by this 34185  
chapter, a licensee or certificate holder, by no later than the 34186  
date set for a hearing pursuant to division (A)(3) of this 34187  
section, may by written request to the director, request that the 34188  
matter be resolved by the licensee or certificate holder 34189  
submitting documents, papers, and other written evidence to the 34190  
director to support ~~his~~ the licensee's or certificate holder's 34191  
claim. 34192

(5) If the director appoints a referee or an examiner to 34193  
conduct a hearing, all of the following apply: 34194

(a) The examiner or referee shall serve, by certified mail 34195  
and within three business days of the conclusion of the hearing, a 34196  
copy of the written adjudication report and ~~his~~ the referee's or 34197

examiner's recommendations, on the director and the affected 34198  
licensee or certificate holder or the licensee's or certificate 34199  
holder's attorney or other representative of record. 34200

(b) The licensee or certificate holder, within three business 34201  
days of receipt of the report under division (D)(5)(a) of this 34202  
section, may file with the director written objections to the 34203  
report and recommendations. 34204

(c) The director shall consider any objections received under 34205  
division (D)(5)(b) of this section prior to approving, modifying, 34206  
or disapproving the report and recommendations. Within six 34207  
business days of receiving the report under division (D)(5)(a) of 34208  
this section, the director shall serve ~~his~~ the director's order, 34209  
by certified mail, on the affected licensee or certificate holder 34210  
or the licensee's or certificate holder's attorney or other 34211  
representative of record. 34212

(6) If the director conducts an adjudicatory hearing under 34213  
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 34214  
decision, by certified mail and within three business days of the 34215  
conclusion of the hearing, on the affected licensee or certificate 34216  
holder or the licensee's or certificate holder's attorney or other 34217  
representative of record. 34218

(7) If no hearing is held, the director shall issue an order, 34219  
by certified mail and within three business days of the last date 34220  
possible for a hearing, based upon the record available to ~~him~~ the 34221  
director, to the affected licensee or certificate holder or the 34222  
licensee's or certificate holder's attorney or other 34223  
representative of record. 34224

(8) A licensee or certificate holder shall file a notice of 34225  
appeal to an adverse adjudication decision within fifteen days 34226  
after receipt of the director's order. 34227

Sec. 3710.17. (A) Where any person is certified or licensed 34228  
by the department of health to engage in asbestos hazard abatement 34229  
or evaluation activity pursuant to this chapter, the liability of 34230  
that person when performing such activity in accordance with 34231  
procedures established pursuant to state or federal law for an 34232  
injury to any individual or property caused or related to this 34233  
activity shall be limited to acts or omissions of the person 34234  
during the course of performing the activity which can be shown, 34235  
based on a preponderance of the evidence, to have been negligent. 34236  
For the purposes of this section, the demonstration that acts or 34237  
omissions of a person performing asbestos hazard abatement or 34238  
evaluation activities were in accordance with generally accepted 34239  
practice and with procedures established by state or federal law 34240  
at the time the abatement or evaluation activity was performed 34241  
creates a rebuttable presumption that the acts or omissions were 34242  
not negligent. 34243

(B) Where any person contracts with a certified asbestos 34244  
hazard abatement specialist, asbestos hazard evaluation 34245  
specialist, or other category of asbestos hazard specialist 34246  
established by the public director of health council, or a 34247  
licensed asbestos hazard abatement contractor, the liability of 34248  
that person for asbestos-related injuries caused by his the 34249  
person's contractee in the performance of asbestos hazard 34250  
abatement or evaluation activities shall be limited to those 34251  
asbestos-related injuries arising from acts which the person knew 34252  
or could reasonably have been expected to know were not in 34253  
accordance with generally accepted practice or with procedures 34254  
established by state or federal law at the time the abatement 34255  
activity took place. 34256

(C) Notwithstanding any other provisions of the Revised Code 34257  
or rules of a court to the contrary, this section governs all 34258  
claims for asbestos-related injuries arising from asbestos hazard 34259

abatement or evaluation activities. 34260

**Sec. 3711.04.** Each person seeking to operate a maternity 34261  
unit, newborn care nursery, or maternity home shall apply to the 34262  
director of health for a license under this chapter. The 34263  
application shall be submitted in the form and manner prescribed 34264  
by the ~~public health council~~ director in rules adopted under 34265  
section 3711.12 of the Revised Code. 34266

A single application and license is required if an applicant 34267  
will operate both a maternity unit and newborn care nursery. 34268

**Sec. 3711.06.** The director of health shall inspect each 34269  
maternity unit, newborn care nursery, or maternity home for which 34270  
a person has applied for an initial license under section 3711.04 34271  
of the Revised Code prior to issuing the license. Inspections 34272  
shall be conducted in accordance with inspection criteria, 34273  
procedures, and guidelines adopted by the ~~public health council~~ 34274  
director under section 3711.12 of the Revised Code. 34275

**Sec. 3711.08.** A license issued under this chapter is valid 34276  
for three years, unless earlier revoked or suspended under section 34277  
3711.14 of the Revised Code. The license may be renewed in the 34278  
manner prescribed by the ~~public~~ director of health ~~council~~ in 34279  
rules adopted under section 3711.12 of the Revised Code. The 34280  
license renewal fee specified in the rules shall be paid not later 34281  
than sixty days after the director of health mails an invoice for 34282  
the fee to the license holder. A penalty of ten per cent of the 34283  
amount of the renewal fee shall be assessed for each month the fee 34284  
is overdue. 34285

**Sec. 3711.12.** (A) The ~~public~~ director of health ~~council~~ shall 34286  
adopt rules in accordance with Chapter 119. of the Revised Code as 34287  
the ~~council~~ director considers necessary to implement the 34288

|                                                                                |       |
|--------------------------------------------------------------------------------|-------|
| requirements of this chapter for licensure and operation of                    | 34289 |
| maternity units, newborn care nurseries, and maternity homes. The              | 34290 |
| rules shall include provisions for the following:                              | 34291 |
| (1) Licensure application forms and procedures;                                | 34292 |
| (2) Renewal procedures, including procedures that address the                  | 34293 |
| right of the director of health, at the director's sole                        | 34294 |
| discretion, to conduct an inspection prior to renewal of a                     | 34295 |
| license;                                                                       | 34296 |
| (3) Initial license fees and license renewal fees;                             | 34297 |
| (4) Fees for inspections conducted by the director under                       | 34298 |
| section 3711.10 of the Revised Code;                                           | 34299 |
| (5) Safety standards, quality-of-care standards, and                           | 34300 |
| quality-of-care data reporting requirements;                                   | 34301 |
| (6) Reporting and auditing requirements;                                       | 34302 |
| (7) Inspection criteria, procedures, and guidelines;                           | 34303 |
| (8) Any other rules necessary to implement this chapter.                       | 34304 |
| (B) When adopting rules under this section, the <del>public health</del>       | 34305 |
| <del>council</del> <u>director</u> shall give consideration to recommendations | 34306 |
| regarding obstetric and newborn care issued by the American                    | 34307 |
| college of obstetricians and gynecologists; American academy of                | 34308 |
| pediatrics; American academy of family physicians; American                    | 34309 |
| society of anesthesiologists; American college of nurse_midwives;              | 34310 |
| United States centers for disease control and prevention;                      | 34311 |
| association of women's health, obstetric and neonatal nurses; and              | 34312 |
| association of perioperative registered nurses, or their successor             | 34313 |
| organizations. The <del>council</del> <u>director</u> shall also consider the  | 34314 |
| recommendations of the maternity and newborn advisory council                  | 34315 |
| established in section 3711.20 of the Revised Code.                            | 34316 |
| <br>                                                                           |       |
| <b>Sec. 3711.21.</b> The maternity and newborn advisory council                | 34317 |



|                                                                                                                                                                                                                                                                                                                          |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| shall do all of the following:                                                                                                                                                                                                                                                                                           | 34318                                     |
| (A) Advise and consult with the director of health in the development of rules to be <del>presented to the public health council</del> <u>for proposed adoption adopted</u> under this chapter;                                                                                                                          | 34319<br>34320<br>34321                   |
| (B) Advise and consult with the director concerning the implementation and enforcement of this chapter;                                                                                                                                                                                                                  | 34322<br>34323                            |
| (C) Advise and consult with the director in the development of inspection criteria, procedures, and guidelines to be used in enforcement of this chapter;                                                                                                                                                                | 34324<br>34325<br>34326                   |
| (D) Advise and consult with the director regarding recommendations <del>to be presented to the public health council</del> regarding improving maternity and newborn care in this state;                                                                                                                                 | 34327<br>34328<br>34329                   |
| (E) Prepare and submit to the director an annual report evaluating the department's enforcement of this chapter.                                                                                                                                                                                                         | 34330<br>34331                            |
| <b>Sec. 3712.03.</b> (A) In accordance with Chapter 119. of the Revised Code, the <del>public director of health council</del> shall adopt, and may amend and rescind, rules:                                                                                                                                            | 34332<br>34333<br>34334                   |
| (1) Providing for the licensing of persons or public agencies providing hospice care programs within this state by the department of health and for the suspension and revocation of licenses;                                                                                                                           | 34335<br>34336<br>34337<br>34338          |
| (2) Establishing a license fee and license renewal fee, neither of which shall, except as provided in division (B) of this section, exceed six hundred dollars. The fees shall cover the three-year period during which an existing license is valid as provided in division (B) of section 3712.04 of the Revised Code. | 34339<br>34340<br>34341<br>34342<br>34343 |
| (3) Establishing an inspection fee not to exceed, except as provided in division (B) of this section, one thousand seven hundred fifty dollars;                                                                                                                                                                          | 34344<br>34345<br>34346                   |

|                                                                                                                                                                                                                                                                                                                                                                  |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (4) Establishing requirements for hospice care program facilities and services;                                                                                                                                                                                                                                                                                  | 34347<br>34348                                     |
| (5) Providing for a waiver of the requirement for the provision of physical, occupational, or speech or language therapy contained in division (A)(2) of section 3712.01 of the Revised Code when the requirement would create a hardship because such therapy is not readily available in the geographic area served by the provider of a hospice care program; | 34349<br>34350<br>34351<br>34352<br>34353<br>34354 |
| (6) Providing for the granting of licenses to provide hospice care programs to persons and public agencies that are accredited or certified to provide such programs by an entity whose standards for accreditation or certification equal or exceed those provided for licensure under this chapter and rules adopted under it;                                 | 34355<br>34356<br>34357<br>34358<br>34359          |
| (7) Establishing interpretive guidelines for each rule.                                                                                                                                                                                                                                                                                                          | 34360                                              |
| (B) Subject to the approval of the controlling board, the <del>public health council</del> <u>director</u> may establish fees in excess of the maximum amounts specified in this section, provided that the fees do not exceed those amounts by greater than fifty per cent.                                                                                     | 34361<br>34362<br>34363<br>34364                   |
| (C) The department of health shall:                                                                                                                                                                                                                                                                                                                              | 34365                                              |
| (1) Grant, suspend, and revoke licenses for hospice care programs in accordance with this chapter and rules adopted under it;                                                                                                                                                                                                                                    | 34366<br>34367<br>34368                            |
| (2) Make such inspections as are necessary to determine whether hospice care program facilities and services meet the requirements of this chapter and rules adopted under it; and                                                                                                                                                                               | 34369<br>34370<br>34371                            |
| (3) Implement and enforce this chapter and rules adopted under it.                                                                                                                                                                                                                                                                                               | 34372<br>34373                                     |
| <b>Sec. 3712.04.</b> (A) Every person or public agency that proposes to provide a hospice care program shall apply to the department of health for a license. Application shall be made on forms                                                                                                                                                                 | 34374<br>34375<br>34376                            |

prescribed and provided by the department, shall include such 34377  
information as the department requires, and shall be accompanied 34378  
by the license fee established by rules of the ~~public~~ director of 34379  
health ~~council~~ adopted under division (A) of section 3712.03 of 34380  
the Revised Code. 34381

The department shall grant a license to the applicant if the 34382  
applicant is in compliance with this chapter and rules adopted 34383  
under it. 34384

(B) A license granted under this section shall be valid for 34385  
three years. Application for renewal of a license shall be made at 34386  
least ninety days before the expiration of the license in the same 34387  
manner as for an initial license. The department shall renew the 34388  
license if the applicant meets the requirements of this chapter 34389  
and rules adopted under it. 34390

(C) Subject to Chapter 119. of the Revised Code, the 34391  
department may suspend or revoke a license if the licensee made 34392  
any material misrepresentation in the application for the license 34393  
or no longer meets the requirements of this chapter or rules 34394  
adopted under it. 34395

(D) A hospital, nursing home, home for the aged, county 34396  
medical care facility, or other health facility or agency that 34397  
provides a hospice care program shall be licensed to provide a 34398  
hospice care program under this section. 34399

(E) A nursing home licensed under Chapter 3721. of the 34400  
Revised Code that does not hold itself out to be a hospice, does 34401  
not hold itself out as providing a hospice care program, does not 34402  
use the term hospice to describe or refer to its activities or 34403  
facilities, and that does not provide all of the services 34404  
enumerated in division (A) of section 3712.01 of the Revised Code 34405  
is not subject to the licensing provisions of this chapter. 34406

Sec. 3712.09. (A) As used in this section: 34407

(1) "Applicant" means a person who is under final 34408  
consideration for employment with a hospice care program in a 34409  
full-time, part-time, or temporary position that involves 34410  
providing direct care to an older adult. "Applicant" does not 34411  
include a person who provides direct care as a volunteer without 34412  
receiving or expecting to receive any form of remuneration other 34413  
than reimbursement for actual expenses. 34414

(2) "Criminal records check" ~~and "older adult"~~ have has the 34415  
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 34416

(3) "Older adult" means a person age sixty or older. 34417

(B)(1) Except as provided in division (I) of this section, 34418  
the chief administrator of a hospice care program shall request 34419  
that the superintendent of the bureau of criminal identification 34420  
and investigation conduct a criminal records check ~~with respect to~~ 34421  
of each applicant. If an applicant for whom a criminal records 34422  
check request is required under this division does not present 34423  
proof of having been a resident of this state for the five-year 34424  
period immediately prior to the date the criminal records check is 34425  
requested or provide evidence that within that five-year period 34426  
the superintendent has requested information about the applicant 34427  
from the federal bureau of investigation in a criminal records 34428  
check, the chief administrator shall request that the 34429  
superintendent obtain information from the federal bureau of 34430  
investigation as part of the criminal records check of the 34431  
applicant. Even if an applicant for whom a criminal records check 34432  
request is required under this division presents proof of having 34433  
been a resident of this state for the five-year period, the chief 34434  
administrator may request that the superintendent include 34435  
information from the federal bureau of investigation in the 34436  
criminal records check. 34437

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the ~~public~~ director of health council in accordance with division (F) of this section and subject to division (C)(2) of this section, no hospice care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

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

(b) A violation of an existing or former law of this state, 34469  
any other state, or the United States that is substantially 34470  
equivalent to any of the offenses listed in division (C)(1)(a) of 34471  
this section. 34472

(2)(a) A hospice care program may employ conditionally an 34473  
applicant for whom a criminal records check request is required 34474  
under division (B) of this section prior to obtaining the results 34475  
of a criminal records check regarding the individual, provided 34476  
that the program shall request a criminal records check regarding 34477  
the individual in accordance with division (B)(1) of this section 34478  
not later than five business days after the individual begins 34479  
conditional employment. In the circumstances described in division 34480  
(I)(2) of this section, a hospice care program may employ 34481  
conditionally an applicant who has been referred to the hospice 34482  
care program by an employment service that supplies full-time, 34483  
part-time, or temporary staff for positions involving the direct 34484  
care of older adults and for whom, pursuant to that division, a 34485  
criminal records check is not required under division (B) of this 34486  
section. 34487

(b) A hospice care program that employs an individual 34488  
conditionally under authority of division (C)(2)(a) of this 34489  
section shall terminate the individual's employment if the results 34490  
of the criminal records check requested under division (B) of this 34491  
section or described in division (I)(2) of this section, other 34492  
than the results of any request for information from the federal 34493  
bureau of investigation, are not obtained within the period ending 34494  
thirty days after the date the request is made. Regardless of when 34495  
the results of the criminal records check are obtained, if the 34496  
results indicate that the individual has been convicted of or 34497  
pleaded guilty to any of the offenses listed or described in 34498  
division (C)(1) of this section, the program shall terminate the 34499  
individual's employment unless the program chooses to employ the 34500

individual pursuant to division (F) of this section. Termination 34501  
of employment under this division shall be considered just cause 34502  
for discharge for purposes of division (D)(2) of section 4141.29 34503  
of the Revised Code if the individual makes any attempt to deceive 34504  
the program about the individual's criminal record. 34505

(D)(1) Each hospice care program shall pay to the bureau of 34506  
criminal identification and investigation the fee prescribed 34507  
pursuant to division (C)(3) of section 109.572 of the Revised Code 34508  
for each criminal records check conducted pursuant to a request 34509  
made under division (B) of this section. 34510

(2) A hospice care program may charge an applicant a fee not 34511  
exceeding the amount the program pays under division (D)(1) of 34512  
this section. A program may collect a fee only if both of the 34513  
following apply: 34514

(a) The program notifies the person at the time of initial 34515  
application for employment of the amount of the fee and that, 34516  
unless the fee is paid, the person will not be considered for 34517  
employment; 34518

(b) The medical assistance program established under Chapter 34519  
5111. of the Revised Code does not reimburse the program the fee 34520  
it pays under division (D)(1) of this section. 34521

(E) The report of a criminal records check conducted pursuant 34522  
to a request made under this section is not a public record for 34523  
the purposes of section 149.43 of the Revised Code and shall not 34524  
be made available to any person other than the following: 34525

(1) The individual who is the subject of the criminal records 34526  
check or the individual's representative; 34527

(2) The chief administrator of the program requesting the 34528  
criminal records check or the administrator's representative; 34529

(3) The administrator of any other facility, agency, or 34530

program that provides direct care to older adults that is owned or 34531  
operated by the same entity that owns or operates the hospice care 34532  
program; 34533

(4) A court, hearing officer, or other necessary individual 34534  
involved in a case dealing with a denial of employment of the 34535  
applicant or dealing with employment or unemployment benefits of 34536  
the applicant; 34537

(5) Any person to whom the report is provided pursuant to, 34538  
and in accordance with, division (I)(1) or (2) of this section. 34539

(F) The ~~public director of health council~~ shall adopt rules 34540  
in accordance with Chapter 119. of the Revised Code to implement 34541  
this section. The rules shall specify circumstances under which a 34542  
hospice care program may employ a person who has been convicted of 34543  
or pleaded guilty to an offense listed or described in division 34544  
(C)(1) of this section but meets personal character standards set 34545  
by the ~~council~~ director. 34546

(G) The chief administrator of a hospice care program shall 34547  
inform each individual, at the time of initial application for a 34548  
position that involves providing direct care to an older adult, 34549  
that the individual is required to provide a set of fingerprint 34550  
impressions and that a criminal records check is required to be 34551  
conducted if the individual comes under final consideration for 34552  
employment. 34553

(H) In a tort or other civil action for damages that is 34554  
brought as the result of an injury, death, or loss to person or 34555  
property caused by an individual who a hospice care program 34556  
employs in a position that involves providing direct care to older 34557  
adults, all of the following shall apply: 34558

(1) If the program employed the individual in good faith and 34559  
reasonable reliance on the report of a criminal records check 34560  
requested under this section, the program shall not be found 34561



negligent solely because of its reliance on the report, even if 34562  
the information in the report is determined later to have been 34563  
incomplete or inaccurate; 34564

(2) If the program employed the individual in good faith on a 34565  
conditional basis pursuant to division (C)(2) of this section, the 34566  
program shall not be found negligent solely because it employed 34567  
the individual prior to receiving the report of a criminal records 34568  
check requested under this section; 34569

(3) If the program in good faith employed the individual 34570  
according to the personal character standards established in rules 34571  
adopted under division (F) of this section, the program shall not 34572  
be found negligent solely because the individual prior to being 34573  
employed had been convicted of or pleaded guilty to an offense 34574  
listed or described in division (C)(1) of this section. 34575

(I)(1) The chief administrator of a hospice care program is 34576  
not required to request that the superintendent of the bureau of 34577  
criminal identification and investigation conduct a criminal 34578  
records check of an applicant if the applicant has been referred 34579  
to the program by an employment service that supplies full-time, 34580  
part-time, or temporary staff for positions involving the direct 34581  
care of older adults and both of the following apply: 34582

(a) The chief administrator receives from the employment 34583  
service or the applicant a report of the results of a criminal 34584  
records check regarding the applicant that has been conducted by 34585  
the superintendent within the one-year period immediately 34586  
preceding the applicant's referral; 34587

(b) The report of the criminal records check demonstrates 34588  
that the person has not been convicted of or pleaded guilty to an 34589  
offense listed or described in division (C)(1) of this section, or 34590  
the report demonstrates that the person has been convicted of or 34591  
pleaded guilty to one or more of those offenses, but the hospice 34592

care program chooses to employ the individual pursuant to division 34593  
(F) of this section. 34594

(2) The chief administrator of a hospice care program is not 34595  
required to request that the superintendent of the bureau of 34596  
criminal identification and investigation conduct a criminal 34597  
records check of an applicant and may employ the applicant 34598  
conditionally as described in this division, if the applicant has 34599  
been referred to the program by an employment service that 34600  
supplies full-time, part-time, or temporary staff for positions 34601  
involving the direct care of older adults and if the chief 34602  
administrator receives from the employment service or the 34603  
applicant a letter from the employment service that is on the 34604  
letterhead of the employment service, dated, and signed by a 34605  
supervisor or another designated official of the employment 34606  
service and that states that the employment service has requested 34607  
the superintendent to conduct a criminal records check regarding 34608  
the applicant, that the requested criminal records check will 34609  
include a determination of whether the applicant has been 34610  
convicted of or pleaded guilty to any offense listed or described 34611  
in division (C)(1) of this section, that, as of the date set forth 34612  
on the letter, the employment service had not received the results 34613  
of the criminal records check, and that, when the employment 34614  
service receives the results of the criminal records check, it 34615  
promptly will send a copy of the results to the hospice care 34616  
program. If a hospice care program employs an applicant 34617  
conditionally in accordance with this division, the employment 34618  
service, upon its receipt of the results of the criminal records 34619  
check, promptly shall send a copy of the results to the hospice 34620  
care program, and division (C)(2)(b) of this section applies 34621  
regarding the conditional employment. 34622

**Sec. 3713.01.** As used in sections 3713.01 to 3713.10 of the 34623  
Revised Code: 34624

(A) "Person" has the same meaning as used in division (C) of 34625  
section 1.59 of the Revised Code and also means any limited 34626  
company, limited liability partnership, joint stock company, or 34627  
other association. 34628

(B) "Bedding" means any upholstered furniture, any mattress, 34629  
upholstered spring, comforter, bolster, pad, cushion, pillow, 34630  
mattress protector, quilt, and any other upholstered article, to 34631  
be used for sleeping, resting, or reclining purposes, and any 34632  
glider, hammock, or other substantially similar article that is 34633  
wholly or partly upholstered. 34634

(C) "Secondhand" means any article, or material, or portion 34635  
thereof of which prior use has been made in any manner whatsoever. 34636

(D) "Remade, repaired, or renovated articles not for sale" 34637  
means any article that is remade, repaired, or renovated for and 34638  
is returned to the owner for the owner's own use. 34639

(E) "Sale," "sell," or "sold" shall, in the corresponding 34640  
tense, mean sell, offer to sell, or deliver or consign in sale, or 34641  
possess with intent to sell, or deliver in sale. 34642

(F) "Upholstered furniture" means any article of furniture 34643  
wholly or partly stuffed or filled with material and that is used 34644  
or intended for use for sitting, resting, or reclining purposes. 34645

(G) "Stuffed toy" means any article intended for use as a 34646  
plaything or for an educational or recreational purpose that is 34647  
wholly or partially stuffed with material. 34648

(H) "Tag" or "label" means any material prescribed by the 34649  
superintendent of ~~labor~~ industrial compliance to be attached to an 34650  
article that contains information required under this chapter. 34651

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of 34652  
the Revised Code, no person shall import, manufacture, renovate, 34653  
wholesale, or reupholster stuffed toys or articles of bedding in 34654

this state without first registering to do so with the 34655  
superintendent of ~~labor~~ industrial compliance in accordance with 34656  
section 3713.05 of the Revised Code. 34657

(B) No person shall manufacture, offer for sale, sell, 34658  
deliver, or possess for the purpose of manufacturing, selling, or 34659  
delivering, an article of bedding or a stuffed toy that is not 34660  
labeled in accordance with section 3713.08 of the Revised Code. 34661

(C) No person shall manufacture, offer for sale, sell, 34662  
deliver, or possess for the purpose of manufacturing, selling, or 34663  
delivering, an article of bedding or a stuffed toy that is falsely 34664  
labeled. 34665

(D) No person shall sell or offer for sale any secondhand 34666  
article of bedding or any secondhand stuffed toy that has not been 34667  
sanitized in accordance with section 3713.08 of the Revised Code. 34668

(E) The possession of any article of bedding or stuffed toy 34669  
in the course of business by a person required to obtain 34670  
registration under this chapter, or by that person's agent or 34671  
servant shall be prima-facie evidence of the person's intent to 34672  
sell the article of bedding or stuffed toy. 34673

**Sec. 3713.03.** The superintendent of ~~labor~~ industrial 34674  
compliance in the department of commerce shall administer and 34675  
enforce this chapter. 34676

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 34677  
Revised Code, the superintendent of ~~labor~~ industrial compliance 34678  
shall: 34679

(1) Adopt rules pertaining to the definition, name, and 34680  
description of materials necessary to carry out this chapter; 34681

(2) Determine the testing standards, fees, and charges to be 34682  
paid for making any test or analysis required pursuant to section 34683

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 3713.08 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 34684                                                                |
| (B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules regarding the following:                                                                                                                                                                                                                                                                                                                                                                                           | 34685<br>34686                                                       |
| (1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;                                                                                                                                                                                                                                                                                                                          | 34687<br>34688<br>34689                                              |
| (2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;                                                                                                                                    | 34690<br>34691<br>34692<br>34693<br>34694<br>34695                   |
| (3) Any other rules necessary to administer and carry out this chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 34696<br>34697                                                       |
| (C) The superintendent may do any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 34698                                                                |
| (1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.                                                                                                                                                                                           | 34699<br>34700<br>34701<br>34702<br>34703                            |
| (2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories in various sections of the state that are qualified to make these tests. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section. | 34704<br>34705<br>34706<br>34707<br>34708<br>34709<br>34710<br>34711 |
| (3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter.                                                                                                                                                                                                                                                                                                                                                                                                | 34712<br>34713                                                       |

Sec. 3713.05. (A) Applications to register to import, 34714  
manufacture, renovate, wholesale, make, or reupholster stuffed 34715  
toys or bedding in this state shall be made in writing on forms 34716  
provided by the superintendent of ~~labor~~ industrial compliance. The 34717  
application shall be accompanied by a registration fee of fifty 34718  
dollars per person unless the applicant engages only in 34719  
renovation, in which case the registration fee shall be 34720  
thirty-five dollars. 34721

(B) Upon receipt of the application and the appropriate fee, 34722  
the superintendent shall register the applicant and assign a 34723  
registration number to the registrant. 34724

(C) Notwithstanding section 3713.02 of the Revised Code and 34725  
division (A) of this section, the following are exempt from 34726  
registration: 34727

(1) An organization described in section 501(c)(3) of the 34728  
"Internal Revenue Code of 1986," and exempt from income tax under 34729  
section 501(a) of that code and that is operated exclusively to 34730  
provide recreation or social services; 34731

(2) A person who is not regularly engaged in the business of 34732  
manufacturing, making, wholesaling, or importing stuffed toys but 34733  
who manufactures or makes stuffed toys as a leisure pursuit and 34734  
who sells one hundred or fewer stuffed toys within one calendar 34735  
year; 34736

(3) A person who is not regularly engaged in the business of 34737  
manufacturing, making, wholesaling, or importing quilts, 34738  
comforters, pillows, or cushions, but who manufactures or makes 34739  
these items as a leisure pursuit and who sells five or fewer 34740  
quilts, ten or fewer comforters, or twenty or fewer pillows or 34741  
cushions within one calendar year. 34742

(D) Notwithstanding division (C)(2) or (3) of this section, a 34743

person exempt under that division must attach a label to each 34744  
stuffed toy that contains all of the following information: 34745

(1) The person's name and address; 34746

(2) A statement that the person is not registered by the 34747  
state of Ohio; 34748

(3) A statement that the contents of the product have not 34749  
been inspected. 34750

**Sec. 3713.06.** (A) Any person required to register under 34751  
division (A) of section 3713.02 of the Revised Code who imports 34752  
bedding or stuffed toys into this state for retail sale or use in 34753  
this state and any person required to register under division (A) 34754  
of section 3713.02 of the Revised Code who manufactures bedding or 34755  
stuffed toys in this state for retail sale or use in this state 34756  
shall submit a report to the superintendent of ~~labor~~ industrial 34757  
compliance, in a form and manner prescribed by the superintendent. 34758  
The form shall be submitted once every six months and shall show 34759  
the total number of items of bedding or stuffed toys imported into 34760  
this state or manufactured in this state. Each report shall be 34761  
accompanied by a fee of four cents for each item of bedding or 34762  
stuffed toy imported into this state or manufactured in this 34763  
state. 34764

(B) Every importer, manufacturer, or wholesaler of stuffed 34765  
toys or articles of bedding, and every mobile home and 34766  
recreational vehicle dealer, conversion van dealer, secondhand 34767  
dealer, and auction house shall retain records, designated by the 34768  
superintendent in rule, for the time period established in rule. 34769

(C) Every importer, manufacturer, or wholesaler of stuffed 34770  
toys or articles of bedding, and every mobile home and 34771  
recreational vehicle dealer, conversion van dealer, secondhand 34772  
dealer, and auction house shall make sufficient investigation of 34773

its records to ensure that the information reported to the 34774  
superintendent under division (A) of this section is accurate. 34775

**Sec. 3713.07.** (A) Registration obtained under this chapter 34776  
expires annually on the last day of the month in the month that 34777  
the registration was obtained. The superintendent of ~~labor~~ 34778  
industrial compliance shall renew the registration in accordance 34779  
with Chapter 4745. of the Revised Code. 34780

(B) Failure on the part of any registrant to renew 34781  
registration prior to its expiration, when notified as required in 34782  
this section, shall not deprive the person of the right to renewal 34783  
within the ninety days that follow expiration, but the fee to be 34784  
paid for renewal after its expiration shall be one hundred dollars 34785  
plus the standard registration fee for the registrant. 34786

(C) If a registrant fails to renew registration within ninety 34787  
days of the date that it expired, the former registrant shall 34788  
comply with the registration requirements under section 3713.05 of 34789  
the Revised Code to obtain valid registration. 34790

**Sec. 3713.08.** (A) All persons required to register under 34791  
division (A) of section 3713.02 of the Revised Code manufacturing, 34792  
making, or wholesaling bedding or stuffed toys, or both, that are 34793  
sold or offered for sale shall have the material content of their 34794  
products tested and analyzed at an established laboratory 34795  
designated by the superintendent of ~~labor~~ industrial compliance 34796  
before the bedding or stuffed toys are sold or offered for sale. 34797

(B) Every stuffed toy or item of bedding sold or offered for 34798  
sale shall have a label affixed to it that reports the contents of 34799  
the stuffed toy or bedding material in conformity with 34800  
requirements established by the superintendent, a registration 34801  
number, and any other identifying information as required by the 34802  
superintendent. 34803



(C) The seller of any secondhand articles of bedding or 34804  
stuffed toys shall sanitize all items in accordance with rules 34805  
established by the superintendent prior to the sale of or the 34806  
offering for sale of any secondhand articles. 34807

(D) This section does not apply to any of the following: 34808

(1) Persons who meet the qualifications of division (C)(2) or 34809  
(3) of section 3713.05 of the Revised Code; 34810

(2) The sale of furniture more than fifty years old; 34811

(3) The sale of furniture from the home of the owner directly 34812  
to the purchaser. 34813

**Sec. 3713.09.** (A) The superintendent of ~~labor~~ industrial 34814  
compliance may appoint inspectors and periodically inspect and 34815  
investigate any establishment where bedding or stuffed toys are 34816  
manufactured, made, remade, renovated, repaired, sanitized, sold, 34817  
or offered for sale, or where previously used material is 34818  
processed for use in the manufacture of bedding or stuffed toys. 34819

(1) Each inspector shall make a written report to the 34820  
superintendent of each examination and inspection complete with 34821  
the inspector's findings and recommendations. Inspectors may place 34822  
"off sale" any article of bedding or stuffed toy offered for sale, 34823  
or found in the possession of any person with the intent to sell, 34824  
in violation of section 3713.02 of the Revised Code. Inspectors 34825  
shall perform other duties related to inspection and examination 34826  
as prescribed by the superintendent. 34827

(2) When articles are placed "off sale" under division (A)(1) 34828  
of this section, they shall be tagged, and the tag shall not be 34829  
removed except by an authorized representative of the division of 34830  
~~labor~~ industrial compliance after the violator demonstrates to the 34831  
satisfaction of the superintendent proof of compliance with the 34832  
requirements of section 3713.08 of the Revised Code. 34833

(B)(1) When an inspector has cause to believe that any bedding or stuffed toy is not tagged or labeled in accordance with section 3713.08 of the Revised Code, the inspector may open any seam of the bedding or stuffed toy in question to examine the material used or contained within it and take a reasonable amount of the material for testing and analysis and, if necessary, examine any and all purchase records in order to determine the contents or the kind of material used in the bedding or stuffed toy in question. An inspector may seize and hold evidence of any article of bedding, stuffed toy, or material manufactured, made, possessed, renovated, remade, or repaired, sold, or offered for sale contrary to this chapter.

(2) Immediately after seizing articles believed to be in violation of this chapter, the inspector immediately shall report the seizure to the superintendent. The superintendent shall hold a hearing in accordance with Chapter 119. of the Revised Code or make a ruling in the matter. If the superintendent finds that the article of bedding, stuffed toy, or material is not in violation of this chapter, the superintendent shall order the item or items returned to the owner. If the superintendent finds a violation of this chapter, the superintendent may do either of the following:

(a) Return the articles to the owner for proper treatment, tagging or labeling, or other action as ordered by the superintendent, subject to the requirement that the articles be reinspected at cost to the owner, prior to being sold or offered for sale;

(b) Report the violation to the appropriate prosecuting attorney or city law director.

(C) The superintendent, at reasonable times and upon reasonable notice, may examine or cause to be examined the records of any importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, mobile home and recreational vehicle dealer,

conversion van dealer, secondhand dealer, or auction house to 34866  
determine compliance with this chapter. The superintendent may 34867  
enter into contracts, pursuant to procedures prescribed by the 34868  
superintendent, with persons to examine these records to determine 34869  
compliance with this chapter. These persons may collect and remit 34870  
to the superintendent any amounts due under this chapter. 34871

(D) Records audited pursuant to division (C) of this section 34872  
are confidential and shall not be disclosed except as required by 34873  
section 149.43 of the Revised Code, or as the superintendent finds 34874  
necessary for the proper administration of this chapter. 34875

(E) In the case of any investigation or examination, or both, 34876  
that requires investigation or examination outside of this state 34877  
of any importer, manufacturer, or wholesaler of stuffed toys or 34878  
articles of bedding, or of any mobile home or recreational vehicle 34879  
dealer, conversion van dealer, secondhand dealer, or auction 34880  
house, the superintendent may require the investigated or examined 34881  
person to pay the actual expense of the investigation or 34882  
examination. The superintendent shall provide an itemized 34883  
statement of actual expenses to the investigated or examined 34884  
person. 34885

(F) Whenever the superintendent has reason to believe, from 34886  
the superintendent's own information, upon complaint, or 34887  
otherwise, that any person has engaged in, is engaging in, or is 34888  
about to engage in any practice prohibited by this chapter, or 34889  
when the superintendent has reason to believe that it is necessary 34890  
for public health and safety, the superintendent may do any of the 34891  
following: 34892

(1) Investigate violations of this chapter, and for that 34893  
purpose, may subpoena witnesses in connection with the 34894  
investigation. The superintendent may make application to the 34895  
appropriate court of common pleas for an order enjoining the 34896  
violation of this chapter, and upon a showing by the 34897

superintendent that any registrant or person acting in a manner 34898  
that requires registration has violated or is about to violate 34899  
this chapter, an injunction, restraining order, or other order as 34900  
may be appropriate shall be granted by the court. 34901

(2) Compel by subpoena the attendance of witnesses to testify 34902  
in relation to any matter over which the superintendent has 34903  
jurisdiction and that is the subject of inquiry and investigation 34904  
by the superintendent, and require the production of any book, 34905  
paper, or document pertaining to the matter. In case any person 34906  
fails to file any statement or report, obey any subpoena, give 34907  
testimony, or produce any books, records, or papers as required by 34908  
a subpoena, the court of common pleas of any county in the state, 34909  
upon application made to it by the superintendent, shall compel 34910  
obedience by attachment proceedings for contempt. 34911

(3) Suspend or revoke the registration of any importer, 34912  
manufacturer, or wholesaler of stuffed toys or articles of 34913  
bedding, mobile home or recreational vehicle dealer, conversion 34914  
van dealer, secondhand dealer, or auction house; 34915

(4) Submit evidence of the violation or violations to any 34916  
city prosecutor, city director of law, or prosecuting attorney 34917  
with authority to prosecute. If the city prosecutor, city director 34918  
of law, or prosecuting attorney with authority to prosecute fails 34919  
to prosecute, the superintendent shall submit the evidence to the 34920  
attorney general who may proceed with the prosecution. 34921

**Sec. 3713.10.** All money collected under this chapter shall be 34922  
deposited into the state treasury to the credit of the ~~labor~~ 34923  
industrial compliance operating fund created under section 121.084 34924  
of the Revised Code. 34925

**Sec. 3714.073.** (A) In addition to the fee levied under 34926  
division (A)(1) of section 3714.07 of the Revised Code, beginning 34927

July 1, 2005, there is hereby levied on the disposal of 34928  
construction and demolition debris at a construction and 34929  
demolition debris facility that is licensed under this chapter or 34930  
at a solid waste facility that is licensed under Chapter 3734. of 34931  
the Revised Code the following fees: 34932

(1) A fee of twelve and one-half cents per cubic yard or 34933  
twenty-five cents per ton, as applicable, the proceeds of which 34934  
shall be deposited in the state treasury to the credit of the soil 34935  
and water conservation district assistance fund created in section 34936  
1515.14 of the Revised Code; 34937

(2) A fee of thirty-seven and one-half cents per cubic yard 34938  
or seventy-five cents per ton, as applicable, the proceeds of 34939  
which shall be deposited in the state treasury to the credit of 34940  
the recycling and litter prevention fund created in section 34941  
~~1502.02~~ 3736.03 of the Revised Code. 34942

(B) The owner or operator of a construction and demolition 34943  
debris facility or a solid waste facility, as a trustee of the 34944  
state, shall collect the fees levied under this section and remit 34945  
the money from the fees in the manner that is established in 34946  
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 34947  
for the fee that is levied under division (A)(1) of that section 34948  
and may enter into an agreement for the quarterly payment of the 34949  
fees in the manner established in division (B) of that section for 34950  
the quarterly payment of the fee that is levied under division 34951  
(A)(1) of that section. 34952

(C) The money that is collected from a construction and 34953  
demolition debris facility or a solid waste facility and remitted 34954  
to a board of health or the director of environmental protection, 34955  
as applicable, pursuant to this section shall be transmitted by 34956  
the board or director to the treasurer of state not later than 34957  
forty-five days after the receipt of the money to be credited to 34958

the soil and water conservation district assistance fund or the 34959  
recycling and litter prevention fund, as applicable. 34960

(D) This section does not apply to the disposal of 34961  
construction and demolition debris at a solid waste facility that 34962  
is licensed under Chapter 3734. of the Revised Code if the owner 34963  
or operator of the facility chooses to collect fees on the 34964  
disposal of the construction and demolition debris that are 34965  
identical to the fees that are collected under Chapters 343. and 34966  
3734. of the Revised Code on the disposal of solid wastes at that 34967  
facility. 34968

(E) This section does not apply to the disposal of source 34969  
separated materials that are exclusively composed of reinforced or 34970  
nonreinforced concrete, asphalt, clay tile, building or paving 34971  
brick, or building or paving stone at a construction and 34972  
demolition debris facility that is licensed under this chapter 34973  
when either of the following applies: 34974

(1) The materials are placed within the limits of 34975  
construction and demolition debris placement at the facility as 34976  
specified in the license issued to the facility under section 34977  
3714.06 of the Revised Code, are not placed within the unloading 34978  
zone of the facility, and are used as a fire prevention measure in 34979  
accordance with rules adopted by the director under section 34980  
3714.02 of the Revised Code. 34981

(2) The materials are not placed within the unloading zone of 34982  
the facility or within the limits of construction and demolition 34983  
debris placement at the facility as specified in the license 34984  
issued to the facility under section 3714.06 of the Revised Code, 34985  
but are used as fill material, either alone or in conjunction with 34986  
clean soil, sand, gravel, or other clean aggregates, in legitimate 34987  
fill operations for construction purposes at the facility or to 34988  
bring the facility up to a consistent grade. 34989

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Sec. 3715.01. (A) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                     | 34990                                                       |
| (1) <del>"Public health council" means the public health council established by section 3701.33 of the Revised Code.</del>                                                                                                                                                                                                                                                                                                                                                     | 34991<br>34992                                              |
| <del>(2)</del> "Person" means an individual, partnership, corporation, or association.                                                                                                                                                                                                                                                                                                                                                                                         | 34993<br>34994                                              |
| <del>(3)</del> <u>(2)</u> "Food" means:                                                                                                                                                                                                                                                                                                                                                                                                                                        | 34995                                                       |
| (a) Articles used for food or drink for humans or animals;                                                                                                                                                                                                                                                                                                                                                                                                                     | 34996                                                       |
| (b) Chewing gum;                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 34997                                                       |
| (c) Articles used for components of any such articles.                                                                                                                                                                                                                                                                                                                                                                                                                         | 34998                                                       |
| <del>(4)</del> <u>(3)</u> "Drug" means:                                                                                                                                                                                                                                                                                                                                                                                                                                        | 34999                                                       |
| (a) Articles recognized in the United States pharmacopoeia and national formulary, or any supplement to them;                                                                                                                                                                                                                                                                                                                                                                  | 35000<br>35001                                              |
| (b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;                                                                                                                                                                                                                                                                                                                                                    | 35002<br>35003<br>35004                                     |
| (c) Articles, other than food, intended to affect the structure or any function of the body of humans or other animals;                                                                                                                                                                                                                                                                                                                                                        | 35005<br>35006                                              |
| (d) Articles intended for use as a component of any of the foregoing articles, other than devices or their components, parts, or accessories.                                                                                                                                                                                                                                                                                                                                  | 35007<br>35008<br>35009                                     |
| <del>(5)</del> <u>(4)</u> "Device," except when used in division (B)(1) of this section and in division (A)(10) of section 3715.52, division (F) of section 3715.60, division (A)(5) of section 3715.64, and division (C) of section 3715.67 of the Revised Code, means any instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is any of the following: | 35010<br>35011<br>35012<br>35013<br>35014<br>35015<br>35016 |
| (a) Recognized in the United States pharmacopoeia and                                                                                                                                                                                                                                                                                                                                                                                                                          | 35017                                                       |

national formulary, or any supplement to them; 35018

(b) Intended for use in the diagnosis of disease or other 35019  
conditions, or in the cure, mitigation, treatment, or prevention 35020  
of disease in humans or animals; 35021

(c) Intended to affect the structure or any function of the 35022  
body of humans or animals, and that does not achieve any of its 35023  
principal intended purposes through chemical action within or on 35024  
the body of humans or animals and is not dependent upon being 35025  
metabolized for the achievement of any of its principal intended 35026  
purposes. 35027

~~(6)~~(5) "Cosmetic" means: 35028

(a) Articles intended to be rubbed, poured, sprinkled, or 35029  
sprayed on, introduced into, or otherwise applied to the human 35030  
body or any part thereof for cleansing, beautifying, promoting 35031  
attractiveness, or altering the appearance; 35032

(b) Articles intended for use as a component of any such 35033  
article, except that "cosmetic" does not include soap. 35034

~~(7)~~(6) "Label" means a display of written, printed, or 35035  
graphic matter upon the immediate container, exclusive of package 35036  
liners, of any article. 35037

Any word, statement, or other information required by this 35038  
chapter to appear on the label must appear on the outside 35039  
container or wrapper, if any, of the retail package of the 35040  
article, or the label must be easily legible through the outside 35041  
container or wrapper. 35042

~~(8)~~(7) "Labeling" means all labels and other written, 35043  
printed, or graphic matter: 35044

(a) Upon an article or any of its containers or wrappers; 35045

(b) Accompanying such article. 35046

~~(9)~~(8) "Advertisement" means all representations disseminated 35047



in any manner or by any means, other than by labeling, for the 35048  
purpose of inducing, or that are likely to induce, directly or 35049  
indirectly, the purchase of food, drugs, devices, or cosmetics. 35050

~~(10)~~(9) "New drug" means: 35051

(a) Any drug the composition of which is such that the drug 35052  
is not generally recognized among experts qualified by scientific 35053  
training and experience to evaluate the safety of drugs, as safe 35054  
for use under the conditions prescribed, recommended, or suggested 35055  
in the labeling thereof; 35056

(b) Any drug the composition of which is such that the drug, 35057  
as a result of investigation to determine its safety for use under 35058  
such conditions, has become so recognized, but that has not, other 35059  
than in an investigation, been used to a material extent or for a 35060  
material time under such conditions. 35061

~~(11)~~(10) "Contaminated with filth" applies to any food, drug, 35062  
device, or cosmetic that has not been protected as far as may be 35063  
necessary by all reasonable means from dust, dirt, and all foreign 35064  
or injurious substances. 35065

~~(12)~~(11) "Honey" means the nectar and saccharine exudation of 35066  
plants that has been gathered, modified, and stored in a honeycomb 35067  
by honeybees. 35068

~~(13)~~(12) "Finished dosage form" means the form of a drug that 35069  
is, or is intended to be, dispensed or administered to humans or 35070  
animals and requires no further manufacturing or processing other 35071  
than packaging, reconstituting, or labeling. 35072

~~(14)~~(13)(a) "Manufacture" means the planting, cultivating, 35073  
harvesting, processing, making, preparing, or otherwise engaging 35074  
in any part of the production of a drug by propagating, 35075  
compounding, converting, or processing, either directly or 35076  
indirectly by extracting from substances of natural origin, or 35077  
independently by means of chemical synthesis, or by a combination 35078

of extraction and chemical synthesis, and includes the following: 35079

(i) Any packaging or repackaging of the drug or labeling or 35080  
relabeling of its container, the promotion and marketing of the 35081  
drug, and other activities incident to production; 35082

(ii) The preparation and promotion of commercially available 35083  
products from bulk compounds for resale by pharmacies, licensed 35084  
health professionals authorized to prescribe drugs, or other 35085  
persons. 35086

(b) "Manufacture" does not include the preparation, 35087  
compounding, packaging, or labeling of a drug by a pharmacist as 35088  
an incident to either of the following: 35089

(i) Dispensing a drug in the usual course of professional 35090  
practice; 35091

(ii) Providing a licensed health professional authorized to 35092  
prescribe drugs with a drug for the purpose of administering to 35093  
patients or for using the drug in treating patients in the 35094  
professional's office. 35095

~~(15)~~(14) "Dangerous drug" has the same meaning as in section 35096  
4729.01 of the Revised Code. 35097

~~(16)~~(15) "Generically equivalent drug" means a drug that 35098  
contains identical amounts of the identical active ingredients, 35099  
but not necessarily containing the same inactive ingredients, that 35100  
meets the identical compendial or other applicable standard of 35101  
identity, strength, quality, and purity, including potency, and 35102  
where applicable, content uniformity, disintegration times, or 35103  
dissolution rates, as the prescribed brand name drug and the 35104  
manufacturer or distributor holds, if applicable, either an 35105  
approved new drug application or an approved abbreviated new drug 35106  
application unless other approval by law or from the federal food 35107  
and drug administration is required. 35108

No drug shall be considered a generically equivalent drug for 35109  
the purposes of this chapter if it has been listed by the federal 35110  
food and drug administration as having proven bioequivalence 35111  
problems. 35112

~~(17)~~(16) "Licensed health professional authorized to 35113  
prescribe drugs" and "prescriber" have the same meanings as in 35114  
section 4729.01 of the Revised Code. 35115

~~(18)~~(17) "Home" means the primary residence occupied by the 35116  
residence's owner, on the condition that the residence contains 35117  
only one stove or oven used for cooking, which may be a double 35118  
oven, designed for common residence usage and not for commercial 35119  
usage, and that the stove or oven be operated in an ordinary 35120  
kitchen within the residence. 35121

~~(19)~~(18) "Potentially hazardous food" means a food that is 35122  
natural or synthetic, to which any of the following apply: 35123

(a) It has a pH level greater than 4.6 when measured at 35124  
seventy-five degrees fahrenheit or twenty-four degrees celsius. 35125

(b) It has a water activity value greater than 0.85. 35126

(c) It requires temperature control because it is in a form 35127  
capable of supporting the rapid and progressive growth of 35128  
infectious or toxigenic microorganisms, the growth and toxin 35129  
production of clostridium botulinum, or in the case of raw shell 35130  
eggs, the growth of salmonella enteritidis. 35131

~~(20)~~(19) "Cottage food production operation" means a person 35132  
who, in the person's home, produces food items that are not 35133  
potentially hazardous foods, including bakery products, jams, 35134  
jellies, candy, fruit butter, and similar products specified in 35135  
rules adopted pursuant to section 3715.025 of the Revised Code. 35136

(B) For the purposes of sections 3715.52 to 3715.72 of the 35137  
Revised Code: 35138

(1) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequence which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(2) The provisions regarding the selling of food, drugs, devices, or cosmetics include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment. The provisions do not prohibit a licensed health professional authorized to prescribe drugs from administering or personally furnishing a drug or device to a patient.

(3) The representation of a drug, in its labeling or advertisement, as an antiseptic is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use that involves prolonged contact with the body.

(4) Whenever jurisdiction is vested in the director of agriculture or the state board of pharmacy, the jurisdiction of the board shall be limited to the sale, offering for sale, giving away, delivery, or dispensing in any manner of drugs at the

wholesale and retail levels or to the consumer and shall be 35171  
exclusive in the case of such sale, offering for sale, giving 35172  
away, delivery, or dispensing in any manner of drugs at the 35173  
wholesale and retail levels or to the consumer in any place where 35174  
prescriptions are dispensed or compounded. 35175

(5) To assist in effectuating the provisions of those 35176  
sections, the director of agriculture or state board of pharmacy 35177  
may request assistance or data from any government or private 35178  
agency or individual. 35179

**Sec. 3715.025.** (A) A cottage food production operation shall 35180  
not process acidified foods, low acid canned foods, or potentially 35181  
hazardous foods. 35182

(B) The director of agriculture shall adopt rules in 35183  
accordance with Chapter 119. of the Revised Code specifying the 35184  
food items a cottage food production operation may produce that 35185  
are in addition to the food items identified by name in division 35186  
(A)~~(20)~~(19) of section 3715.01 of the Revised Code. The director 35187  
shall not adopt rules that permit a cottage food production 35188  
operation to produce any food that is a potentially hazardous 35189  
food. 35190

**Sec. 3715.60.** Food is misbranded within the meaning of 35191  
sections 3715.01, 3715.02, 3715.022, and 3715.52 to 3715.72 of the 35192  
Revised Code, if: 35193

(A) Its labeling is false or misleading in any particular. 35194

(B) It is offered for sale under the name of another food. 35195

(C) Its container is so made, formed, or filled as to be 35196  
misleading. 35197

(D) It is an imitation of another food, unless its label 35198  
bears in type of uniform size and prominence, the word 35199

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| "imitation," and immediately thereafter the name of the food       | 35200 |
| imitated.                                                          | 35201 |
| (E) When it is in package form, it does not bear a label           | 35202 |
| containing:                                                        | 35203 |
| (1) The name and place of business of the manufacturer,            | 35204 |
| packer, or distributor;                                            | 35205 |
| (2) An accurate statement of the quantity of the contents in       | 35206 |
| terms of weight, measure, or numerical count; provided, that       | 35207 |
| reasonable variations shall be permitted, and exemptions as to     | 35208 |
| small packages shall be established by rules adopted by the        | 35209 |
| director of agriculture;                                           | 35210 |
| (3) In the case of food subject to section 3715.023 of the         | 35211 |
| Revised Code, the information specified in that section.           | 35212 |
| (F) Any word, statement, or other information required by or       | 35213 |
| under authority of sections 3715.01, 3715.02, and 3715.52 to       | 35214 |
| 3715.72 of the Revised Code, to appear on the label or labeling is | 35215 |
| not prominently placed thereon with such conspicuousness as        | 35216 |
| compared with other words, statements, designs, or devices, in the | 35217 |
| labeling, and in such terms as to render it likely to be read and  | 35218 |
| understood by the ordinary individual under customary conditions   | 35219 |
| of purchase and use.                                               | 35220 |
| (G) It purports to be, or is represented as, a food for which      | 35221 |
| a definition and standard of identity have been prescribed by      | 35222 |
| statute, or by any rule adopted under an existing statute, or by   | 35223 |
| rule as provided by section 3715.02 of the Revised Code, unless:   | 35224 |
| (1) It conforms to such definition and standard.                   | 35225 |
| (2) Its label bears the name of the food specified in the          | 35226 |
| definition and standard, and, insofar as may be required by such   | 35227 |
| statute or rules, the common names of optional ingredients, other  | 35228 |
| than spices, flavoring, and coloring, present in such food.        | 35229 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (H) It purports to be or is represented as:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 35230                                                                                                    |
| (1) A food for which a standard of quality has been prescribed by rule as provided by section 3715.02 of the Revised Code and its quality falls below the standard unless its label bears, in the manner and form that the rules specify, a statement that it falls below the standard;                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 35231<br>35232<br>35233<br>35234<br>35235                                                                |
| (2) A food for which a standard or standards of fill of container have been prescribed by rule as provided by section 3715.02 of the Revised Code, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form that the rules specify, a statement that it falls below the standard.                                                                                                                                                                                                                                                                                                                                                                                                              | 35236<br>35237<br>35238<br>35239<br>35240<br>35241                                                       |
| (I) It is not subject to the provisions of division (G) of this section, unless it bears labeling clearly giving:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35242<br>35243                                                                                           |
| (1) The common or usual name of the food, if any;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35244                                                                                                    |
| (2) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that, to the extent that compliance with the requirements of division (I)(2) of this section is impractical or results in deception or unfair competition, exemptions shall be established by rules adopted by the director; and provided that these requirements shall not apply to any carbonated beverage of which a full and correct statement of the ingredients, to the extent prescribed by division (I)(2) of this section, has been filed under oath with the director. | 35245<br>35246<br>35247<br>35248<br>35249<br>35250<br>35251<br>35252<br>35253<br>35254<br>35255<br>35256 |
| (J) It purports to be or is represented to be for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is provided by rules <del>proposed</del> <u>adopted</u> by the director <del>and adopted by the</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 35257<br>35258<br>35259<br>35260                                                                         |

~~public health council~~, as necessary, in order to fully inform 35261  
purchasers as to its value for such uses. 35262

(K) It bears or contains any artificial flavoring, artificial 35263  
coloring, or chemical preservative, unless it bears labeling 35264  
stating that fact; provided, that to the extent that compliance 35265  
with the requirements of this division is impracticable, 35266  
exemptions shall be established by rules ~~proposed~~ adopted by the 35267  
director ~~and adopted by the public health council~~. 35268

**Sec. 3715.61.** (A) Whenever the director of agriculture finds 35269  
after investigation that the distribution in this state of any 35270  
class of food may, by reason of contamination with microorganisms 35271  
during manufacture, processing, or packing thereof in any 35272  
locality, be injurious to health, and that such injurious nature 35273  
cannot be adequately determined after such articles have entered 35274  
commerce, and in such case only, ~~he the director~~ shall ~~propose~~ 35275  
~~regulations for adoption by the public health council~~ adopt rules 35276  
providing for the issuance, to manufacturers, processor, or 35277  
packers of such class of food in such locality, of permits to 35278  
which shall be attached such conditions governing the manufacture, 35279  
processing, or packing of such class food, for such temporary 35280  
period of time, as may be necessary to protect the public health; 35281  
and after the effective date of such regulations, and during such 35282  
temporary period, no person shall introduce or deliver for 35283  
introduction into commerce any such food manufactured, processed, 35284  
or packed by any such manufacturer, processor, or packer unless 35285  
such manufacturer, processor, or packer holds a permit issued by 35286  
the director as provided by such ~~regulations~~ rules. 35287

(B) The director is authorized to suspend immediately upon 35288  
notice any permit issued under authority of this section if it is 35289  
found that any of the conditions of the permit have been violated. 35290  
The holder of a permit so suspended shall be privileged at any 35291



time to apply for the reinstatement of such permit, and the 35292  
director shall, immediately after prompt hearing and on inspection 35293  
of the establishment, reinstate such permit if it is found that 35294  
adequate measures have been taken to comply with and maintain the 35295  
conditions of the permit, as originally issued, or as amended. 35296

(C) The director shall have access to any factory or 35297  
establishment, the operator of which holds a permit from the 35298  
director for the purpose of ascertaining whether or not the 35299  
conditions of the permit are being complied with, and denial of 35300  
access for such inspection shall be ground for suspension of the 35301  
permit until such access is freely given by the operator. 35302

**Sec. 3715.62.** Any poisonous or deleterious substance added to 35303  
any food, except where such substance is required in the 35304  
production thereof or cannot be avoided by good manufacturing 35305  
practice, shall be unsafe for purposes of the application of 35306  
division (B) of section 3715.59 of the Revised Code, but when such 35307  
substance is so required or cannot be so avoided, the director of 35308  
agriculture shall ~~propose regulations for adoption by the public~~ 35309  
~~health council~~ adopt rules limiting the quantity therein or 35310  
thereon to such extent as the director finds necessary for the 35311  
protection of public health, and any quantity exceeding the limits 35312  
so fixed shall also be deemed to be unsafe for purposes of the 35313  
application of division (B) of section 3715.59 of the Revised 35314  
Code. While such a regulation is in effect limiting the quantity 35315  
of any such substance in the case of any food, such food shall 35316  
not, by reason of bearing or containing any added amount of such 35317  
substance, be considered to be adulterated within the meaning of 35318  
division (A) of section 3715.59 of the Revised Code. In 35319  
determining the quantity of such added substance to be tolerated 35320  
in or on different articles of food, the director shall take into 35321  
account the extent to which the use of such substance is required 35322  
or cannot be avoided in the production of each such article and 35323

the other ways in which the consumer may be affected by the same 35324  
or other poisonous or deleterious substances. 35325

**Sec. 3715.68.** (A) An advertisement of food, drug, device, or 35326  
cosmetic is false if it is false or misleading in any particular. 35327

(B) For the purpose of sections 3715.01 and 3715.52 to 35328  
3715.72 of the Revised Code, the advertisement of a drug or device 35329  
representing it to have any effect in albuminuria, appendicitis, 35330  
arteriosclerosis, blood poison, bone disease, Bright's disease, 35331  
cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, 35332  
erysipelas, gallstones, heart and vascular diseases, high blood 35333  
pressure, mastoiditis, measles, meningitis, mumps, nephritis, 35334  
otitis media, paralysis, pneumonia, poliomyelitis (infantile 35335  
paralysis), prostate gland disorders, pyelitis, scarlet fever, 35336  
sexual impotence, sinus infection, tuberculosis, tumors, typhoid, 35337  
uremia, venereal disease, is also false, except that no 35338  
advertisement not in violation of division (A) of this section is 35339  
false under this division if it is disseminated only to members of 35340  
the medical, dental, pharmaceutical, or veterinary profession, or 35341  
appears only in the scientific periodicals of these professions; 35342  
provided, that whenever the director of agriculture determines 35343  
that an advance in medical science has made any type of 35344  
self-medication safe as to any of the diseases named above, the 35345  
director shall ~~propose regulations for adoption by the public~~ 35346  
~~health council~~ adopt rules authorizing the advertisement of drugs 35347  
having curative or therapeutic effect for such disease, subject to 35348  
such conditions and restrictions as the director may deem 35349  
necessary in the interests of public health; provided, that this 35350  
division shall not be construed as indicating that self-medication 35351  
for diseases other than those named in this section is safe or 35352  
efficacious. 35353

**Sec. 3716.01.** As used in sections 3716.01 to 3716.07, 35354

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| inclusive, of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 35355                                                                |
| (A) "Department" means the department of health.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35356                                                                |
| (B) "Director" means the director of health.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 35357                                                                |
| (C) "Person" includes an individual, partnership,<br>corporation, or association.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 35358<br>35359                                                       |
| (D) "Hazardous substance" means any substance or mixture of<br>substances which is toxic, corrosive, an irritant, strong<br>sensitizer, flammable, or which generates pressure through<br>decomposition, heat, or other means, if such substance or mixture<br>of substances may cause substantial personal injury or illness<br>during any customary or reasonably anticipated handling or use.                                                                                                                                             | 35360<br>35361<br>35362<br>35363<br>35364<br>35365                   |
| (E) "Toxic" applies to any substance which has the inherent<br>capacity to produce bodily injury to man through ingestion,<br>inhalation, or absorption through any body surface.                                                                                                                                                                                                                                                                                                                                                            | 35366<br>35367<br>35368                                              |
| (F)(1) "Highly toxic" means any substance which falls within<br>any of the following categories:                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35369<br>35370                                                       |
| (a) Produces death within fourteen days in half or more than<br>half of a group of ten or more laboratory white rats each weighing<br>between two hundred and three hundred grams, at a single dose of<br>fifty milligrams or less per kilogram of body weight, when orally<br>administered;                                                                                                                                                                                                                                                 | 35371<br>35372<br>35373<br>35374<br>35375                            |
| (b) Produces death within fourteen days in half or more than<br>half of a group of ten or more laboratory white rats each weighing<br>between two hundred and three hundred grams, when inhaled<br>continuously for a period of one hour or less at an atmospheric<br>concentration of two hundred parts per million by volume or less<br>of gas, vapor, mist, or dust provided such concentration is likely<br>to be encountered by <del>man</del> <u>a human being</u> when the substance is used<br>in any reasonably foreseeable manner; | 35376<br>35377<br>35378<br>35379<br>35380<br>35381<br>35382<br>35383 |
| (c) Produces death within fourteen days in half or more than                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 35384                                                                |

half of a group of ten or more rabbits tested in a dosage of two 35385  
hundred milligrams or less per kilogram of body weight, when 35386  
administered by continuous contact with the bare skin for 35387  
twenty-four hours or less. 35388

(2) If the director finds that available data on human 35389  
experience with any substance indicates results different from 35390  
those obtained on animals in the above named dosages or 35391  
concentrations, the human data shall take precedence. 35392

(G) "Corrosive" means any substance which in contact with 35393  
living tissue will cause destruction of tissue by chemical action; 35394  
but shall not refer to action on inanimate surfaces. 35395

(H) "Irritant" means any substance not corrosive within the 35396  
meaning of division (G) of this section which on immediate, 35397  
prolonged, or repeated contact with normal living tissue will 35398  
induce a local inflammatory reaction. 35399

(I) "Strong sensitizer" means any substance which will cause 35400  
on normal living tissue, through an allergic or photodynamic 35401  
process, a hypersensitivity which becomes evident on reapplication 35402  
of the same substance and which is designated as such by the 35403  
director. Before designating any substance as a strong sensitizer, 35404  
the director shall, after public hearing following due notice, 35405  
find that the frequency of occurrence and severity of the reaction 35406  
indicate a significant potential for causing hypersensitivity. 35407

(J) "Extremely flammable" applies to any substance which has 35408  
a flash point at or below twenty degrees Fahrenheit as determined 35409  
by the tagliabue open cut tester. 35410

(K) "Flammable" applies to any substance which has a flash 35411  
point of above twenty degrees to and including eighty degrees 35412  
Fahrenheit, as determined by the tagliabue open cut tester; except 35413  
that the flammability of the contents of self-pressurized 35414  
containers shall be determined by methods generally applicable to 35415

such containers and established by regulation of the ~~public health~~ 35416  
~~ecouncil~~ director. 35417

(L) "Label" means a display of written, printed, or graphic 35418  
matter upon or attached to the immediate package or container of 35419  
any substance. Any word, statement, or other information required 35420  
by sections 3716.01 to 3716.07, inclusive, of the Revised Code, to 35421  
appear on the label must also appear (1) on the outside container 35422  
or wrapper, if any, unless it is easily legible through the 35423  
outside container or wrapper, and (2) on all accompanying 35424  
literature where there are directions for use, written or 35425  
otherwise. 35426

(M) "Immediate container" does not include package liners. 35427

(N) "Misbranded package" means any container of a hazardous 35428  
substance intended or suitable for household use which fails to 35429  
bear a label: 35430

(1) Which states conspicuously: 35431

(a) The name and place of business of the manufacturer, 35432  
packer, or distributor; 35433

(b) The common or usual name, or the chemical name or the 35434  
recognized generic name (not trade name only) of the hazardous 35435  
substance or of each component which contributes substantially to 35436  
its hazard; 35437

(c) The signal word "DANGER" on substances which are 35438  
extremely flammable, corrosive, or which: 35439

(i) Produce death within fourteen days in half or more than 35440  
half of a group of ten or more laboratory white rats each weighing 35441  
between two hundred and three hundred grams, at a single dose of 35442  
one gram or less per kilogram of body weight, when orally 35443  
administered; 35444

(ii) Produce death within fourteen days in half or more than 35445

half of a group of ten or more laboratory white rats each weighing 35446  
between two hundred and three hundred grams, when inhaled 35447  
continuously for a period of one hour or less at an atmospheric 35448  
concentration of two thousand parts per million by volume of gas, 35449  
vapor, mist, or dust, provided such concentration is likely to be 35450  
encountered by ~~man~~ a human being when the substances are used in 35451  
any reasonably foreseeable manner; 35452

(iii) Produce death within fourteen days in half or more than 35453  
half of a group of ten or more rabbits tested in a dosage of one 35454  
gram or less per kilogram of body weight, when administered by 35455  
continuous contact with the bare skin for twenty-four hours or 35456  
less; 35457

(iv) If the director finds that available data on human 35458  
experience with any substance indicates results different from 35459  
those obtained on animals in the above named dosages or 35460  
concentrations, ~~he~~ the director may require the use of the signal 35461  
word "DANGER" on such substance or permit use of the signal word 35462  
"WARNING" or "CAUTION" on such substance. 35463

(d) The signal word "WARNING" or "CAUTION" on all other 35464  
hazardous substances; 35465

(e) An affirmative statement of the principal hazard or 35466  
hazards, such as "Flammable," "Vapor Harmful," "Causes Burns," 35467  
"Absorbed Through Skin," or similar wording descriptive of the 35468  
hazard; 35469

(f) Precautionary measures describing the action to be 35470  
followed or avoided; 35471

(g) Instructions, when necessary, for the first-aid treatment 35472  
in case of contact or exposure, if the substance is hazardous 35473  
through contact or exposure; 35474

(h) The word "poison" for any hazardous substance which is 35475  
defined as "highly toxic" by division (F) of this section; 35476

(i) Instructions for handling and storage of packages which 35477  
require special care in handling or storage; 35478

(j) The statement "Keep out of the reach of children," or its 35479  
practical equivalent. 35480

(2) On which any statements required under division (N) (1) 35481  
of this section are located prominently and are in the English 35482  
language in legible type in contrast by typography, layout, or 35483  
color with other printed matter on the label. 35484

The ~~public health council~~ director shall, by regulations, 35485  
provide for minimum information which shall appear on the labels 35486  
for small packages, which labels need not include all of the 35487  
information required by this section. The director may permit less 35488  
than the foregoing statement of the hazard or precautionary 35489  
measures for labels of hazardous substances presenting only minor 35490  
hazards; and the term "misbranded package" does not apply to 35491  
packages of economic poisons subject to the "Federal Insecticide, 35492  
Fungicide, and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 35493  
135, nor to packages of foods, drugs, and cosmetics subject to the 35494  
"Federal Food, Drug, and Cosmetic Act," nor to sections 3715.01 to 35495  
3715.72, inclusive, of the Revised Code. 35496

**Sec. 3716.03.** The director of health shall: 35497

(A) ~~Propose and submit regulations for adoption by the public~~ 35498  
~~health council, subject to sections 119.01 to 119.13, inclusive,~~ 35499  
Adopt rules in accordance with Chapter 119. of the Revised Code, 35500  
for the efficient enforcement of section 3716.02 of the Revised 35501  
Code; 35502

(B) Conduct examinations, inspections, and investigations for 35503  
the purpose of establishing such regulations, through such 35504  
officers of the department of health or the boards of health, as 35505  
~~he~~ the director delegates; 35506

(C) Designate officers and employees to enter at reasonable times any factory, warehouse, or establishment in which hazardous substances are held, or to enter any vehicle being used to transport or hold such hazardous substance:

(1) For the purpose of determining the nature of such substances;

(2) To inspect or copy all records showing the movement of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; provided, evidence obtained under this subdivision shall not be used in a criminal prosecution of the person from whom obtained;

(D) Inspect and sample, upon tender of reasonable price for such sample, at reasonable times and within reasonable limits and in a reasonable manner, finished hazardous substances in retail packages and labeling thereon in such factory, warehouse, establishment, or vehicle.

**Sec. 3717.01.** As used in this chapter:

(A) "Ohio uniform food safety code" means the food safety and related standards adopted under section 3717.05 of the Revised Code.

(B) "Food" means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption. "Food" includes ice, water or any other beverage, food ingredients, and chewing gum.

(C) "Retail food establishment" means a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Except when expressly provided otherwise, "retail food establishment" includes a mobile retail food establishment, seasonal retail food



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| establishment, and temporary retail food establishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35537                                                                         |
| As used in this division:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 35538                                                                         |
| (1) "Retail" means the sale of food to a person who is the ultimate consumer.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 35539<br>35540                                                                |
| (2) "Prepared" means any action that affects a food, including receiving and maintaining it at the temperature at which it was received.                                                                                                                                                                                                                                                                                                                                                                                            | 35541<br>35542<br>35543                                                       |
| (D) "Seasonal retail food establishment" means a retail food establishment, other than a mobile retail food establishment, that is operated for not more than six months in a licensing period.                                                                                                                                                                                                                                                                                                                                     | 35544<br>35545<br>35546                                                       |
| (E) "Temporary retail food establishment" means a retail food establishment that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.23 of the Revised Code.                                                                                                                                                                                                                                                      | 35547<br>35548<br>35549<br>35550<br>35551                                     |
| (F) "Food service operation" means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received. | 35552<br>35553<br>35554<br>35555<br>35556<br>35557<br>35558<br>35559<br>35560 |
| Except when expressly provided otherwise, "food service operation" includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.                                                                                                                                                                                                                                                       | 35561<br>35562<br>35563<br>35564<br>35565                                     |
| (G) "Catering food service operation" means a food service                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 35566                                                                         |

operation where food is prepared for serving at a function or 35567  
event held at an off-premises site, for a charge determined on a 35568  
per-function or per-event basis. 35569

(H) "Food delivery sales operation" means a food service 35570  
operation from which individual portions of food are ordered by a 35571  
customer, prepared at another food service operation or a retail 35572  
food establishment, and delivered to the customer by a person 35573  
other than an employee of the food service operation or retail 35574  
food establishment that prepared the food. 35575

(I) "Mobile food service operation" means a food service 35576  
operation that is operated from a movable vehicle, portable 35577  
structure, or watercraft and that routinely changes location, 35578  
except that if the operation remains at any one location for more 35579  
than forty consecutive days, the operation is no longer a mobile 35580  
food service operation. "Mobile food service operation" includes a 35581  
food service operation that does not remain at any one location 35582  
for more than forty consecutive days and serves, in a manner 35583  
consistent with division (F) of this section, only frozen 35584  
desserts; beverages, nuts, popcorn, candy, or similar confections; 35585  
bakery products identified in section 911.01 of the Revised Code; 35586  
or any combination of those items. 35587

(J) "Seasonal food service operation" means a food service 35588  
operation, other than a mobile food service operation, that is 35589  
operated for not more than six months in a licensing period. 35590

(K) "Temporary food service operation" means a food service 35591  
operation that is operated at an event for not more than five 35592  
consecutive days, except when operated for more than five 35593  
consecutive days pursuant to division (E)(2) of section 3717.43 of 35594  
the Revised Code. 35595

(L) "Vending machine location" means an area or room where 35596  
one or more vending machines are installed and operated, except 35597

that if the machines within an area are separated by more than one hundred fifty feet, each area separated by that distance constitutes a separate vending machine location. As used in this division, "vending machine" means a self-service device that automatically dispenses on the insertion of currency, tokens, or similar means a predetermined unit serving of food, either in bulk or in package, without having to be replenished after each use.

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

(N) "Government entity" means this state, a political subdivision of this state, another state, or a political subdivision or other local government body of another state.

(O) "Licensor" means one of the following:

(1) A board of health approved under section 3717.11 of the Revised Code;

(2) The director of agriculture acting pursuant to section 3717.11 of the Revised Code with respect to the licensing of retail food establishments;

(3) The director of health acting pursuant to section 3717.11 of the Revised Code with respect to the licensing of food service operations.

(P) "Licensing period" means the first day of March to the last day of February of the next succeeding year.

(Q) "Mobile retail food establishment" means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than forty consecutive days, the establishment is no longer a mobile retail food establishment.

(R) "Unprocessed," when used with respect to fruits and 35628  
vegetables, means that the fruits and vegetables are not processed 35629  
beyond merely rough trimming and rinsing. 35630

(S) "Cottage food production operation" has the same meaning 35631  
as in division (A)~~(20)~~(19) of section 3715.01 of the Revised Code. 35632

**Sec. 3717.04.** The director of agriculture,~~the public health~~ 35633  
~~council~~, and the director of health have the exclusive power in 35634  
this state to adopt rules regarding retail food establishments and 35635  
food service operations. The rules adopted under this chapter 35636  
shall be applied uniformly throughout this state. 35637

All rules adopted under this chapter shall be adopted in 35638  
accordance with Chapter 119. of the Revised Code. Subject to the 35639  
approval of the joint committee on agency rule review, portions of 35640  
the rules may be adopted by referencing all or any part of any 35641  
federal regulations pertaining to food safety. 35642

**Sec. 3717.05.** (A) The director of agriculture and the ~~public~~ 35643  
director of health ~~council~~ shall adopt rules establishing 35644  
standards for safe food handling and sanitation in retail food 35645  
establishments and food service operations. The rules shall be 35646  
compiled as the Ohio uniform food safety code, which shall be used 35647  
by the licensors of retail food establishments and food service 35648  
operations in ensuring the safe handling of food in this state. 35649  
All scientific provisions of the Ohio uniform food safety code 35650  
that are relevant to both retail food establishments and food 35651  
service operations shall be adopted by the director of agriculture 35652  
and the ~~public~~ director of health ~~council~~ with each other's 35653  
concurrence. 35654

The Ohio uniform food safety code shall include the 35655  
following: 35656

(1) Criteria for sanitation in retail food establishments and 35657

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| food service operations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 35658                                                                                           |
| (2) Criteria for equipment in retail food establishments and food service operations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 35659<br>35660                                                                                  |
| (3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35661<br>35662<br>35663                                                                         |
| (4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 35664<br>35665<br>35666                                                                         |
| (5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 35667<br>35668<br>35669<br>35670                                                                |
| (B)(1) Except as provided in division (B)(2) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be based on the most current version of the food and drug administration's model food code. If the food and drug administration adopts, modifies, or rescinds a provision in the model food code, not later than twelve months after the administration's action, the director of agriculture and <del>public</del> <u>director of health council</u> shall adopt, amend, or rescind provisions in the Ohio uniform food safety code to ensure that it continues to conform with the model food code. | 35671<br>35672<br>35673<br>35674<br>35675<br>35676<br>35677<br>35678<br>35679<br>35680<br>35681 |
| (2) The Ohio uniform food safety code may contain or omit provisions that do not correspond to the food and drug administration's model food code if the director of agriculture or the <del>public</del> <u>director of health council</u> , with each other's concurrence, determines either of the following:                                                                                                                                                                                                                                                                                                                                                                                   | 35682<br>35683<br>35684<br>35685<br>35686                                                       |
| (a) That rules can be adopted under this chapter that provide protection at least as effective as that which would be provided                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 35687<br>35688                                                                                  |

by basing the rules on the model food code; 35689

(b) That local conditions warrant the adoption of standards 35690  
that are different from the model food code. 35691

**Sec. 3717.07.** (A) For purposes of establishing a licensing 35692  
fee under sections 3717.25 and 3717.45 of the Revised Code, the 35693  
director of agriculture and the ~~public~~ director of health council 35694  
shall adopt rules establishing uniform methodologies for use in 35695  
calculating the costs of licensing retail food establishments in 35696  
the categories specified by the director of agriculture and the 35697  
costs of licensing food service operations in the categories 35698  
specified by the ~~council~~ director of health. In adopting the 35699  
rules, the director of agriculture and the ~~public~~ director of 35700  
health ~~council~~ shall consider any recommendations received from 35701  
advisory boards or other entities representing the interests of 35702  
retail food establishments and food service operations. 35703

(B) The rules shall include provisions that do all of the 35704  
following: 35705

(1) Provide for calculations to be made according to fiscal 35706  
years rather than licensing periods; 35707

(2) Limit the direct costs that may be attributed to the use 35708  
of sanitarians by establishing appropriate statewide averages that 35709  
may not be exceeded; 35710

(3) Limit the indirect costs that may be included in the 35711  
calculation of fees to an amount that does not exceed thirty per 35712  
cent of the cost of the licensing program; 35713

(4) Provide for a proportionate reduction in the fees to be 35714  
charged if a licensor included anticipated costs in the 35715  
immediately preceding calculation of licensing fees and the total 35716  
amount of the anticipated costs was not incurred; 35717

(5) Provide for a proportionate reduction in the fees to be 35718

charged if it is discovered through an audit by the auditor of 35719  
state or through any other means that the licensor has charged or 35720  
is charging a licensing fee that exceeds the amount that should 35721  
have been charged; 35722

(6) Provide for a twenty per cent reduction in the fees to be 35723  
charged when the reduction is imposed as a penalty under division 35724  
(C) of section 3717.071 of the Revised Code; 35725

(7) With regard to any fees charged for licensing vending 35726  
machine locations, the rules shall prohibit a licensor from 35727  
increasing fees by a percentage of increase over the previous 35728  
year's fee that exceeds the percentage of increase in the consumer 35729  
price index for all urban consumers (United States city average, 35730  
all items), prepared by the United States department of labor, 35731  
bureau of labor statistics, for the immediately preceding calendar 35732  
year. 35733

**Sec. 3717.45.** (A) A licensor may charge fees for issuing and 35734  
renewing food service operation licenses. Any licensing fee 35735  
charged shall be used solely for the administration and 35736  
enforcement of the provisions of this chapter and the rules 35737  
adopted under it applicable to food service operations. 35738

Any licensing fee charged under this section shall be based 35739  
on the licensor's costs of regulating food service operations, as 35740  
determined according to the uniform methodologies established 35741  
under section 3717.07 of the Revised Code. If the licensor is a 35742  
board of health, a fee may be disapproved by the district advisory 35743  
council in the case of a general health district or the 35744  
legislative authority of the city in the case of a city health 35745  
district. A disapproved fee shall not be charged by the board of 35746  
health. 35747

Except when a licensing fee is established as an emergency 35748  
measure, the licensor shall hold a public hearing regarding the 35749

proposed fee. At least twenty days prior to holding a public 35750  
hearing, the licensor shall give written notice of the hearing to 35751  
each person or government entity holding a food service operation 35752  
license that may be affected by the proposed fee. The notice shall 35753  
be mailed to the last known address of the licensee and shall 35754  
specify the date, time, and place of the hearing and the amount of 35755  
the proposed fee. On request, the licensor shall provide the 35756  
completed uniform methodology used in the calculation of the 35757  
licensor's costs and the proposed fee. 35758

(B) In addition to licensing fees, a licensor may charge fees 35759  
for the following: 35760

(1) Review of facility layout and equipment specifications 35761  
pertaining to food service operations, other than mobile and 35762  
temporary food service operations, or similar reviews conducted 35763  
for vending machine locations; 35764

(2) Any necessary collection and bacteriological examination 35765  
of samples from food service operations, or similar services 35766  
specified in rules adopted under this chapter by the ~~public~~ 35767  
director of health council; 35768

(3) Attendance at a course of study offered by the licensor 35769  
in food protection as it pertains to food service operations, if 35770  
the course is approved under section 3717.09 of the Revised Code. 35771

(C)(1) The ~~public health council~~ director may determine by 35772  
rule an amount to be collected from applicants for food service 35773  
operation licenses for use ~~by the director of health~~ in 35774  
administering and enforcing the provisions of this chapter and the 35775  
rules adopted under it applicable to food service operations. 35776  
Licensors shall collect the amount prior to issuing an applicant's 35777  
new or renewed license. If a licensing fee is charged under this 35778  
section, the licensor shall collect the amount at the same time 35779  
the fee is collected. Licensors are not required to provide notice 35780



or hold public hearings regarding amounts to be collected. 35781

(2) A licensor shall certify the amount collected under 35782  
division (C)(1) of this section and transmit the amount to the 35783  
treasurer of state according to the following schedule: 35784

(a) For amounts received by the licensor on or after the 35785  
first day of January but not later than the thirty-first day of 35786  
March, transmit the amounts not later than the fifteenth day of 35787  
May; 35788

(b) For amounts received by the licensor on or after the 35789  
first day of April but not later than the thirtieth day of June, 35790  
transmit the amounts not later than the fifteenth day of August; 35791

(c) For amounts received by the licensor on or after the 35792  
first day of July but not later than the thirtieth day of 35793  
September, transmit the amounts not later than the fifteenth day 35794  
of November; 35795

(d) For amounts received by the licensor on or after the 35796  
first day of October but not later than the thirty-first day of 35797  
December, transmit the amounts not later than the fifteenth day of 35798  
February of the following year. 35799

(3) All amounts received under division (C)(2) of this 35800  
section shall be deposited into the general operations fund 35801  
created in section 3701.83 of the Revised Code. The director shall 35802  
use the amounts solely for the administration and enforcement of 35803  
the provisions of this chapter and the rules adopted under it 35804  
applicable to food service operations. 35805

~~(4) The director may submit recommendations to the public 35806  
health council regarding the amounts collected under division 35807  
(C)(1) of this section. When making recommendations, the director 35808  
shall submit a report stating the current and projected expenses 35809  
of administering and enforcing the provisions of this chapter and 35810  
the rules adopted under it applicable to food service operations 35811~~

~~and the total of all amounts that have been deposited in the 35812  
general operations fund pursuant to division (C)(3) of this 35813  
section. The director may include in the report any 35814  
recommendations for modifying the department's administration and 35815  
enforcement of the provisions of this chapter and the rules 35816  
adopted under it applicable to food service operations. 35817~~

**Sec. 3717.51.** Pursuant to section 3717.04 of the Revised 35819  
Code, the ~~public~~ director of health council shall adopt rules 35820  
regarding food service operations, as follows: 35821

(A) Licensing categories for food service operations and 35822  
licensing requirements for each category; 35823

(B) Standards and procedures, including a schedule of 35824  
frequency, for conducting inspections of food service operations; 35825

(C) Standards and procedures for conducting investigations of 35826  
complaints pertaining to food service operations; 35827

(D) Procedures to be used by the director of health in 35828  
approving courses of study for persons seeking certification in 35829  
food protection, standards that must be met to receive and 35830  
maintain the director's approval, and procedures for withdrawing 35831  
the director's approval of a course if the standards for approval 35832  
are no longer being met; 35833

(E) Standards for the provision of assistance to choking 35834  
victims; 35835

(F) Any other matter the ~~council~~ director considers relevant 35836  
to the administration and enforcement of the provisions of this 35837  
chapter applicable to food service operations. 35838

**Sec. 3718.02.** (A) The ~~public~~ director of health council, in 35839  
accordance with Chapter 119. of the Revised Code, shall adopt, and 35840  
subsequently may amend and rescind, rules of general application 35841

throughout the state to administer this chapter. Rules adopted 35842  
under division (A) of this section shall do at least all of the 35843  
following: 35844

(1) Require that the appropriate board of health approve or 35845  
disapprove the installation, operation, and alteration of a sewage 35846  
treatment system if it is not connected to a sanitary sewerage 35847  
system; 35848

(2) Require a board of health, or other person as established 35849  
by rule, to conduct a site evaluation for any proposed 35850  
installation of a sewage treatment system; 35851

(3) Prescribe standards for the siting, design, installation, 35852  
operation, monitoring, maintenance, and abandonment of sewage 35853  
treatment systems that may be used in this state and for the 35854  
progressive or incremental alteration or repair of an existing 35855  
sewage treatment system or the progressive or incremental 35856  
installation of a new system to replace an existing sewage 35857  
treatment system. The rules shall be adopted so as to establish a 35858  
preference for the repair of an existing sewage treatment system, 35859  
when technically and economically feasible, rather than its 35860  
replacement with a new system. The standards shall include at a 35861  
minimum all of the following: 35862

(a) Soil absorption specifications and vertical separation 35863  
distances. 35864

(i) Soil absorption specifications established in rules shall 35865  
include standards regarding the sizing of sewage treatment systems 35866  
in use in the state. 35867

(ii) In establishing soil absorption specifications and 35868  
vertical separation distances, the rules shall identify those soil 35869  
conditions that present a low or moderate risk of inadequate 35870  
treatment or dispersal of sewage from sewage treatment systems. 35871

For low and moderate risk conditions, the required vertical 35872  
separation distance shall not exceed eighteen inches except as 35873  
authorized pursuant to rules adopted under divisions 35874  
(A)(3)(a)(iii) and (iv) of this section. 35875

In addition, the rules shall identify those soil conditions 35876  
that present a high risk of inadequate treatment or dispersal of 35877  
sewage. For such high risk conditions, the vertical separation 35878  
distance shall be set at a depth from twenty-four to thirty-six 35879  
inches and shall not be lowered unless a reduction of vertical 35880  
separation is granted in accordance with rules adopted under 35881  
division (A)(3)(a)(iii) of this section. 35882

(iii) The rules shall establish options to be utilized by a 35883  
board of health when approving the reductions of or compliance 35884  
with vertical separation distances that are established in rules 35885  
adopted under division (A)(3)(a)(ii) of this section. The options 35886  
for a board of health in providing such approval shall include, 35887  
but not be limited to: the use where deemed appropriate for a 35888  
particular site of subsurface interceptor drains, perimeter 35889  
drains, or engineered drainage; pretreatment of sewage; or soil 35890  
elevation. 35891

(iv) The rules shall provide that a board of health may 35892  
petition the director to increase the vertical separation 35893  
distances required for sewage treatment systems in the applicable 35894  
health district or a portion of the district when conditions 35895  
present a high risk of inadequate treatment or dispersal of 35896  
sewage. The rules also shall provide that the director may approve 35897  
such a request upon a demonstration by the board of health that 35898  
unusual or unique local conditions relating to terrain, bedrock, 35899  
water table, soil fragments, or soil textures require the 35900  
establishment of greater vertical separation distances within the 35901  
jurisdiction of the board of health or a portion thereof. If, 35902  
under the rules, the director of health approves a greater 35903

vertical separation distance, a board of health still may approve 35904  
a reduction of that vertical separation distance for an individual 35905  
sewage treatment system pursuant to rules adopted under division 35906  
(A)(3)(a)(iii) of this section. Further, if, under the rules, the 35907  
director approves a greater vertical separation distance, a person 35908  
who is denied permission by a board of health to install or 35909  
replace a sewage treatment system as a result of the director's 35910  
approval may request a hearing in accordance with section 3718.11 35911  
of the Revised Code. 35912

(b) Specifications for the quality of treated sewage effluent 35913  
from household sewage treatment systems that is applied to soil on 35914  
the property where a household sewage treatment system is located. 35915  
The specifications established in the rules for the quality of 35916  
effluent from discharging systems shall comply with discharge 35917  
requirements imposed by the national pollutant discharge 35918  
elimination system permit program established under section 35919  
6111.03 of the Revised Code and rules adopted under it. 35920

(c) Requirements for the reasonable maintenance of a system 35921  
according to maintenance requirements approved by the director of 35922  
health as recommended by the sewage treatment system technical 35923  
advisory committee or according to accepted standards and 35924  
practices established in rules, as applicable. The requirements 35925  
may include standards for service contracts or other arrangements 35926  
that assure regular maintenance and upkeep of the system. In 35927  
determining the reasonableness of a maintenance requirement, the 35928  
director shall consider a manufacturer's maintenance requirements 35929  
as well as all other maintenance alternatives. 35930

(4) Prescribe procedures for notification to boards of health 35931  
of the approval of a sewage treatment system or components of a 35932  
system by the director of health under section 3718.04 of the 35933  
Revised Code; 35934

(5) Prescribe criteria and procedures under which boards of 35935

health shall issue installation permits, operation permits, and 35936  
alteration permits for sewage treatment systems. The rules shall 35937  
require as a condition of an installation permit that the 35938  
installer of a system must warrant that the system was installed 35939  
in accordance with all applicable rules and design requirements. 35940  
In addition, the rules shall require a board of health, not later 35941  
than sixty days after the issuance of an installation, operation, 35942  
or alteration permit, to notify the director that the permit was 35943  
issued. The rules shall require the notification to be in a format 35944  
prescribed by the director and to include information related to 35945  
the issuance of the permit. With the assistance of the department 35946  
of health, a board of health, to the extent practicable, shall 35947  
computerize the process of the issuance of permits for sewage 35948  
treatment systems. 35949

(6) Require a board of health to inspect a sewage treatment 35950  
system not later than twelve months after its installation to 35951  
ensure that the system is operating properly. The rules shall 35952  
require a board of health, not later than sixty days after the 35953  
inspection, to certify to the director on a form provided by the 35954  
director that the inspection was performed. 35955

(7) Require each board of health to develop a program for the 35956  
administration of maintenance requirements established in rules 35957  
adopted under division (A)(3)(c) of this section. The rules shall 35958  
include requirements and procedures under which a person may 35959  
demonstrate the required maintenance of a system in lieu of having 35960  
an inspection conducted when an inspection otherwise is required. 35961  
The rules shall require a board of health to provide written 35962  
notice to a person that is demonstrating maintenance of a system 35963  
in lieu of an inspection that if proof of the required maintenance 35964  
of the system is not provided as required by rules, the system is 35965  
subject to inspection by the board and the reasonable cost of the 35966  
inspection must be paid by the person. The rules shall authorize a 35967

board of health to inspect any sewage treatment system if there is 35968  
a good-faith complaint regarding the system, there is probable 35969  
cause for the inspection, or proof of the required maintenance of 35970  
the system has not been provided as required by rules. In 35971  
addition, the rules shall authorize a board of health to inspect a 35972  
sewage treatment system without prior notice in any instance in 35973  
which the board has probable cause to believe that the system is 35974  
endangering or threatening to endanger public health. The rules 35975  
shall require that the reasonable costs for sewage effluent 35976  
testing or evaluation be paid by the owner of a sewage treatment 35977  
system that is being investigated. Further, the rules shall 35978  
establish a methodology for determining the reasonable costs of an 35979  
inspection in accordance with section 3709.09 of the Revised Code. 35980  
The rules shall allow, but shall not require, a board of health to 35981  
continue an inspection program that was established by the board 35982  
prior to the effective date of the rules, provided that the 35983  
program authorizes a person to demonstrate the required 35984  
maintenance of a system in lieu of an inspection. 35985

(8) Require a board of health to register installers, service 35986  
providers, and septage haulers that perform work within the health 35987  
district; prescribe criteria and procedures for the registration; 35988  
and prescribe criteria for a demonstration of competency as a part 35989  
of the registration. The rules shall establish uniform statewide 35990  
bonding requirements or other financial security requirements for 35991  
installers, service providers, and septage haulers as a condition 35992  
of registration within any health district. The rules shall 35993  
establish a methodology by which the required amount of a bond or 35994  
other security may be calculated for each installer, service 35995  
provider, and septage hauler. The methodology, at a minimum, shall 35996  
consider the number of systems installed or serviced and the type 35997  
of system installed or serviced by an installer, service provider, 35998  
or septage hauler on an annual basis. The rules shall provide that 35999  
no board of health shall require an additional or different bond 36000

or security requirement as a condition of registration beyond the 36001  
bonding and security requirements established in the rules adopted 36002  
under division (A)(8) of this section. 36003

The rules shall establish a cost methodology for determining 36004  
the fee for the registration of an installer, service provider, or 36005  
septage hauler in any health district. 36006

(9) Prescribe requirements for the collection, 36007  
transportation, disposal, and land application of domestic septage 36008  
in this state from a sewage treatment system; 36009

(10) Require boards of health to maintain records that are 36010  
determined necessary to ascertain compliance with this chapter and 36011  
the rules adopted under it; 36012

(11) Require the manufacturer of a sewage treatment system 36013  
that is authorized for use in this state in rules adopted under 36014  
this section or that is approved for use in this state under 36015  
section 3718.04 of the Revised Code to provide instructions for 36016  
the operation and maintenance of the system. The rules shall 36017  
provide that a board of health may require a copy of a 36018  
manufacturer's instructions for the operation and maintenance of a 36019  
system to be filed with the board prior to the installation and 36020  
use of the system in the health district in which the board has 36021  
jurisdiction. In addition, the rules shall require a board of 36022  
health and a manufacturer to provide a copy of the operation and 36023  
maintenance instructions, if available, when a board of health or 36024  
a manufacturer receives a written request for instructions. 36025

(12) Prescribe criteria for the provision of written evidence 36026  
of compliance with rules pertaining to sewage treatment for 36027  
purposes of sections 711.05 and 711.10 of the Revised Code; 36028

(13) Pursuant to divisions (A)(1) and (3) of this section, 36029  
prescribe standards for the siting, design, installation, 36030  
operation, monitoring, maintenance, and abandonment of small flow 36031



on-site sewage treatment systems that may be used in this state; 36032

(14) Prescribe minimum criteria and procedures under which 36033  
boards of health may establish household sewage treatment district 36034  
management programs for the purpose of providing a responsive 36035  
approach toward preventing or solving sewage treatment problems 36036  
resulting from household sewage treatment systems within the 36037  
districts established under the program. For purposes of division 36038  
(A)(14) of this section, a board of health may enter into a 36039  
contract with any entity to administer a household sewage 36040  
treatment district management program. 36041

(15) Prescribe standards for the use of subsurface 36042  
interceptor drains, perimeter drains, and engineered drainage to 36043  
remove or divert any subsurface water from an area to be used for 36044  
soil absorption of sewage in the soil of a sewage treatment 36045  
system; 36046

(16) Prescribe standards for the inspection of septage 36047  
hauling truck tanks by boards of health, including, but not 36048  
limited to, tank seal safety specifications; 36049

(17) Establish standards and testing methods to ensure that 36050  
all septic tanks, other disposal component tanks, dosing tanks, 36051  
pump vaults, household sewage treatment disposal system holding 36052  
tanks and privy vaults, or other applicable sewage disposal system 36053  
components manufactured after ~~the effective date of this section~~ 36054  
September 17, 2010, and used in this state are watertight and 36055  
structurally sound; 36056

(18) Require a board of health to give notice and an 36057  
opportunity for a hearing, pursuant to section 3718.11 of the 36058  
Revised Code, to an affected property owner regarding any of the 36059  
following: 36060

(a) The denial of an installation, operation, or alteration 36061  
permit for a sewage treatment system; 36062

(b) The imposition of a condition on the installation of a sewage treatment system; 36063  
36064

(c) The required replacement of a sewage treatment system; 36065

(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected. 36066  
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The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A)(18) of this section. 36069  
36070  
36071

(19) Prescribe standards for the regulation of gray water recycling systems; 36072  
36073

(20) Prohibit a sewage treatment system from causing a public health nuisance; 36074  
36075

(21) Define economic impact for purposes of division (B) of this section and section 3718.022 of the Revised Code. 36076  
36077

The ~~council~~ director may adopt other rules under division (A) of this section that ~~it~~ the director determines are necessary to implement this chapter and to protect the public health and welfare. 36078  
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At least sixty days prior to adopting a rule under division (A) of this section, the ~~council~~ director shall provide boards of health and any other interested parties an opportunity to comment on the rule. 36082  
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(B)(1) In accordance with section 3709.20 or 3709.21 of the Revised Code, as applicable, and subject to review by and approval of the director under division (C) of section 3718.05 of the Revised Code, a board of health may adopt rules necessary for the public health providing for more stringent standards than those established in rules ~~of the public health council~~ adopted by the director under division (A) of this section. In proposing or 36086  
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adopting the rules, a board of health shall consider and document 36093  
the economic impact of the rules on property owners within the 36094  
applicable health district. 36095

(2) A board that intends to adopt rules shall notify the 36096  
department of health of the proposed rules and submit a copy of 36097  
the proposed rules and the documentation of the economic impact of 36098  
the rules at least ninety days prior to the proposed date of 36099  
adoption. The director shall approve or disapprove any such 36100  
proposed rule within ninety days after receiving a copy of the 36101  
proposed rule from the board of health. 36102

(3) In reviewing a proposed rule, the director shall approve 36103  
the rule if all of the following apply: 36104

(a) The proposed rule is not in conflict with this chapter or 36105  
rules adopted under it. 36106

(b) The proposed rule is authorized by division (B) of this 36107  
section. 36108

(c) The proposed rule is no less stringent than rules adopted 36109  
by the ~~public health council~~ director. 36110

(d) Unless otherwise authorized by this chapter or rules 36111  
adopted under it, the proposed rule does not require design 36112  
changes to a sewage treatment system, or component thereof, that 36113  
differ from a design authorized in rules adopted under division 36114  
(A) of this section, including rules adopted under division (A)(1) 36115  
or (A)(3)(a)(iii) or (iv) of this section, or approved by the 36116  
director under section 3718.04 of the Revised Code. 36117

(e) The proposed rule does not require operation or 36118  
maintenance procedures for a sewage treatment system that conflict 36119  
with operation or maintenance procedures authorized in rules 36120  
adopted under division (A) of this section, including rules 36121  
adopted under division (A)(1) or (A)(3)(a)(iii) or (iv) of this 36122  
section, or approved by the director under section 3718.04 of the 36123

Revised Code. 36124

(4) If a board of health fails to submit a proposed rule to 36125  
the director or fails to demonstrate that the board has considered 36126  
the economic impact of the proposed rule, the rule shall have no 36127  
force or effect and is not enforceable. 36128

**Sec. 3718.021.** (A) A board of health may regulate the siting, 36129  
design, installation, operation, monitoring, maintenance, and 36130  
abandonment of small flow on-site sewage treatment systems in 36131  
accordance with rules adopted by the ~~public~~ director of health 36132  
~~council~~ under division (A)(13) of section 3718.02 of the Revised 36133  
Code. If a board of health chooses to regulate small flow on-site 36134  
sewage treatment systems, the board first shall send written 36135  
notification to the director of health and the director of 36136  
environmental protection. 36137

(B) If a board of health chooses to regulate small flow 36138  
on-site sewage treatment systems under division (A) of this 36139  
section and later determines that it no longer wants to regulate 36140  
those systems, the board shall notify the director of health and 36141  
the director of environmental protection. Upon the receipt of the 36142  
notification by the director of environmental protection, the 36143  
board of health shall cease regulating small flow on-site sewage 36144  
treatment systems, and the environmental protection agency shall 36145  
regulate those systems. 36146

(C) If after a survey conducted under section 3718.07 of the 36147  
Revised Code the director of health finds that a board of health 36148  
that has chosen to regulate small flow on-site sewage treatment 36149  
systems is not complying with the rules adopted under division 36150  
(A)(13) of section 3718.02 of the Revised Code, the director shall 36151  
notify the director of environmental protection and the board of 36152  
health. Upon receipt of the notification, the board shall cease 36153  
regulating small flow on-site sewage treatment systems, and the 36154

environmental protection agency shall regulate those systems. 36155

**Sec. 3718.022.** Notwithstanding any provision in this chapter 36156  
to the contrary, in adopting rules under division (A) of section 36157  
3718.02 of the Revised Code, the ~~public~~ director of health council 36158  
shall consider the economic impact of the rules on property 36159  
owners, the state of available technology, and the nature and 36160  
economics of the available ~~alternatives~~ alternatives. 36161

**Sec. 3718.05.** The director of health shall do all of the 36162  
following: 36163

(A) Administer and enforce this chapter and the rules ~~of the~~ 36164  
~~public health council~~ adopted under it; 36165

(B) Examine records of boards of health, in accordance with 36166  
rules adopted by the ~~council~~ director, that are determined 36167  
necessary to ascertain compliance with this chapter and rules 36168  
adopted under it; 36169

(C) Review and approve or disapprove rules proposed by boards 36170  
of health under division (B) of section 3718.02 of the Revised 36171  
Code. The director shall not disapprove a proposed rule unless the 36172  
director determines that the proposed rule conflicts with this 36173  
chapter or rules adopted under division (A) of section 3718.02 of 36174  
the Revised Code ~~by the public health council~~ or fails to promote 36175  
public health or environmental protection. If the director 36176  
disapproves a proposed rule, the director shall provide a written 36177  
explanation of the director's disapproval to the board of health 36178  
that proposed the rule. 36179

(D) Survey boards of health as required by section 3718.07 of 36180  
the Revised Code; 36181

(E) Develop with the sewage treatment system technical 36182  
advisory committee standards, guidelines, and protocols for use by 36183  
the director in approving or disapproving a sewage treatment 36184

system under section 3718.04 of the Revised Code and an 36185  
application form for use by applicants for that approval, 36186  
including identification of the information that must be included 36187  
with the form; 36188

(F) Provide instructions on the operation and maintenance of 36189  
a sewage treatment system. The director shall provide the 36190  
operation and maintenance instructions on the department of 36191  
health's web site. In addition, the director shall provide a copy 36192  
of the operation and maintenance instructions when the director 36193  
receives a written request for the instructions. 36194

(G) Develop educational programs, in conjunction with boards 36195  
of health, to educate owners of sewage treatment systems regarding 36196  
the proper operation and maintenance of those systems. 36197

**Sec. 3718.06.** (A)~~(1)~~ A board of health shall establish fees 36198  
in accordance with section 3709.09 of the Revised Code for the 36199  
purpose of carrying out its duties under this chapter and rules 36200  
adopted under it, including fees for installation permits, 36201  
operation permits, and alteration permits issued by the board. All 36202  
fees so established and collected by the board shall be deposited 36203  
in a special fund of the district to be used exclusively by the 36204  
board in carrying out those duties. 36205

~~(2)~~(B) In accordance with Chapter 119. of the Revised Code, 36206  
the ~~public director of health council~~ may establish by rule a fee 36207  
to be collected from applicants for installation permits and 36208  
alteration permits issued under rules adopted under this chapter. 36209  
The director of health shall use not more than seventy-five per 36210  
cent of the proceeds from that fee for administering and enforcing 36211  
this chapter and the rules adopted under it by the ~~council~~ 36212  
director. The director shall use not less than twenty-five per 36213  
cent of the proceeds from that fee to establish a program in 36214  
cooperation with boards of health to fund installation and 36215

evaluation of sewage treatment system new technology pilot 36216  
projects through grants or other agreements. In the selection of 36217  
pilot projects, the director shall consult with the sewage 36218  
treatment system technical advisory committee. A board of health 36219  
shall collect and transmit the fee to the director pursuant to 36220  
section 3709.092 of the Revised Code. 36221

~~(B) The director may submit recommendations to the public 36222  
health council regarding the amount of the fee collected under 36223  
division (A)(2) of this section for installation and alteration 36224  
permits. When making the recommendations, the director shall 36225  
submit a report stating the current and projected expenses of 36226  
administering and enforcing this chapter and the rules adopted 36227  
under it and of the sewage treatment system new technology pilot 36228  
projects program established under this section and the total of 36229  
all money that has been deposited to the credit of the general 36230  
operations fund under division (A)(2) of this section. The 36231  
director may include in the report any recommendations for 36232  
modifying the requirements established under this chapter and the 36233  
rules adopted under it by the council. 36234~~

**Sec. 3718.07.** The director of health shall survey each city 36236  
and general health district at least once every three years to 36237  
determine whether there is substantial compliance with the 36238  
requirements of this chapter pertaining to health districts and 36239  
the applicable rules adopted by the ~~public health council~~ director 36240  
under this chapter. Upon determining that there is substantial 36241  
compliance, the director shall place the district on an approved 36242  
list. The director may resurvey an approved district if it is 36243  
determined by the director to be necessary and may remove from the 36244  
list a district that is found not to be substantially complying 36245  
with the requirements of this chapter pertaining to health 36246  
districts and the applicable rules. 36247

If the director determines that a district is not eligible to be placed on the approved list or to continue on the list after a resurvey, the director shall certify that determination to the board of health, and the director shall carry out the duties of the unapproved health district under this chapter and the applicable rules adopted under it within the district or shall contract with an approved health district to conduct those duties until the unapproved district is placed on or returned to the approved list. The director or the contracting district shall have within the unapproved district the authority to exercise powers and perform duties granted to or imposed on the board under this chapter and the applicable rules adopted under it.

Until the unapproved district is placed on or returned to the approved list, the director or the contracting district shall collect all fees payable to the board of health under this chapter and all such fees previously paid to the unapproved district that have not been expended or encumbered. The director shall deposit those fees in the state treasury to the credit of a special fund, which is hereby created, to be used by the director for the purpose of carrying out the duties of the unapproved health district under this chapter and the applicable rules adopted under it. A contracting district shall deposit those fees to the credit of its fund created under section 3718.06 of the Revised Code to be used by the district for the purpose of carrying out the duties of the unapproved district under this chapter and the applicable rules adopted under it. The director or contracting district shall repay to the unapproved district any balance remaining in the applicable fund from all sources when the unapproved district is placed on or returned to the approved list by the director.

If a health district is removed from the approved list under this section and the board of health of the district is regulating small flow on-site sewage treatment systems in the district under



section 3718.021 of the Revised Code, the director of 36280  
environmental protection shall regulate those systems in that 36281  
district in accordance with division (C) of that section. 36282

**Sec. 3718.09.** (A) A board of health may issue, modify, 36283  
suspend, or revoke enforcement orders to a registration or permit 36284  
holder or other person directing the holder or person to abate a 36285  
violation of this chapter, any rule adopted or order issued under 36286  
it, or a condition of a registration or permit issued under it 36287  
within a specified, reasonable time. If an order issued under this 36288  
division is neglected or disregarded, the applicable board of 36289  
health may proceed in accordance with section 3707.02 of the 36290  
Revised Code. 36291

(B) The health commissioner or the commissioner's designated 36292  
representative, without prior notice or hearing and in accordance 36293  
with ~~the~~ rules ~~of~~ adopted by the public director of health 36294  
~~council~~, may issue an emergency order requiring any action 36295  
necessary to meet a public health emergency or to prevent or abate 36296  
an imminent and substantial threat to surface water or ground 36297  
water regarding domestic septage management or regarding a sewage 36298  
treatment system that is being operated in a manner that does not 36299  
comply with this chapter or rules adopted under it. A person to 36300  
whom such an emergency order is issued immediately shall comply 36301  
with the order. A person so ordered may apply to the issuer of the 36302  
order for a hearing, which shall be held as soon as possible, but 36303  
not later than twenty days after the issuer's receipt of the 36304  
application for a hearing. 36305

**Sec. 3719.06.** (A)(1) A licensed health professional 36306  
authorized to prescribe drugs, if acting in the course of 36307  
professional practice, in accordance with the laws regulating the 36308  
professional's practice, and in accordance with rules adopted by 36309  
the state board of pharmacy, may, except as provided in division 36310

|                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (A)(2) or (3) of this section, do the following:                                                                                                                                                                                                          | 36311                                     |
| (a) Prescribe schedule II, III, IV, and V controlled substances;                                                                                                                                                                                          | 36312<br>36313                            |
| (b) Administer or personally furnish to patients schedule II, III, IV, and V controlled substances;                                                                                                                                                       | 36314<br>36315                            |
| (c) Cause schedule II, III, IV, and V controlled substances to be administered under the prescriber's direction and supervision.                                                                                                                          | 36316<br>36317<br>36318                   |
| (2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following:                                                        | 36319<br>36320<br>36321<br>36322          |
| (a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code.                                                                                                                    | 36323<br>36324<br>36325                   |
| (b) No schedule II controlled substance shall be personally furnished to any patient.                                                                                                                                                                     | 36326<br>36327                            |
| (3) A licensed health professional authorized to prescribe drugs who is a physician assistant <del>shall not prescribe or personally furnish to patients any</del> <u>is subject to all of the following:</u>                                             | 36328<br>36329<br>36330<br>36331          |
| <u>(a) A controlled substance that is not may be prescribed or personally furnished only if it is included in the</u> physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code. | 36332<br>36333<br>36334<br>36335<br>36336 |
| <u>(b) A schedule II controlled substance may be prescribed only in accordance with division (B)(4) of section 4730.41 and section 4730.411 of the Revised Code.</u>                                                                                      | 36337<br>36338<br>36339                   |
| <u>(c) No schedule II controlled substance shall be personally</u>                                                                                                                                                                                        | 36340                                     |

furnished to any patient. 36341

(B) No licensed health professional authorized to prescribe 36342  
drugs shall prescribe, administer, or personally furnish a 36343  
schedule III anabolic steroid for the purpose of human muscle 36344  
building or enhancing human athletic performance and no pharmacist 36345  
shall dispense a schedule III anabolic steroid for either purpose, 36346  
unless it has been approved for that purpose under the "Federal 36347  
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 36348  
301, as amended. 36349

(C) Each written prescription shall be properly executed, 36350  
dated, and signed by the prescriber on the day when issued and 36351  
shall bear the full name and address of the person for whom, or 36352  
the owner of the animal for which, the controlled substance is 36353  
prescribed and the full name, address, and registry number under 36354  
the federal drug abuse control laws of the prescriber. If the 36355  
prescription is for an animal, it shall state the species of the 36356  
animal for which the controlled substance is prescribed. 36357

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 36358  
3721.99 of the Revised Code: 36359

(1)(a) "Home" means an institution, residence, or facility 36360  
that provides, for a period of more than twenty-four hours, 36361  
whether for a consideration or not, accommodations to three or 36362  
more unrelated individuals who are dependent upon the services of 36363  
others, including a nursing home, residential care facility, home 36364  
for the aging, and a veterans' home operated under Chapter 5907. 36365  
of the Revised Code. 36366

(b) "Home" also means both of the following: 36367

(i) Any facility that a person, as defined in section 3702.51 36368  
of the Revised Code, proposes for certification as a skilled 36369  
nursing facility or nursing facility under Title XVIII or XIX of 36370

the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 36371  
as amended, and for which a certificate of need, other than a 36372  
certificate to recategorize hospital beds as described in section 36373  
~~3702.522~~ 3702.521 of the Revised Code or division (R)(7)(d) of the 36374  
version of section 3702.51 of the Revised Code in effect 36375  
immediately prior to April 20, 1995, has been granted to the 36376  
person under sections 3702.51 to 3702.62 of the Revised Code after 36377  
August 5, 1989; 36378

(ii) A county home or district home that is or has been 36379  
licensed as a residential care facility. 36380

(c) "Home" does not mean any of the following: 36381

(i) Except as provided in division (A)(1)(b) of this section, 36382  
a public hospital or hospital as defined in section 3701.01 or 36383  
5122.01 of the Revised Code; 36384

(ii) A residential facility ~~for mentally ill persons~~ as 36385  
defined ~~under~~ in section 5119.22 of the Revised Code; 36386

(iii) A residential facility as defined in section 5123.19 of 36387  
the Revised Code; 36388

(iv) ~~An adult care facility as defined in section 5119.70 of~~ 36389  
~~the Revised Code;~~ 36390

~~(v)~~ An alcohol or drug addiction program as defined in 36391  
section 3793.01 of the Revised Code; 36392

~~(vi)~~ (v) A facility licensed to provide methadone treatment 36393  
under section 3793.11 of the Revised Code; 36394

~~(vii)~~ (vi) A facility providing services under contract with 36395  
the department of developmental disabilities under section 5123.18 36396  
of the Revised Code ~~unless section 5123.192 of the Revised Code~~ 36397  
~~makes the facility subject to the requirements of this chapter;~~ 36398

~~(viii)~~ (vii) A facility operated by a hospice care program 36399  
licensed under section 3712.04 of the Revised Code that is used 36400

exclusively for care of hospice patients; 36401

~~(ix)~~(viii) A facility, infirmary, or other entity that is 36402  
operated by a religious order, provides care exclusively to 36403  
members of religious orders who take vows of celibacy and live by 36404  
virtue of their vows within the orders as if related, and does not 36405  
participate in the medicare program established under Title XVIII 36406  
of the "Social Security Act" or the medical assistance program 36407  
established under Chapter 5111. of the Revised Code and Title XIX 36408  
of the "Social Security Act," if on January 1, 1994, the facility, 36409  
infirmary, or entity was providing care exclusively to members of 36410  
the religious order; 36411

~~(x)~~(ix) A county home or district home that has never been 36412  
licensed as a residential care facility. 36413

(2) "Unrelated individual" means one who is not related to 36414  
the owner or operator of a home or to the spouse of the owner or 36415  
operator as a parent, grandparent, child, grandchild, brother, 36416  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 36417  
uncle. 36418

(3) "Mental impairment" does not mean mental illness as 36419  
defined in section 5122.01 of the Revised Code or mental 36420  
retardation as defined in section 5123.01 of the Revised Code. 36421

(4) "Skilled nursing care" means procedures that require 36422  
technical skills and knowledge beyond those the untrained person 36423  
possesses and that are commonly employed in providing for the 36424  
physical, mental, and emotional needs of the ill or otherwise 36425  
incapacitated. "Skilled nursing care" includes, but is not limited 36426  
to, the following: 36427

(a) Irrigations, catheterizations, application of dressings, 36428  
and supervision of special diets; 36429

(b) Objective observation of changes in the patient's 36430  
condition as a means of analyzing and determining the nursing care 36431

|                                                                                                                                                                                                                                                                                                                                                  |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| required and the need for further medical diagnosis and treatment;                                                                                                                                                                                                                                                                               | 36432                                              |
| (c) Special procedures contributing to rehabilitation;                                                                                                                                                                                                                                                                                           | 36433                                              |
| (d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;                                                                                                                                                        | 36434<br>36435<br>36436                            |
| (e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.                                                                                                                                                                                                            | 36437<br>36438<br>36439                            |
| (5)(a) "Personal care services" means services including, but not limited to, the following:                                                                                                                                                                                                                                                     | 36440<br>36441                                     |
| (i) Assisting residents with activities of daily living;                                                                                                                                                                                                                                                                                         | 36442                                              |
| (ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;                                                                                                                                                                                                     | 36443<br>36444<br>36445                            |
| (iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.                                                                                                              | 36446<br>36447<br>36448<br>36449                   |
| (b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.                                                              | 36450<br>36451<br>36452<br>36453<br>36454          |
| (6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. | 36455<br>36456<br>36457<br>36458<br>36459<br>36460 |
| (7) "Residential care facility" means a home that provides                                                                                                                                                                                                                                                                                       | 36461                                              |

either of the following: 36462

(a) Accommodations for seventeen or more unrelated 36463  
individuals and supervision and personal care services for three 36464  
or more of those individuals who are dependent on the services of 36465  
others by reason of age or physical or mental impairment; 36466

(b) Accommodations for three or more unrelated individuals, 36467  
supervision and personal care services for at least three of those 36468  
individuals who are dependent on the services of others by reason 36469  
of age or physical or mental impairment, and, to at least one of 36470  
those individuals, any of the skilled nursing care authorized by 36471  
section 3721.011 of the Revised Code. 36472

(8) "Home for the aging" means a home that provides services 36473  
as a residential care facility and a nursing home, except that the 36474  
home provides its services only to individuals who are dependent 36475  
on the services of others by reason of both age and physical or 36476  
mental impairment. 36477

The part or unit of a home for the aging that provides 36478  
services only as a residential care facility is licensed as a 36479  
residential care facility. The part or unit that may provide 36480  
skilled nursing care beyond the extent authorized by section 36481  
3721.011 of the Revised Code is licensed as a nursing home. 36482

(9) "County home" and "district home" mean a county home or 36483  
district home operated under Chapter 5155. of the Revised Code. 36484

(B) The ~~public~~ director of health council may further 36485  
classify homes. For the purposes of this chapter, any residence, 36486  
institution, hotel, congregate housing project, or similar 36487  
facility that meets the definition of a home under this section is 36488  
such a home regardless of how the facility holds itself out to the 36489  
public. 36490

(C) For purposes of this chapter, personal care services or 36491  
skilled nursing care shall be considered to be provided by a 36492

facility if they are provided by a person employed by or 36493  
associated with the facility or by another person pursuant to an 36494  
agreement to which neither the resident who receives the services 36495  
nor the resident's sponsor is a party. 36496

(D) Nothing in division (A)(4) of this section shall be 36497  
construed to permit skilled nursing care to be imposed on an 36498  
individual who does not require skilled nursing care. 36499

Nothing in division (A)(5) of this section shall be construed 36500  
to permit personal care services to be imposed on an individual 36501  
who is capable of performing the activity in question without 36502  
assistance. 36503

(E) Division (A)(1)(c)~~(ix)~~(viii) of this section does not 36504  
prohibit a facility, infirmary, or other entity described in that 36505  
division from seeking licensure under sections 3721.01 to 3721.09 36506  
of the Revised Code or certification under Title XVIII or XIX of 36507  
the "Social Security Act." However, such a facility, infirmary, or 36508  
entity that applies for licensure or certification must meet the 36509  
requirements of those sections or titles and the rules adopted 36510  
under them and obtain a certificate of need from the director of 36511  
health under section 3702.52 of the Revised Code. 36512

(F) Nothing in this chapter, or rules adopted pursuant to it, 36513  
shall be construed as authorizing the supervision, regulation, or 36514  
control of the spiritual care or treatment of residents or 36515  
patients in any home who rely upon treatment by prayer or 36516  
spiritual means in accordance with the creed or tenets of any 36517  
recognized church or religious denomination. 36518

**Sec. 3721.011.** (A) In addition to providing accommodations, 36519  
supervision, and personal care services to its residents, a 36520  
residential care facility may do the following: 36521

(1) Provide the following skilled nursing care to its 36522



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| residents:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 36523                                                                                                             |
| (a) Supervision of special diets;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 36524                                                                                                             |
| (b) Application of dressings, in accordance with rules<br>adopted under section 3721.04 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 36525<br>36526                                                                                                    |
| (c) Subject to division (B)(1) of this section,<br>administration of medication.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 36527<br>36528                                                                                                    |
| (2) Subject to division (C) of this section, provide other<br>skilled nursing care on a part-time, intermittent basis for not<br>more than a total of one hundred twenty days in a twelve-month<br>period;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 36529<br>36530<br>36531<br>36532                                                                                  |
| (3) Provide skilled nursing care for more than one hundred<br>twenty days in a twelve-month period to a resident when the<br>requirements of division (D) of this section are met.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 36533<br>36534<br>36535                                                                                           |
| A residential care facility may not admit or retain an<br>individual requiring skilled nursing care that is not authorized<br>by this section. A residential care facility may not provide<br>skilled nursing care beyond the limits established by this<br>section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 36536<br>36537<br>36538<br>36539<br>36540                                                                         |
| (B)(1) A residential care facility may admit or retain an<br>individual requiring medication, including biologicals, only if<br>the individual's personal physician has determined in writing that<br>the individual is capable of self-administering the medication or<br>the facility provides for the medication to be administered to the<br>individual by a home health agency certified under Title XVIII of<br>the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as<br>amended; a hospice care program licensed under Chapter 3712. of<br>the Revised Code; or a member of the staff of the residential care<br>facility who is qualified to perform medication administration.<br>Medication may be administered in a residential care facility only<br>by the following persons authorized by law to administer<br>medication: | 36541<br>36542<br>36543<br>36544<br>36545<br>36546<br>36547<br>36548<br>36549<br>36550<br>36551<br>36552<br>36553 |

(a) A registered nurse licensed under Chapter 4723. of the Revised Code; 36554  
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(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction of a registered nurse or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 36556  
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(c) A medication aide certified under Chapter 4723. of the Revised Code; 36563  
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(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 36565  
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(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following: 36568  
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(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 36571  
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(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. 36573  
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(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and 36578  
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place the container to the mouth of the resident. 36585

(C) Except as provided in division (D) of this section, a 36586  
residential care facility may admit or retain individuals who 36587  
require skilled nursing care beyond the supervision of special 36588  
diets, application of dressings, or administration of medication, 36589  
only if the care will be provided on a part-time, intermittent 36590  
basis for not more than a total of one hundred twenty days in any 36591  
twelve-month period. In accordance with Chapter 119. of the 36592  
Revised Code, the ~~public~~ director of health council shall adopt 36593  
rules specifying what constitutes the need for skilled nursing 36594  
care on a part-time, intermittent basis. The ~~council~~ director 36595  
shall adopt rules that are consistent with rules pertaining to 36596  
home health care adopted by the director of job and family 36597  
services for the medicaid program established under Chapter 5111. 36598  
of the Revised Code. Skilled nursing care provided pursuant to 36599  
this division may be provided by a home health agency certified 36600  
under Title XVIII of the "Social Security Act," a hospice care 36601  
program licensed under Chapter 3712. of the Revised Code, or a 36602  
member of the staff of a residential care facility who is 36603  
qualified to perform skilled nursing care. 36604

A residential care facility that provides skilled nursing 36605  
care pursuant to this division shall do both of the following: 36606

(1) Evaluate each resident receiving the skilled nursing care 36607  
at least once every seven days to determine whether the resident 36608  
should be transferred to a nursing home; 36609

(2) Meet the skilled nursing care needs of each resident 36610  
receiving the care. 36611

(D)(1) A residential care facility may admit or retain an 36612  
individual who requires skilled nursing care for more than one 36613  
hundred twenty days in any twelve-month period only if the 36614  
facility has entered into a written agreement with each of the 36615

|                                                                                                                                                                                      |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| following:                                                                                                                                                                           | 36616                   |
| (a) The individual or individual's sponsor;                                                                                                                                          | 36617                   |
| (b) The individual's personal physician;                                                                                                                                             | 36618                   |
| (c) Unless the individual's personal physician oversees the skilled nursing care, the provider of the skilled nursing care;                                                          | 36619<br>36620          |
| (d) If the individual is a hospice patient as defined in section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712. of the Revised Code.               | 36621<br>36622<br>36623 |
| (2) The agreement required by division (D)(1) of this section shall include all of the following provisions:                                                                         | 36624<br>36625          |
| (a) That the individual will be provided skilled nursing care in the facility only if a determination has been made that the individual's needs can be met at the facility;          | 36626<br>36627<br>36628 |
| (b) That the individual will be retained in the facility only if periodic redeterminations are made that the individual's needs are being met at the facility;                       | 36629<br>36630<br>36631 |
| (c) That the redeterminations will be made according to a schedule specified in the agreement;                                                                                       | 36632<br>36633          |
| (d) If the individual is a hospice patient, that the individual has been given an opportunity to choose the hospice care program that best meets the individual's needs;             | 36634<br>36635<br>36636 |
| (e) Unless the individual is a hospice patient, that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.               | 36637<br>36638<br>36639 |
| (E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home. | 36640<br>36641<br>36642 |
| <b>Sec. 3721.02.</b> (A) <u>As used in this section, "residential facility" means a residential facility licensed under section</u>                                                  | 36643<br>36644          |

5119.22 of the Revised Code that provides accommodations, 36645  
supervision, and personal care services for three to sixteen 36646  
unrelated adults. 36647

(B) The director of health shall license homes and establish 36648  
procedures to be followed in inspecting and licensing homes. The 36649  
director may inspect a home at any time. Each home shall be 36650  
inspected by the director at least once prior to the issuance of a 36651  
license and at least once every fifteen months thereafter. The 36652  
state fire marshal or a township, municipal, or other legally 36653  
constituted fire department approved by the marshal shall also 36654  
inspect a home prior to issuance of a license, at least once every 36655  
fifteen months thereafter, and at any other time requested by the 36656  
director. A home does not have to be inspected prior to issuance 36657  
of a license by the director, state fire marshal, or a fire 36658  
department if ownership of the home is assigned or transferred to 36659  
a different person and the home was licensed under this chapter 36660  
immediately prior to the assignment or transfer. The director may 36661  
enter at any time, for the purposes of investigation, any 36662  
institution, residence, facility, or other structure that has been 36663  
reported to the director or that the director has reasonable cause 36664  
to believe is operating as a nursing home, residential care 36665  
facility, or home for the aging without a valid license required 36666  
by section 3721.05 of the Revised Code or, in the case of a county 36667  
home or district home, is operating despite the revocation of its 36668  
residential care facility license. The director may delegate the 36669  
director's authority and duties under this chapter to any 36670  
division, bureau, agency, or official of the department of health. 36671

~~(B)~~(C) A single facility may be licensed both as a nursing 36672  
home pursuant to this chapter and as ~~an adult care~~ a residential 36673  
facility pursuant to ~~Chapter 5119.~~ section 5119.22 of the Revised 36674  
Code if the director determines that the part or unit to be 36675  
licensed as a nursing home can be maintained separate and discrete 36676

from the part or unit to be licensed as ~~an adult care a~~ 36677  
residential facility. 36678

~~(C)~~(D) In determining the number of residents in a home for 36679  
the purpose of licensing, the director shall consider all the 36680  
individuals for whom the home provides accommodations as one group 36681  
unless one of the following is the case: 36682

(1) The home is a home for the aging, in which case all the 36683  
individuals in the part or unit licensed as a nursing home shall 36684  
be considered as one group, and all the individuals in the part or 36685  
unit licensed as a rest home shall be considered as another group. 36686

(2) The home is both a nursing home and ~~an adult care a~~ 36687  
residential facility. In that case, all the individuals in the 36688  
part or unit licensed as a nursing home shall be considered as one 36689  
group, and all the individuals in the part or unit licensed as an 36690  
adult care facility shall be considered as another group. 36691

(3) The home maintains, in addition to a nursing home or 36692  
residential care facility, a separate and discrete part or unit 36693  
that provides accommodations to individuals who do not require or 36694  
receive skilled nursing care and do not receive personal care 36695  
services from the home, in which case the individuals in the 36696  
separate and discrete part or unit shall not be considered in 36697  
determining the number of residents in the home if the separate 36698  
and discrete part or unit is in compliance with the Ohio basic 36699  
building code established by the board of building standards under 36700  
Chapters 3781. and 3791. of the Revised Code and the home permits 36701  
the director, on request, to inspect the separate and discrete 36702  
part or unit and speak with the individuals residing there, if 36703  
they consent, to determine whether the separate and discrete part 36704  
or unit meets the requirements of this division. 36705

~~(D)~~(E)(1) The director of health shall charge the following 36706  
application fee and annual renewal licensing and inspection fee 36707

for each fifty persons or part thereof of a home's licensed 36708  
capacity: 36709

(a) For state fiscal year 2010, two hundred twenty dollars; 36710

(b) For state fiscal year 2011, two hundred seventy dollars; 36711

(c) For each state fiscal year thereafter, three hundred 36712  
twenty dollars. 36713

(2) All fees collected by the director for the issuance or 36714  
renewal of licenses shall be deposited into the state treasury to 36715  
the credit of the general operations fund created in section 36716  
3701.83 of the Revised Code for use only in administering and 36717  
enforcing this chapter and rules adopted under it. 36718

~~(E)~~(F)(1) Except as otherwise provided in this section, the 36719  
results of an inspection or investigation of a home that is 36720  
conducted under this section, including any statement of 36721  
deficiencies and all findings and deficiencies cited in the 36722  
statement on the basis of the inspection or investigation, shall 36723  
be used solely to determine the home's compliance with this 36724  
chapter or another chapter of the Revised Code in any action or 36725  
proceeding other than an action commenced under division (I) of 36726  
section 3721.17 of the Revised Code. Those results of an 36727  
inspection or investigation, that statement of deficiencies, and 36728  
the findings and deficiencies cited in that statement shall not be 36729  
used in any court or in any action or proceeding that is pending 36730  
in any court and are not admissible in evidence in any action or 36731  
proceeding unless that action or proceeding is an appeal of an 36732  
action by the department of health under this chapter or is an 36733  
action by any department or agency of the state to enforce this 36734  
chapter or another chapter of the Revised Code. 36735

(2) Nothing in division (E)(1) of this section prohibits the 36736  
results of an inspection or investigation conducted under this 36737  
section from being used in a criminal investigation or 36738

prosecution. 36739

**Sec. 3721.03.** (A) As used in this section, "person" has the 36740  
same meaning as in section 1.59 of the Revised Code. 36741

(B) The director of health shall enforce the provisions of 36742  
sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and 36743  
may issue orders to secure compliance with the provisions of these 36744  
sections and the rules adopted under them. The director may hold 36745  
hearings, issue subpoenas, compel testimony, and make 36746  
adjudications. 36747

The director may issue an order revoking a license in the 36748  
event the director finds, upon hearing or opportunity afforded 36749  
pursuant to Chapter 119. of the Revised Code, that any of the 36750  
following apply to a person, county home, or district home 36751  
licensed under section 3721.07 of the Revised Code: 36752

(1) Has violated any of the provisions of Chapter 3721. of 36753  
the Revised Code or rules adopted by the ~~public health council~~ 36754  
director under it; 36755

(2) Has violated any order issued by the director; 36756

(3) Is not, or any of its principals are not suitable, 36757  
morally or financially to operate such an institution; 36758

(4) Is not furnishing humane, kind, and adequate treatment 36759  
and care; 36760

(5) Has had a long-standing pattern of violations of this 36761  
chapter or the rules adopted under it that has caused physical, 36762  
emotional, mental, or psychosocial harm to one or more residents. 36763

Upon the issuance of any order of revocation, the person 36764  
whose license is revoked, or the county home or district home that 36765  
has its license revoked, may appeal in accordance with Chapter 36766  
119. of the Revised Code. 36767



(C) Once the director notifies a person, county home, or district home licensed to operate a home that the license may be revoked or issues any order under this section, the person, county home, or district home shall not assign or transfer to another person or entity the right to operate the home. This prohibition shall remain in effect until proceedings under Chapter 119. of the Revised Code concerning the order or license revocation have been concluded or the director notifies the person, county home, or district home that the prohibition has been lifted.

If a license is revoked under this section, the former license holder shall not assign or transfer or consent to assignment or transfer of the right to operate the home. Any attempted assignment or transfer to another person or entity is void.

On revocation of a license, the former licensee shall take all necessary steps to cease operation of the home.

The director of health shall not accept a certificate of need application under section 3702.52 of the Revised Code regarding a home if the license to operate the home has been revoked under this section.

**Sec. 3721.032.** The state fire marshal shall enforce all statutes and rules pertaining to fire safety in homes and shall adopt rules pertaining to fire safety in homes as the marshal determines necessary. The rules adopted by the marshal shall be in addition to those fire safety rules that the board of building standards and the ~~public~~ director of health ~~council~~ are empowered to adopt. In the event of a dispute between the marshal and another officer having responsibilities under sections 3721.01 to 3721.09 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the marshal shall prevail.

**Sec. 3721.04.** (A) The ~~public~~ director of health council shall 36799  
adopt and publish rules governing the operation of homes, which 36800  
shall have uniform application throughout the state, and shall 36801  
prescribe standards for homes with respect to, but not limited to, 36802  
the following matters: 36803

(1) The minimum space requirements for occupants and 36804  
equipping of the buildings in which homes are housed so as to 36805  
ensure healthful, safe, sanitary, and comfortable conditions for 36806  
all residents, so long as they are not inconsistent with Chapters 36807  
3781. and 3791. of the Revised Code or with any rules adopted by 36808  
the board of building standards and by the state fire marshal; 36809

(2) The number and qualifications of personnel, including 36810  
management and nursing staff, for each class of home, and the 36811  
qualifications of nurse aides, as defined in section 3721.21 of 36812  
the Revised Code, used by long-term care facilities, as defined in 36813  
that section; 36814

(3) The medical, rehabilitative, and recreational services to 36815  
be provided by each class of home; 36816

(4) Dietetic services, including but not limited to 36817  
sanitation, nutritional adequacy, and palatability of food; 36818

(5) The personal and social services to be provided by each 36819  
class of home; 36820

(6) The business and accounting practices to be followed and 36821  
the type of patient and business records to be kept by such homes; 36822

(7) The operation of adult day-care programs provided by and 36823  
on the same site as homes licensed under this chapter; 36824

(8) The standards and procedures to be followed by 36825  
residential care facilities in admitting and retaining a resident 36826  
who requires the application of dressings, including requirements 36827  
for charting and evaluating on a weekly basis; 36828

(9) The requirements for conducting weekly evaluations of residents receiving skilled nursing care in residential care facilities. 36829  
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(B) The ~~public health council~~ director may adopt whatever additional rules are necessary to carry out or enforce the provisions of sections 3721.01 to 3721.09 and 3721.99 of the Revised Code. 36832  
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(C) The following apply to the ~~public health council~~ director when adopting rules under division (A)(1) of this section regarding the equipping of the buildings in which homes are housed: 36836  
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(1) The rules shall not require that each resident sleeping room, or a percentage of the resident sleeping rooms, have a bathtub or shower that is directly accessible from or exclusively for the room. 36840  
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(2) The rules shall require that the privacy and dignity of residents be protected when the residents are transported to and from bathing facilities, prepare for bathing, and bathe. 36844  
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(D) The following apply to the ~~public health council~~ director when adopting rules under division (A)(2) of this section regarding the number and qualifications of personnel in homes: 36847  
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(1) When adopting rules applicable to residential care facilities, the ~~public health council~~ director shall take into consideration the effect that the following may have on the number of personnel needed: 36850  
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(a) Provision of personal care services; 36854

(b) Provision of part-time, intermittent skilled nursing care pursuant to division (C) of section 3721.011 of the Revised Code; 36855  
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(c) Provision of skilled nursing care to residents pursuant to division (D) of section 3721.011 of the Revised Code. 36857  
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(2) When adopting rules applicable to nursing homes, the ~~public health council~~ director shall require each nursing home to do both of the following:

(a) Have sufficient direct care staff on each shift to meet the needs of the residents in an appropriate and timely manner;

(b) Have the following individuals provide a minimum daily average of two and one-half hours of direct care per resident:

(i) Registered nurses, including registered nurses who perform administrative and supervisory duties;

(ii) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties;

(iii) Nurse aides.

(3) The rules prescribing qualifications of nurse aides used by long-term care facilities, as those terms are defined in section 3721.21 of the Revised Code, shall be no less stringent than the requirements, guidelines, and procedures established by the United States secretary of health and human services under ~~sections~~ section 1819 ~~and 1919~~ of the "Social Security Act," ~~49~~ 101 Stat. ~~620~~ 1330-160 (~~1935~~ 1987), 42 U.S.C. ~~301~~ 1395i-3, as amended, and section 1919 of the "Social Security Act," 101 Stat. 1330-182 (1987), 42 U.S.C. 1396r, as amended.

(E) The following apply to the director when adopting rules under division (A)(2) of this section regarding the number and qualifications of personnel in nursing homes or rules under division (A)(5) of this section regarding social services to be provided by nursing homes:

(1) The rules shall not prescribe the number of individuals licensed as social workers under Chapter 4757. of the Revised Code that a nursing home with one hundred twenty or fewer beds must employ.

(2) The rules shall require each nursing home with more than one hundred twenty beds to employ on a full-time basis one individual licensed as a social worker under Chapter 4757. of the Revised Code.

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(3) The rules shall require each nursing home to offer its residents medically related social services that assist the residents in attaining or maintaining their highest practicable physical, mental, and psychosocial well-being.

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**Sec. 3721.07.** Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with:

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(A) The applicant has not been convicted of a felony or a crime involving moral turpitude;

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(B) The applicant is not violating any of the rules ~~made~~ adopted by the ~~public director of health council~~ or any order issued by the director ~~of health~~;

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(C) The applicant has not had a license to operate the home revoked pursuant to section 3721.03 of the Revised Code because of any act or omission that jeopardized a resident's health, welfare, or safety nor has the applicant had a long-standing pattern of violations of this chapter or rules adopted under it that caused physical, emotional, mental, or psychosocial harm to one or more residents.

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(D) The buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or

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other legally constituted fire department approved by the marshal. 36919  
In the approval of a home such agencies shall apply standards 36920  
prescribed by the board of building standards, and by the state 36921  
fire marshal, and by section 3721.071 of the Revised Code. 36922

(E) The applicant, if it is an individual, or the principal 36923  
participants, if it is an association or a corporation, is or are 36924  
suitable financially and morally to operate a home; 36925

(F) The applicant is equipped to furnish humane, kind, and 36926  
adequate treatment and care; 36927

(G) The home does not maintain or contain: 36928

(1) Facilities for the performance of major surgical 36929  
procedures; 36930

(2) Facilities for providing therapeutic radiation; 36931

(3) An emergency ward; 36932

(4) A clinical laboratory unless it is under the supervision 36933  
of a clinical pathologist who is a licensed physician in this 36934  
state; 36935

(5) Facilities for radiological examinations unless such 36936  
examinations are performed only by a person licensed to practice 36937  
medicine, surgery, or dentistry in this state. 36938

(H) The home does not accept or treat outpatients, except 36939  
upon the written orders of a physician licensed in this state, 36940  
maternity cases, boarding children, and does not house transient 36941  
guests, other than participants in an adult day-care program, for 36942  
twenty-four hours or less; 36943

(I) The home is in compliance with sections 3721.28 and 36944  
3721.29 of the Revised Code. 36945

When the director issues a license, the license shall remain 36946  
in effect until revoked by the director or voided at the request 36947  
of the applicant; provided, there shall be an annual renewal fee 36948

payable during the month of January of each calendar year. Any 36949  
licensed home that does not pay its renewal fee in January shall 36950  
pay, beginning the first day of February, a late fee of one 36951  
hundred dollars for each week or part thereof that the renewal fee 36952  
is not paid. If either the renewal fee or the late fee is not paid 36953  
by the fifteenth day of February, the director may, in accordance 36954  
with Chapter 119. of the Revised Code, revoke the home's license. 36955

If, under division (B)(5) of section 3721.03 of the Revised 36956  
Code, the license of a person has been revoked or the license of a 36957  
county home or district home to operate as a residential care 36958  
facility has been revoked, the director of health shall not issue 36959  
a license to the person or home at any time. A person whose 36960  
license is revoked, and a county home or district home that has 36961  
its license as a residential care facility revoked other than 36962  
under division (B)(5) of section 3721.03 of the Revised Code, for 36963  
any reason other than nonpayment of the license renewal fee or 36964  
late fees shall not be issued a new license under this chapter 36965  
until a period of one year following the date of revocation has 36966  
elapsed. 36967

Any applicant who is denied a license may appeal in 36968  
accordance with Chapter 119. of the Revised Code. 36969

**Sec. 3721.071.** The buildings in which a home is housed shall 36970  
be equipped with both an automatic fire extinguishing system and 36971  
fire alarm system. Such systems shall conform to standards set 36972  
forth in the regulations of the board of building standards and 36973  
the state fire marshal. 36974

The time for compliance with the requirements imposed by this 36975  
section shall be January 1, 1975, except that the date for 36976  
compliance with the automatic fire extinguishing requirements is 36977  
extended to January 1, 1976, provided the buildings of the home 36978  
are otherwise in compliance with fire safety laws and regulations 36979

and: 36980

(A) The home within thirty days after August 4, 1975, files a written plan with the state fire marshal's office that: 36981  
36982

(1) Outlines the interim safety procedures which shall be carried out to reduce the possibility of a fire; 36983  
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(2) Provides evidence that the home has entered into an agreement for a fire safety inspection to be conducted not less than monthly by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer; 36985  
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(3) Provides verification that the home has entered into a valid contract for the installation of an automatic fire extinguishing system or fire alarm system, or both, as required to comply with this section; 36990  
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(4) Includes a statement regarding the expected date for the completion of the fire extinguishing system or fire alarm system, or both. 36994  
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(B) Inspections by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer are initiated no later than sixty days after August 4, 1975, and are conducted no less than monthly thereafter, and reports of the consultant, fire department, or fire prevention officer identifying existing hazards and recommended corrective actions are submitted to the state fire marshal, the division of ~~labor~~ industrial compliance in the department of commerce, and the department of health. 36997  
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It is the express intent of the general assembly that the department of job and family services shall terminate payments under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, to those homes which do not comply with 37007  
37008  
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37010



the requirements of this section for the submission of a written 37011  
fire safety plan and the deadline for entering into contracts for 37012  
the installation of systems. 37013

**Sec. 3721.121.** (A) As used in this section: 37014

(1) "Adult day-care program" means a program operated 37015  
pursuant to rules adopted by the ~~public~~ director of health council 37016  
under section 3721.04 of the Revised Code and provided by and on 37017  
the same site as homes licensed under this chapter. 37018

(2) "Applicant" means a person who is under final 37019  
consideration for employment with a home or adult day-care program 37020  
in a full-time, part-time, or temporary position that involves 37021  
providing direct care to an older adult. "Applicant" does not 37022  
include a person who provides direct care as a volunteer without 37023  
receiving or expecting to receive any form of remuneration other 37024  
than reimbursement for actual expenses. 37025

(3) "Criminal records check" ~~and "older adult" have~~ has the 37026  
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 37027

(4) "Home" means a home as defined in section 3721.10 of the 37028  
Revised Code. 37029

(5) "Older adult" means a person age sixty or older. 37030

(B)(1) Except as provided in division (I) of this section, 37031  
the chief administrator of a home or adult day-care program shall 37032  
request that the superintendent of the bureau of criminal 37033  
identification and investigation conduct a criminal records check 37034  
~~with respect to~~ of each applicant. If an applicant for whom a 37035  
criminal records check request is required under this division 37036  
does not present proof of having been a resident of this state for 37037  
the five-year period immediately prior to the date the criminal 37038  
records check is requested or provide evidence that within that 37039  
five-year period the superintendent has requested information 37040

about the applicant from the federal bureau of investigation in a 37041  
criminal records check, the chief administrator shall request that 37042  
the superintendent obtain information from the federal bureau of 37043  
investigation as part of the criminal records check of the 37044  
applicant. Even if an applicant for whom a criminal records check 37045  
request is required under this division presents proof of having 37046  
been a resident of this state for the five-year period, the chief 37047  
administrator may request that the superintendent include 37048  
information from the federal bureau of investigation in the 37049  
criminal records check. 37050

(2) A person required by division (B)(1) of this section to 37051  
request a criminal records check shall do both of the following: 37052

(a) Provide to each applicant for whom a criminal records 37053  
check request is required under that division a copy of the form 37054  
prescribed pursuant to division (C)(1) of section 109.572 of the 37055  
Revised Code and a standard fingerprint impression sheet 37056  
prescribed pursuant to division (C)(2) of that section, and obtain 37057  
the completed form and impression sheet from the applicant; 37058

(b) Forward the completed form and impression sheet to the 37059  
superintendent of the bureau of criminal identification and 37060  
investigation. 37061

(3) An applicant provided the form and fingerprint impression 37062  
sheet under division (B)(2)(a) of this section who fails to 37063  
complete the form or provide fingerprint impressions shall not be 37064  
employed in any position for which a criminal records check is 37065  
required by this section. 37066

(C)(1) Except as provided in rules adopted by the director of 37067  
health in accordance with division (F) of this section and subject 37068  
to division (C)(2) of this section, no home or adult day-care 37069  
program shall employ a person in a position that involves 37070  
providing direct care to an older adult if the person has been 37071

convicted of or pleaded guilty to any of the following: 37072

(a) A violation of section 2903.01, 2903.02, 2903.03, 37073  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 37074  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 37075  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 37076  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 37077  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 37078  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 37079  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 37080  
2925.22, 2925.23, or 3716.11 of the Revised Code. 37081

(b) A violation of an existing or former law of this state, 37082  
any other state, or the United States that is substantially 37083  
equivalent to any of the offenses listed in division (C)(1)(a) of 37084  
this section. 37085

(2)(a) A home or an adult day-care program may employ 37086  
conditionally an applicant for whom a criminal records check 37087  
request is required under division (B) of this section prior to 37088  
obtaining the results of a criminal records check regarding the 37089  
individual, provided that the home or program shall request a 37090  
criminal records check regarding the individual in accordance with 37091  
division (B)(1) of this section not later than five business days 37092  
after the individual begins conditional employment. In the 37093  
circumstances described in division (I)(2) of this section, a home 37094  
or adult day-care program may employ conditionally an applicant 37095  
who has been referred to the home or adult day-care program by an 37096  
employment service that supplies full-time, part-time, or 37097  
temporary staff for positions involving the direct care of older 37098  
adults and for whom, pursuant to that division, a criminal records 37099  
check is not required under division (B) of this section. 37100

(b) A home or adult day-care program that employs an 37101  
individual conditionally under authority of division (C)(2)(a) of 37102  
this section shall terminate the individual's employment if the 37103

results of the criminal records check requested under division (B) 37104  
of this section or described in division (I)(2) of this section, 37105  
other than the results of any request for information from the 37106  
federal bureau of investigation, are not obtained within the 37107  
period ending thirty days after the date the request is made. 37108  
Regardless of when the results of the criminal records check are 37109  
obtained, if the results indicate that the individual has been 37110  
convicted of or pleaded guilty to any of the offenses listed or 37111  
described in division (C)(1) of this section, the home or program 37112  
shall terminate the individual's employment unless the home or 37113  
program chooses to employ the individual pursuant to division (F) 37114  
of this section. Termination of employment under this division 37115  
shall be considered just cause for discharge for purposes of 37116  
division (D)(2) of section 4141.29 of the Revised Code if the 37117  
individual makes any attempt to deceive the home or program about 37118  
the individual's criminal record. 37119

(D)(1) Each home or adult day-care program shall pay to the 37120  
bureau of criminal identification and investigation the fee 37121  
prescribed pursuant to division (C)(3) of section 109.572 of the 37122  
Revised Code for each criminal records check conducted pursuant to 37123  
a request made under division (B) of this section. 37124

(2) A home or adult day-care program may charge an applicant 37125  
a fee not exceeding the amount the home or program pays under 37126  
division (D)(1) of this section. A home or program may collect a 37127  
fee only if both of the following apply: 37128

(a) The home or program notifies the person at the time of 37129  
initial application for employment of the amount of the fee and 37130  
that, unless the fee is paid, the person will not be considered 37131  
for employment; 37132

(b) The medical assistance program established under Chapter 37133  
5111. of the Revised Code does not reimburse the home or program 37134  
the fee it pays under division (D)(1) of this section. 37135

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|--------------------------------------------------------------------|-------|
| (E) The report of any criminal records check conducted             | 37136 |
| pursuant to a request made under this section is not a public      | 37137 |
| record for the purposes of section 149.43 of the Revised Code and  | 37138 |
| shall not be made available to any person other than the           | 37139 |
| following:                                                         | 37140 |
| (1) The individual who is the subject of the criminal records      | 37141 |
| check or the individual's representative;                          | 37142 |
| (2) The chief administrator of the home or program requesting      | 37143 |
| the criminal records check or the administrator's representative;  | 37144 |
| (3) The administrator of any other facility, agency, or            | 37145 |
| program that provides direct care to older adults that is owned or | 37146 |
| operated by the same entity that owns or operates the home or      | 37147 |
| program;                                                           | 37148 |
| (4) A court, hearing officer, or other necessary individual        | 37149 |
| involved in a case dealing with a denial of employment of the      | 37150 |
| applicant or dealing with employment or unemployment benefits of   | 37151 |
| the applicant;                                                     | 37152 |
| (5) Any person to whom the report is provided pursuant to,         | 37153 |
| and in accordance with, division (I)(1) or (2) of this section;    | 37154 |
| (6) The board of nursing for purposes of accepting and             | 37155 |
| processing an application for a medication aide certificate issued | 37156 |
| under Chapter 4723. of the Revised Code.                           | 37157 |
| (F) In accordance with section 3721.11 of the Revised Code,        | 37158 |
| the director of health shall adopt rules to implement this         | 37159 |
| section. The rules shall specify circumstances under which a home  | 37160 |
| or adult day-care program may employ a person who has been         | 37161 |
| convicted of or pleaded guilty to an offense listed or described   | 37162 |
| in division (C)(1) of this section but meets personal character    | 37163 |
| standards set by the director.                                     | 37164 |
| (G) The chief administrator of a home or adult day-care            | 37165 |

program shall inform each individual, at the time of initial 37166  
application for a position that involves providing direct care to 37167  
an older adult, that the individual is required to provide a set 37168  
of fingerprint impressions and that a criminal records check is 37169  
required to be conducted if the individual comes under final 37170  
consideration for employment. 37171

(H) In a tort or other civil action for damages that is 37172  
brought as the result of an injury, death, or loss to person or 37173  
property caused by an individual who a home or adult day-care 37174  
program employs in a position that involves providing direct care 37175  
to older adults, all of the following shall apply: 37176

(1) If the home or program employed the individual in good 37177  
faith and reasonable reliance on the report of a criminal records 37178  
check requested under this section, the home or program shall not 37179  
be found negligent solely because of its reliance on the report, 37180  
even if the information in the report is determined later to have 37181  
been incomplete or inaccurate; 37182

(2) If the home or program employed the individual in good 37183  
faith on a conditional basis pursuant to division (C)(2) of this 37184  
section, the home or program shall not be found negligent solely 37185  
because it employed the individual prior to receiving the report 37186  
of a criminal records check requested under this section; 37187

(3) If the home or program in good faith employed the 37188  
individual according to the personal character standards 37189  
established in rules adopted under division (F) of this section, 37190  
the home or program shall not be found negligent solely because 37191  
the individual prior to being employed had been convicted of or 37192  
pleaded guilty to an offense listed or described in division 37193  
(C)(1) of this section. 37194

(I)(1) The chief administrator of a home or adult day-care 37195  
program is not required to request that the superintendent of the 37196

bureau of criminal identification and investigation conduct a 37197  
criminal records check of an applicant if the applicant has been 37198  
referred to the home or program by an employment service that 37199  
supplies full-time, part-time, or temporary staff for positions 37200  
involving the direct care of older adults and both of the 37201  
following apply: 37202

(a) The chief administrator receives from the employment 37203  
service or the applicant a report of the results of a criminal 37204  
records check regarding the applicant that has been conducted by 37205  
the superintendent within the one-year period immediately 37206  
preceding the applicant's referral; 37207

(b) The report of the criminal records check demonstrates 37208  
that the person has not been convicted of or pleaded guilty to an 37209  
offense listed or described in division (C)(1) of this section, or 37210  
the report demonstrates that the person has been convicted of or 37211  
pleaded guilty to one or more of those offenses, but the home or 37212  
adult day-care program chooses to employ the individual pursuant 37213  
to division (F) of this section. 37214

(2) The chief administrator of a home or adult day-care 37215  
program is not required to request that the superintendent of the 37216  
bureau of criminal identification and investigation conduct a 37217  
criminal records check of an applicant and may employ the 37218  
applicant conditionally as described in this division, if the 37219  
applicant has been referred to the home or program by an 37220  
employment service that supplies full-time, part-time, or 37221  
temporary staff for positions involving the direct care of older 37222  
adults and if the chief administrator receives from the employment 37223  
service or the applicant a letter from the employment service that 37224  
is on the letterhead of the employment service, dated, and signed 37225  
by a supervisor or another designated official of the employment 37226  
service and that states that the employment service has requested 37227  
the superintendent to conduct a criminal records check regarding 37228

the applicant, that the requested criminal records check will 37229  
include a determination of whether the applicant has been 37230  
convicted of or pleaded guilty to any offense listed or described 37231  
in division (C)(1) of this section, that, as of the date set forth 37232  
on the letter, the employment service had not received the results 37233  
of the criminal records check, and that, when the employment 37234  
service receives the results of the criminal records check, it 37235  
promptly will send a copy of the results to the home or adult 37236  
day-care program. If a home or adult day-care program employs an 37237  
applicant conditionally in accordance with this division, the 37238  
employment service, upon its receipt of the results of the 37239  
criminal records check, promptly shall send a copy of the results 37240  
to the home or adult day-care program, and division (C)(2)(b) of 37241  
this section applies regarding the conditional employment. 37242

**Sec. 3721.13.** (A) The rights of residents of a home shall 37243  
include, but are not limited to, the following: 37244

(1) The right to a safe and clean living environment pursuant 37245  
to the medicare and medicaid programs and applicable state laws 37246  
and ~~regulations prescribed~~ rules adopted by the public director of 37247  
health ~~council~~; 37248

(2) The right to be free from physical, verbal, mental, and 37249  
emotional abuse and to be treated at all times with courtesy, 37250  
respect, and full recognition of dignity and individuality; 37251

(3) Upon admission and thereafter, the right to adequate and 37252  
appropriate medical treatment and nursing care and to other 37253  
ancillary services that comprise necessary and appropriate care 37254  
consistent with the program for which the resident contracted. 37255  
This care shall be provided without regard to considerations such 37256  
as race, color, religion, national origin, age, or source of 37257  
payment for care. 37258

(4) The right to have all reasonable requests and inquiries 37259



responded to promptly; 37260

(5) The right to have clothes and bed sheets changed as the 37261  
need arises, to ensure the resident's comfort or sanitation; 37262

(6) The right to obtain from the home, upon request, the name 37263  
and any specialty of any physician or other person responsible for 37264  
the resident's care or for the coordination of care; 37265

(7) The right, upon request, to be assigned, within the 37266  
capacity of the home to make the assignment, to the staff 37267  
physician of the resident's choice, and the right, in accordance 37268  
with the rules and written policies and procedures of the home, to 37269  
select as the attending physician a physician who is not on the 37270  
staff of the home. If the cost of a physician's services is to be 37271  
met under a federally supported program, the physician shall meet 37272  
the federal laws and regulations governing such services. 37273

(8) The right to participate in decisions that affect the 37274  
resident's life, including the right to communicate with the 37275  
physician and employees of the home in planning the resident's 37276  
treatment or care and to obtain from the attending physician 37277  
complete and current information concerning medical condition, 37278  
prognosis, and treatment plan, in terms the resident can 37279  
reasonably be expected to understand; the right of access to all 37280  
information in the resident's medical record; and the right to 37281  
give or withhold informed consent for treatment after the 37282  
consequences of that choice have been carefully explained. When 37283  
the attending physician finds that it is not medically advisable 37284  
to give the information to the resident, the information shall be 37285  
made available to the resident's sponsor on the resident's behalf, 37286  
if the sponsor has a legal interest or is authorized by the 37287  
resident to receive the information. The home is not liable for a 37288  
violation of this division if the violation is found to be the 37289  
result of an act or omission on the part of a physician selected 37290  
by the resident who is not otherwise affiliated with the home. 37291

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (9) The right to withhold payment for physician visitation if the physician did not visit the resident;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 37292<br>37293                                                                         |
| (10) The right to confidential treatment of personal and medical records, and the right to approve or refuse the release of these records to any individual outside the home, except in case of transfer to another home, hospital, or health care system, as required by law or rule, or as required by a third-party payment contract;                                                                                                                                                                                                                                                                       | 37294<br>37295<br>37296<br>37297<br>37298<br>37299                                     |
| (11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 37300<br>37301                                                                         |
| (12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 37302<br>37303                                                                         |
| (13) The right to be free from physical or chemical restraints or prolonged isolation except to the minimum extent necessary to protect the resident from injury to self, others, or to property and except as authorized in writing by the attending physician for a specified and limited period of time and documented in the resident's medical record. Prior to authorizing the use of a physical or chemical restraint on any resident, the attending physician shall make a personal examination of the resident and an individualized determination of the need to use the restraint on that resident. | 37304<br>37305<br>37306<br>37307<br>37308<br>37309<br>37310<br>37311<br>37312<br>37313 |
| Physical or chemical restraints or isolation may be used in an emergency situation without authorization of the attending physician only to protect the resident from injury to self or others. Use of the physical or chemical restraints or isolation shall not be continued for more than twelve hours after the onset of the emergency without personal examination and authorization by the attending physician. The attending physician or a staff physician may authorize continued use of physical or chemical restraints for a period not to exceed thirty days, and at the end                       | 37314<br>37315<br>37316<br>37317<br>37318<br>37319<br>37320<br>37321<br>37322          |

of this period and any subsequent period may extend the 37323  
authorization for an additional period of not more than thirty 37324  
days. The use of physical or chemical restraints shall not be 37325  
continued without a personal examination of the resident and the 37326  
written authorization of the attending physician stating the 37327  
reasons for continuing the restraint. 37328

If physical or chemical restraints are used under this 37329  
division, the home shall ensure that the restrained resident 37330  
receives a proper diet. In no event shall physical or chemical 37331  
restraints or isolation be used for punishment, incentive, or 37332  
convenience. 37333

(14) The right to the pharmacist of the resident's choice and 37334  
the right to receive pharmaceutical supplies and services at 37335  
reasonable prices not exceeding applicable and normally accepted 37336  
prices for comparably packaged pharmaceutical supplies and 37337  
services within the community; 37338

(15) The right to exercise all civil rights, unless the 37339  
resident has been adjudicated incompetent pursuant to Chapter 37340  
2111. of the Revised Code and has not been restored to legal 37341  
capacity, as well as the right to the cooperation of the home's 37342  
administrator in making arrangements for the exercise of the right 37343  
to vote; 37344

(16) The right of access to opportunities that enable the 37345  
resident, at the resident's own expense or at the expense of a 37346  
third-party payer, to achieve the resident's fullest potential, 37347  
including educational, vocational, social, recreational, and 37348  
habilitation programs; 37349

(17) The right to consume a reasonable amount of alcoholic 37350  
beverages at the resident's own expense, unless not medically 37351  
advisable as documented in the resident's medical record by the 37352  
attending physician or unless contradictory to written admission 37353

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| policies;                                                          | 37354 |
| (18) The right to use tobacco at the resident's own expense        | 37355 |
| under the home's safety rules and under applicable laws and rules  | 37356 |
| of the state, unless not medically advisable as documented in the  | 37357 |
| resident's medical record by the attending physician or unless     | 37358 |
| contradictory to written admission policies;                       | 37359 |
| (19) The right to retire and rise in accordance with the           | 37360 |
| resident's reasonable requests, if the resident does not disturb   | 37361 |
| others or the posted meal schedules and upon the home's request    | 37362 |
| remains in a supervised area, unless not medically advisable as    | 37363 |
| documented by the attending physician;                             | 37364 |
| (20) The right to observe religious obligations and                | 37365 |
| participate in religious activities; the right to maintain         | 37366 |
| individual and cultural identity; and the right to meet with and   | 37367 |
| participate in activities of social and community groups at the    | 37368 |
| resident's or the group's initiative;                              | 37369 |
| (21) The right upon reasonable request to private and              | 37370 |
| unrestricted communications with the resident's family, social     | 37371 |
| worker, and any other person, unless not medically advisable as    | 37372 |
| documented in the resident's medical record by the attending       | 37373 |
| physician, except that communications with public officials or     | 37374 |
| with the resident's attorney or physician shall not be restricted. | 37375 |
| Private and unrestricted communications shall include, but are not | 37376 |
| limited to, the right to:                                          | 37377 |
| (a) Receive, send, and mail sealed, unopened correspondence;       | 37378 |
| (b) Reasonable access to a telephone for private                   | 37379 |
| communications;                                                    | 37380 |
| (c) Private visits at any reasonable hour.                         | 37381 |
| (22) The right to assured privacy for visits by the spouse,        | 37382 |
| or if both are residents of the same home, the right to share a    | 37383 |

room within the capacity of the home, unless not medically 37384  
advisable as documented in the resident's medical record by the 37385  
attending physician; 37386

(23) The right upon reasonable request to have room doors 37387  
closed and to have them not opened without knocking, except in the 37388  
case of an emergency or unless not medically advisable as 37389  
documented in the resident's medical record by the attending 37390  
physician; 37391

(24) The right to retain and use personal clothing and a 37392  
reasonable amount of possessions, in a reasonably secure manner, 37393  
unless to do so would infringe on the rights of other residents or 37394  
would not be medically advisable as documented in the resident's 37395  
medical record by the attending physician; 37396

(25) The right to be fully informed, prior to or at the time 37397  
of admission and during the resident's stay, in writing, of the 37398  
basic rate charged by the home, of services available in the home, 37399  
and of any additional charges related to such services, including 37400  
charges for services not covered under the medicare or medicaid 37401  
program. The basic rate shall not be changed unless thirty days' 37402  
notice is given to the resident or, if the resident is unable to 37403  
understand this information, to the resident's sponsor. 37404

(26) The right of the resident and person paying for the care 37405  
to examine and receive a bill at least monthly for the resident's 37406  
care from the home that itemizes charges not included in the basic 37407  
rates; 37408

(27)(a) The right to be free from financial exploitation; 37409

(b) The right to manage the resident's own personal financial 37410  
affairs, or, if the resident has delegated this responsibility in 37411  
writing to the home, to receive upon written request at least a 37412  
quarterly accounting statement of financial transactions made on 37413  
the resident's behalf. The statement shall include: 37414

|                                                                                                                                                                                                                                                                                                                            |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;                                                                                                  | 37415<br>37416<br>37417<br>37418          |
| (ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.                                                                                                                                        | 37419<br>37420<br>37421                   |
| (28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;                                                             | 37422<br>37423<br>37424<br>37425<br>37426 |
| (29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.                                                                                                                                                                   | 37427<br>37428<br>37429                   |
| (30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:                                                                                                                                                                                         | 37430<br>37431<br>37432                   |
| (a) The welfare and needs of the resident cannot be met in the home.                                                                                                                                                                                                                                                       | 37433<br>37434                            |
| (b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.                                                                                                                                                                                                | 37435<br>37436                            |
| (c) The safety of individuals in the home is endangered.                                                                                                                                                                                                                                                                   | 37437                                     |
| (d) The health of individuals in the home would otherwise be endangered.                                                                                                                                                                                                                                                   | 37438<br>37439                            |
| (e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, | 37440<br>37441<br>37442<br>37443<br>37444 |

unless both of the following are the case: 37445

(i) The resident's application, or a substantially similar 37446  
previous application, has been denied by the county department of 37447  
job and family services. 37448

(ii) If the resident appealed the denial pursuant to division 37449  
(C) of section 5101.35 of the Revised Code, the director of job 37450  
and family services has upheld the denial. 37451

(f) The home's license has been revoked, the home is being 37452  
closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 37453  
or section 5155.31 of the Revised Code, or the home otherwise 37454  
ceases to operate. 37455

(g) The resident is a recipient of medicaid, and the home's 37456  
participation in the medicaid program is involuntarily terminated 37457  
or denied. 37458

(h) The resident is a beneficiary under the medicare program, 37459  
and the home's participation in the medicare program is 37460  
involuntarily terminated or denied. 37461

(31) The right to voice grievances and recommend changes in 37462  
policies and services to the home's staff, to employees of the 37463  
department of health, or to other persons not associated with the 37464  
operation of the home, of the resident's choice, free from 37465  
restraint, interference, coercion, discrimination, or reprisal. 37466  
This right includes access to a residents' rights advocate, and 37467  
the right to be a member of, to be active in, and to associate 37468  
with persons who are active in organizations of relatives and 37469  
friends of nursing home residents and other organizations engaged 37470  
in assisting residents. 37471

(32) The right to have any significant change in the 37472  
resident's health status reported to the resident's sponsor. As 37473  
soon as such a change is known to the home's staff, the home shall 37474  
make a reasonable effort to notify the sponsor within twelve 37475

hours. 37476

(B) A sponsor may act on a resident's behalf to assure that 37477  
the home does not deny the residents' rights under sections 37478  
3721.10 to 3721.17 of the Revised Code. 37479

(C) Any attempted waiver of the rights listed in division (A) 37480  
of this section is void. 37481

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 37482  
Revised Code: 37483

(A) "Long-term care facility" means either of the following: 37484

(1) A nursing home as defined in section 3721.01 of the 37485  
Revised Code, ~~other than a nursing home or part of a nursing home~~ 37486  
~~certified as an intermediate care facility for the mentally~~ 37487  
~~retarded under Title XIX of the "Social Security Act," 49 Stat.~~ 37488  
~~620 (1935), 42 U.S.C.A. 301, as amended;~~ 37489

(2) A facility or part of a facility that is certified as a 37490  
skilled nursing facility or a nursing facility under Title XVIII 37491  
or XIX of the "Social Security Act." 37492

(B) "Residential care facility" has the same meaning as in 37493  
section 3721.01 of the Revised Code. 37494

(C) "Abuse" means knowingly causing physical harm or 37495  
recklessly causing serious physical harm to a resident by physical 37496  
contact with the resident or by use of physical or chemical 37497  
restraint, medication, or isolation as punishment, for staff 37498  
convenience, excessively, as a substitute for treatment, or in 37499  
amounts that preclude habilitation and treatment. 37500

(D) "Neglect" means recklessly failing to provide a resident 37501  
with any treatment, care, goods, or service necessary to maintain 37502  
the health or safety of the resident when the failure results in 37503  
serious physical harm to the resident. "Neglect" does not include 37504  
allowing a resident, at the resident's option, to receive only 37505



treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.

(E) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

(F) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.

(G) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code.

(H) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code.

(I) "Nursing and nursing-related services" means the personal care services and other services not constituting skilled nursing care that are specified in rules the ~~public~~ director of health ~~council~~ shall adopt in accordance with Chapter 119. of the Revised Code.

(J) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.

(K)(1) Except as provided in division (K)(2) of this section, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation.

(2) "Nurse aide" does not include either of the following:

(a) A licensed health professional practicing within the scope of the professional's license;

(b) An individual providing nursing and nursing-related

services in a religious nonmedical health care institution, if the 37536  
individual has been trained in the principles of nonmedical care 37537  
and is recognized by the institution as being competent in the 37538  
administration of care within the religious tenets practiced by 37539  
the residents of the institution. 37540

(L) "Licensed health professional" means all of the 37541  
following: 37542

(1) An occupational therapist or occupational therapy 37543  
assistant licensed under Chapter 4755. of the Revised Code; 37544

(2) A physical therapist or physical therapy assistant 37545  
licensed under Chapter 4755. of the Revised Code; 37546

(3) A physician authorized under Chapter 4731. of the Revised 37547  
Code to practice medicine and surgery, osteopathic medicine and 37548  
surgery, or podiatry; 37549

(4) A physician assistant authorized under Chapter 4730. of 37550  
the Revised Code to practice as a physician assistant; 37551

(5) A registered nurse or licensed practical nurse licensed 37552  
under Chapter 4723. of the Revised Code; 37553

(6) A social worker or independent social worker licensed 37554  
under Chapter 4757. of the Revised Code or a social work assistant 37555  
registered under that chapter; 37556

(7) A speech-language pathologist or audiologist licensed 37557  
under Chapter 4753. of the Revised Code; 37558

(8) A dentist or dental hygienist licensed under Chapter 37559  
4715. of the Revised Code; 37560

(9) An optometrist licensed under Chapter 4725. of the 37561  
Revised Code; 37562

(10) A pharmacist licensed under Chapter 4729. of the Revised 37563  
Code; 37564

(11) A psychologist licensed under Chapter 4732. of the Revised Code; 37565  
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(12) A chiropractor licensed under Chapter 4734. of the Revised Code; 37567  
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(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code; 37569  
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(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code. 37571  
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(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended. 37573  
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(N) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated. 37581  
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(O) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services. 37584  
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**Sec. 3721.28.** (A)(1) Each nurse aide used by a long-term care facility on a full-time, temporary, per diem, or other basis on July 1, 1989, shall be provided by the facility a competency evaluation program approved by the director of health under division (A) of section 3721.31 of the Revised Code or conducted by ~~him~~ the director under division (C) of that section. Each long-term care facility using a nurse aide on July 1, 1989, shall provide the nurse aide the preparation necessary to complete the 37587  
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competency evaluation program by January 1, 1990. 37595

(2) Each nurse aide used by a long-term care facility on a 37596  
full-time, temporary, per diem, or other basis on January 1, 1990, 37597  
who either was not used by the facility on July 1, 1989, or was 37598  
used by the facility on July 1, 1989, but had not successfully 37599  
completed a competency evaluation program by January 1, 1990, 37600  
shall be provided by the facility a competency evaluation program 37601  
approved by the director under division (A) of section 3721.31 of 37602  
the Revised Code or conducted by ~~him~~ the director under division 37603  
(C) of that section. Each long-term care facility using a nurse 37604  
aide described in division (A)(2) of this section shall provide 37605  
the nurse aide the preparation necessary to complete the 37606  
competency evaluation program by October 1, 1990, and shall assist 37607  
the nurse aide in registering for the program. 37608

(B) Effective June 1, 1990, no long-term care facility shall 37609  
use an individual as a nurse aide for more than four months unless 37610  
the individual is competent to provide the services ~~he~~ the 37611  
individual is to provide, the facility has received from the nurse 37612  
aide registry established under section 3721.32 of the Revised 37613  
Code the information concerning the individual provided through 37614  
the registry, and one of the following is the case: 37615

(1) The individual was used by a facility as a nurse aide on 37616  
a full-time, temporary, per diem, or other basis at any time 37617  
during the period commencing July 1, 1989, and ending January 1, 37618  
1990, and successfully completed, not later than October 1, 1990, 37619  
a competency evaluation program approved by the director under 37620  
division (A) of section 3721.31 of the Revised Code or conducted 37621  
by ~~him~~ the director under division (C) of that section. 37622

(2) The individual has successfully completed a training and 37623  
competency evaluation program approved by the director under 37624  
division (A) of section 3721.31 of the Revised Code or conducted 37625  
by ~~him~~ the director under division (C) of that section or has met 37626

the conditions specified in division (F) of this section and, in 37627  
addition, if the training and competency evaluation program or the 37628  
training, instruction, or education the individual completed in 37629  
meeting the conditions specified in division (F) of this section 37630  
was conducted by or in a long-term care facility, or if the 37631  
director pursuant to division (E) of section 3721.31 of the 37632  
Revised Code so requires, the individual has successfully 37633  
completed a competency evaluation program conducted by the 37634  
director. 37635

(3) Prior to July 1, 1989, if the long-term care facility is 37636  
certified as a skilled nursing facility or a nursing facility 37637  
under Title XVIII or XIX of the "Social Security Act," 49 Stat. 37638  
620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 37639  
1990, if the facility is not so certified, the individual 37640  
completed a program that the director determines included a 37641  
competency evaluation component no less stringent than the 37642  
competency evaluation programs approved by ~~him~~ the director under 37643  
division (A) of section 3721.31 of the Revised Code or conducted 37644  
by ~~him~~ the director under division (C) of that section, and was 37645  
otherwise comparable to the training and competency evaluation 37646  
programs being approved by the director under division (A) of that 37647  
section. 37648

(4) The individual is listed in a nurse aide registry 37649  
maintained by another state and that state certifies that its 37650  
program for training and evaluation of competency of nurse aides 37651  
complies with Titles XVIII and XIX of the "Social Security Act" 37652  
and regulations adopted thereunder. 37653

(5) Prior to July 1, 1989, the individual was found competent 37654  
to serve as a nurse aide after the completion of a course of nurse 37655  
aide training of at least one hundred hours' duration. 37656

(6) The individual is enrolled in a prelicensure program of 37657  
nursing education approved by the board of nursing or by an agency 37658

of another state that regulates nursing education, has provided 37659  
the long-term care facility with a certificate from the program 37660  
indicating that the individual has successfully completed the 37661  
courses that teach basic nursing skills including infection 37662  
control, safety and emergency procedures, and personal care, and 37663  
has successfully completed a competency evaluation program 37664  
conducted by the director under division (C) of section 3721.31 of 37665  
the Revised Code. 37666

(7) The individual has the equivalent of twelve months or 37667  
more of full-time employment in the preceding five years as a 37668  
hospital aide or orderly and has successfully completed a 37669  
competency evaluation program conducted by the director under 37670  
division (C) of section 3721.31 of the Revised Code. 37671

(C) Effective June 1, 1990, no long-term care facility shall 37672  
continue for longer than four months to use as a nurse aide an 37673  
individual who previously met the requirements of division (B) of 37674  
this section but since most recently doing so has not performed 37675  
nursing and nursing-related services for monetary compensation for 37676  
twenty-four consecutive months, unless the individual successfully 37677  
completes additional training and competency evaluation by 37678  
complying with divisions (C)(1) and (2) of this section: 37679

(1) Doing one of the following: 37680

(a) Successfully completing a training and competency 37681  
evaluation program approved by the director under division (A) of 37682  
section 3721.31 of the Revised Code or conducted by ~~him~~ the 37683  
director under division (C) of that section; 37684

(b) Successfully completing a training and competency 37685  
evaluation program described in division (B)(4) of this section; 37686

(c) Meeting the requirements specified in division (B)(6) or 37687  
(7) of this section. 37688

(2) If the training and competency evaluation program 37689

completed under division (C)(1)(a) of this section was conducted 37690  
by or in a long-term care facility, or if the director pursuant to 37691  
division (E) of section 3721.31 of the Revised Code so requires, 37692  
successfully completing a competency evaluation program conducted 37693  
by the director. 37694

(D)(1) The four-month periods provided for in divisions (B) 37695  
and (C) of this section include any time, on or after June 1, 37696  
1990, that an individual is used as a nurse aide on a full-time, 37697  
temporary, per diem, or any other basis by the facility or any 37698  
other long-term care facility. 37699

(2) During the four-month period provided for in division (B) 37700  
of this section, during which a long-term care facility may, 37701  
subject to division (E) of this section, use as a nurse aide an 37702  
individual who does not have the qualifications specified in 37703  
divisions (B)(1) to (7) of this section, a facility shall require 37704  
the individual to comply with divisions (D)(2)(a) and (b) of this 37705  
section: 37706

(a) Participate in one of the following: 37707

(i) If the individual has successfully completed a training 37708  
and competency evaluation program approved by the director under 37709  
division (A) of section 3721.31 of the Revised Code, and the 37710  
program was conducted by or in a long-term care facility, or the 37711  
director pursuant to division (E) of section 3721.31 of the 37712  
Revised Code so requires, a competency evaluation program 37713  
conducted by the director; 37714

(ii) If the individual is enrolled in a prelicensure program 37715  
of nursing education described in division (B)(6) of this section 37716  
and has completed or is working toward completion of the courses 37717  
described in that division, or the individual has the experience 37718  
described in division (B)(7) of this section, a competency 37719  
evaluation program conducted by the director; 37720

(iii) A training and competency evaluation program approved 37721  
by the director under division (A) of section 3721.31 of the 37722  
Revised Code or conducted by ~~him~~ the director under division (C) 37723  
of that section. 37724

(b) If the individual participates in or has successfully 37725  
completed a training and competency evaluation program under 37726  
division (D)(2)(a)(iii) of this section that is conducted by or in 37727  
a long-term care facility, or the director pursuant to division 37728  
(E) of section 3721.31 of the Revised Code so requires, ~~participate~~ 37729  
participate in a competency evaluation program conducted by the 37730  
director. 37731

(3) During the four-month period provided for in division (C) 37732  
of this section, during which a long-term care facility may, 37733  
subject to division (E) of this section, use as a nurse aide an 37734  
individual who does not have the qualifications specified in 37735  
divisions (C)(1) and (2) of this section, a facility shall require 37736  
the individual to comply with divisions (D)(3)(a) and (b) of this 37737  
section: 37738

(a) Participate in one of the following: 37739

(i) If the individual has successfully completed a training 37740  
and competency evaluation program approved by the director, and 37741  
the program was conducted by or in a long-term care facility, or 37742  
the director pursuant to division (E) of section 3721.31 of the 37743  
Revised Code so requires, a competency evaluation program 37744  
conducted by the director; 37745

(ii) If the individual is enrolled in a prelicensure program 37746  
of nursing education described in division (B)(6) of this section 37747  
and has completed or is working toward completion of the courses 37748  
described in that division, or the individual has the experience 37749  
described in division (B)(7) of this section, a competency 37750  
evaluation program conducted by the director; 37751



(iii) A training and competency evaluation program approved 37752  
or conducted by the director. 37753

(b) If the individual participates in or has successfully 37754  
completed a training and competency evaluation program under 37755  
division (D)(3)(a)(iii) of this section that is conducted by or in 37756  
a long-term care facility, or the director pursuant to division 37757  
(E) of section 3721.31 of the Revised Code so requires, 37758  
participate in a competency evaluation program conducted by the 37759  
director. 37760

(E) A long-term care facility shall not permit an individual 37761  
used by the facility as a nurse aide while participating in a 37762  
training and competency evaluation program to provide nursing and 37763  
nursing-related services unless both of the following are the 37764  
case: 37765

(1) The individual has completed the number of hours of 37766  
training that ~~he must complete~~ be completed prior to providing 37767  
services to residents as prescribed by rules that shall be adopted 37768  
by the director in accordance with Chapter 119. of the Revised 37769  
Code; 37770

(2) The individual is under the personal supervision of a 37771  
registered or licensed practical nurse licensed under Chapter 37772  
4723. of the Revised Code. 37773

(F) An individual shall be considered to have satisfied the 37774  
requirement, under division (B)(2) of this section, of having 37775  
successfully completed a training and competency evaluation 37776  
program conducted or approved by the director, if the individual 37777  
meets both of the following conditions: 37778

(1) The individual, as of July 1, 1989, completed at least 37779  
sixty hours divided between skills training and classroom 37780  
instruction in the topic areas described in divisions (B)(1) to 37781  
(8) of section 3721.30 of the Revised Code; 37782

(2) The individual received, as of that date, at least the 37783  
difference between seventy-five hours and the number of hours 37784  
actually spent in training and competency evaluation in supervised 37785  
practical nurse aide training or regular in-service nurse aide 37786  
education. 37787

(G) The ~~public health council~~ director shall adopt rules in 37788  
accordance with Chapter 119. of the Revised Code specifying 37789  
persons, in addition to the director, who may establish competence 37790  
of nurse aides under division (B)(5) of this section, and 37791  
establishing criteria for determining whether an individual meets 37792  
the conditions specified in division (F) of this section. 37793

(H) The rules adopted pursuant to divisions (E)(1) and (G) of 37794  
this section shall be no less stringent than the requirements, 37795  
guidelines, and procedures established by the United States 37796  
secretary of health and human services under sections 1819 and 37797  
1919 of the "Social Security Act." 37798

**Sec. 3721.29.** In addition to competency evaluation programs 37799  
and training and competency evaluation programs required by this 37800  
chapter, each long-term care facility shall provide both of the 37801  
following to each nurse aide it uses: 37802

(A) An orientation program that includes at least an 37803  
explanation of the organizational structure of the facility, its 37804  
policies and procedures, its philosophy of care, a description of 37805  
its resident population, and an enumeration of its employee rules; 37806

(B) Regular performance review and in-service education to 37807  
assure that individuals working in the facility as nurse aides are 37808  
competent to perform the nursing and nursing-related services they 37809  
perform. In-service education shall include training for nurse 37810  
aides providing nursing and nursing-related services to residents 37811  
and patients with cognitive impairments. 37812

The ~~public~~ director of health council shall adopt rules to 37813  
implement the purposes of this section. The rules shall be no less 37814  
stringent than the requirements, guidelines, and procedures 37815  
established by the United States secretary of health and human 37816  
services under sections 1819 and 1919 of the "Social Security 37817  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. 37818

**Sec. 3721.50.** As used in sections 3721.50 to 3721.58 of the 37819  
Revised Code: 37820

(A) "Bed surrender" means the following: 37821

(1) In the case of a nursing home, the removal of a bed from 37822  
a nursing home's licensed capacity in a manner that reduces the 37823  
total licensed capacity of all nursing homes; 37824

(2) In the case of a hospital, the removal of a hospital bed 37825  
from registration under section 3701.07 of the Revised Code as a 37826  
skilled nursing facility bed or long-term care bed in a manner 37827  
that reduces the total number of hospital beds registered under 37828  
that section as skilled nursing facility beds or long-term care 37829  
beds. 37830

(B) "Change of operator" means an entering operator becoming 37831  
the operator of a nursing home or hospital in the place of the 37832  
exiting operator. 37833

(1) Actions that constitute a change of operator include the 37834  
following: 37835

(a) A change in an exiting operator's form of legal 37836  
organization, including the formation of a partnership or 37837  
corporation from a sole proprietorship; 37838

(b) A transfer of all the exiting operator's ownership 37839  
interest in the operation of the nursing home or hospital to the 37840  
entering operator, regardless of whether ownership of any or all 37841  
of the real property or personal property associated with the 37842

|                                                                                                                                                                                                                                                |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| nursing home or hospital is also transferred;                                                                                                                                                                                                  | 37843                            |
| (c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;                                                                                                    | 37844<br>37845<br>37846          |
| (d) If the exiting operator is a partnership, dissolution of the partnership;                                                                                                                                                                  | 37847<br>37848                   |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:                                                                                                                   | 37849<br>37850                   |
| (i) The change in composition does not cause the partnership's dissolution under state law.                                                                                                                                                    | 37851<br>37852                   |
| (ii) The partners agree that the change in composition does not constitute a change in operator.                                                                                                                                               | 37853<br>37854                   |
| (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. | 37855<br>37856<br>37857<br>37858 |
| (2) The following, alone, do not constitute a change of operator:                                                                                                                                                                              | 37859<br>37860                   |
| (a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;                                                                     | 37861<br>37862<br>37863          |
| (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;             | 37864<br>37865<br>37866<br>37867 |
| (c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.     | 37868<br>37869<br>37870<br>37871 |
| (C) "Effective date of a change of operator" means the day an                                                                                                                                                                                  | 37872                            |

entering operator becomes the operator of a nursing home or hospital. 37873  
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(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator. 37875  
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(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator. 37878  
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(F) "Franchise permit fee rate" means the following: 37881

(1) For fiscal year 2012, eleven dollars and forty-seven cents; 37882  
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(2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty-seven cents. 37884  
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(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 37886  
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(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located: 37888  
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(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds; 37890  
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(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code. 37893  
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(I) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii) that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 37895  
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- (1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 37903  
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- (2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 37905  
37906
- ~~(J) "Inpatient days" means all days during which a resident of a nursing facility, regardless of payment source, occupies a bed in the nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered inpatient days proportionate to the percentage of the facility's per resident per day rate paid for those days.~~ 37907  
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- ~~(K) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~ 37915  
37916
- ~~(L) "Medicaid day" means all days during which a resident who is a medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered medicaid days proportionate to the percentage of the nursing facility's per resident per day rate for those days.~~ 37917  
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- ~~(M)~~(K) "Medicare" means the program established by Title XVIII. 37924  
37925
- ~~(N)~~(L) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 37926  
37927
- ~~(O)~~(M)(1) "Nursing home" means all of the following: 37928
- (a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home; 37929  
37930  
37931
- (b) A facility or part of a facility, other than a hospital, 37932

that is certified as a skilled nursing facility under Title XVIII; 37933

(c) A nursing facility, other than a portion of a hospital 37934  
certified as a nursing facility. 37935

(2) "Nursing home" does not include ~~any~~ either of the 37936  
following: 37937

(a) A county home, county nursing home, or district home 37938  
operated pursuant to Chapter 5155. of the Revised Code; 37939

(b) A nursing home maintained and operated by the department 37940  
of veterans services under section 5907.01 of the Revised Code; 37941

~~(c) A nursing home or part of a nursing home licensed under 37942  
section 3721.02 or 3721.09 of the Revised Code that is certified 37943  
as an intermediate care facility for the mentally retarded under 37944  
Title XIX. 37945~~

~~(P)~~(N) "Operator" means the person or government entity 37946  
responsible for the daily operating and management decisions for a 37947  
nursing home or hospital. 37948

~~(Q)~~(O) "Title XIX" means Title XIX of the "Social Security 37949  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 37950

~~(R)~~(P) "Title XVIII" means Title XVIII of the "Social 37951  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 37952

**Sec. 3721.51.** The department of job and family services shall 37953  
do all of the following: 37954

(A) Subject to sections 3721.512, 3721.513, and 3721.531 of 37955  
the Revised Code and divisions (C) and (D) of this section and for 37956  
the purposes specified in section 3721.56 of the Revised Code, 37957  
determine an annual franchise permit fee on each nursing home in 37958  
an amount equal to the franchise permit fee rate multiplied by the 37959  
product of the following: 37960

(1) The number of beds licensed as nursing home beds, plus 37961

any other beds certified as skilled nursing facility beds under 37962  
Title XVIII or nursing facility beds under Title XIX on the first 37963  
day of May of the calendar year in which the fee is determined 37964  
pursuant to division (A) of section 3721.53 of the Revised Code; 37965

(2) The number of days in the fiscal year beginning on the 37966  
first day of July of the calendar year in which the fee is 37967  
determined pursuant to division (A) of section 3721.53 of the 37968  
Revised Code. 37969

(B) Subject to sections 3721.512, 3721.513, and 3721.531 of 37970  
the Revised Code and divisions (C) and (D) of this section and for 37971  
the purposes specified in section 3721.56 of the Revised Code, 37972  
determine an annual franchise permit fee on each hospital in an 37973  
amount equal to the franchise permit fee rate multiplied by the 37974  
product of the following: 37975

(1) The number of beds registered pursuant to section 3701.07 37976  
of the Revised Code as skilled nursing facility beds or long-term 37977  
care beds, plus any other beds licensed as nursing home beds under 37978  
section 3721.02 or 3721.09 of the Revised Code, on the first day 37979  
of May of the calendar year in which the fee is determined 37980  
pursuant to division (A) of section 3721.53 of the Revised Code; 37981

(2) The number of days in the fiscal year beginning on the 37982  
first day of July of the calendar year in which the fee is 37983  
determined pursuant to division (A) of section 3721.53 of the 37984  
Revised Code. 37985

(C) If the total amount of the franchise permit fee assessed 37986  
under divisions (A) and (B) of this section for a fiscal year 37987  
exceeds the indirect guarantee percentage of the actual net 37988  
patient revenue for all nursing homes and hospital long-term care 37989  
units for that fiscal year and seventy-five per cent or more of 37990  
the combined total number of nursing homes and hospital long-term 37991  
care units receive enhanced medicaid payments or other state 37992



payments equal to seventy-five per cent or more of their total 37993  
franchise permit fee assessments, do both of the following: 37994

(1) Recalculate the assessments under divisions (A) and (B) 37995  
of this section using a per bed per day rate equal to the indirect 37996  
guarantee percentage of actual net patient revenue for all nursing 37997  
homes and hospital long-term care units for that fiscal year; 37998

(2) Refund the difference between the amount of the franchise 37999  
permit fee assessed for that fiscal year under divisions (A) and 38000  
(B) of this section and the amount recalculated under division 38001  
(C)(1) of this section as a credit against the assessments imposed 38002  
under divisions (A) and (B) of this section for the subsequent 38003  
fiscal year. 38004

(D) If the United States centers for medicare and medicaid 38005  
services determines that the franchise permit fee established by 38006  
sections 3721.50 to 3721.58 of the Revised Code is an 38007  
impermissible health care-related tax under section 1903(w) of the 38008  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 38009  
amended, take all necessary actions to cease implementation of 38010  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 38011  
rules adopted under section 3721.58 of the Revised Code. 38012

**Sec. 3723.06.** (A) The director of health shall license radon 38013  
testers, mitigation specialists, and mitigation contractors. Each 38014  
applicant for a license shall submit a completed application to 38015  
the director on a form the director shall prescribe and furnish. 38016

(B) In accordance with rules adopted ~~by the public health~~ 38017  
~~council~~ under section 3723.09 of the Revised Code, the director 38018  
shall issue the appropriate license to each applicant that pays 38019  
the license fee prescribed by the ~~council~~ director, meets the 38020  
licensing criteria established by the ~~council~~ director, and 38021  
complies with any other licensing and training requirements 38022  
established by the ~~council~~ director. An individual, business 38023

entity, or government entity may hold more than one license issued 38024  
under this section, but a separate application is required for 38025  
each license. 38026

(C) Notwithstanding division (B) of this section, the 38027  
director shall issue a radon mitigation contractor license on 38028  
request to the holder of a radon mitigation specialist license if 38029  
the license holder is the owner or chief stockholder of a business 38030  
entity for which ~~he~~ the license holder is the only individual who 38031  
will work as a radon mitigation specialist. The licensing criteria 38032  
and any other licensing and training requirements the individual 38033  
was required to meet to qualify for the radon mitigation 38034  
specialist license are hereby deemed to satisfy any and all 38035  
criteria and requirements for a radon mitigation contractor 38036  
license. A license issued under this division shall expire at the 38037  
same time as the individual's radon mitigation specialist license. 38038  
No license fee shall be imposed for a license issued under this 38039  
division. 38040

(D) A license issued under this section expires biennially 38041  
and may be renewed by the director in accordance with criteria and 38042  
procedures established ~~by the public health council~~ in rules 38043  
adopted under section 3723.09 of the Revised Code and on payment 38044  
of the license renewal fee prescribed ~~by the council~~ in those 38045  
rules. 38046

(E) In accordance with Chapter 119. of the Revised Code, the 38047  
director may do either of the following: 38048

(1) Refuse to issue a license to an individual, business 38049  
entity, or government entity that does not meet the requirements 38050  
of this chapter or the rules adopted under it or has been in 38051  
violation of those requirements; 38052

(2) Suspend, revoke, or refuse to renew the license of an 38053  
individual, business entity, or government entity that is or has 38054

been in violation of the requirements of this chapter or the rules 38055  
adopted under it. 38056

**Sec. 3723.07.** The director of health shall approve all of the 38057  
following: 38058

(A) Licensure training courses for radon testers and 38059  
mitigation specialists; 38060

(B) Training courses for employees of mitigation contractors; 38061

(C) Radon laboratories. 38062

Each applicant for approval shall submit a completed 38063  
application to the director on a form the director shall prescribe 38064  
and furnish. 38065

In accordance with rules adopted ~~by the public health council~~ 38066  
under section 3723.09 of the Revised Code, the director shall 38067  
issue the appropriate approval to each applicant that pays the 38068  
approval fee prescribed by the ~~council~~ director and meets the 38069  
criteria for approval established by the ~~council~~ director. 38070

In accordance with Chapter 119. of the Revised Code, the 38071  
director may refuse to issue an approval and may revoke or suspend 38072  
an approval issued under this section if the operator of the 38073  
course or laboratory fails to meet the criteria established by the 38074  
~~public health council~~ director. 38075

**Sec. 3723.09.** (A) To protect the health of individuals 38076  
inhabiting, occupying, or frequenting buildings, the ~~public~~ 38077  
director of health ~~council~~ shall adopt rules to implement the 38078  
requirements of this chapter. All rules adopted under this section 38079  
shall be adopted in accordance with Chapter 119. of the Revised 38080  
Code. 38081

(B) The ~~public health council~~ director shall adopt rules 38082  
establishing criteria and procedures ~~to be followed by the~~ 38083

~~director of health in for~~ issuing and renewing licenses under 38084  
section 3723.06 of the Revised Code to radon testers, mitigation 38085  
specialists, and mitigation contractors. The rules may require 38086  
that all applicants for licensure as a radon tester or mitigation 38087  
specialist pass an examination. If an examination is required, the 38088  
rules may require applicants to pass an examination conducted by 38089  
the department or an appropriate examination conducted by the 38090  
United States environmental protection agency. 38091

(C) The ~~public health council director~~ shall adopt rules 38092  
establishing criteria and procedures ~~to be followed by the~~ 38093  
~~director of health in for~~ approving training courses under section 38094  
3723.07 of the Revised Code. The rules may require that 38095  
participants in training courses pass an examination conducted by 38096  
the operator of the course and may require that the examinations 38097  
be approved by the director ~~of health~~. 38098

(D) The ~~public health council director~~ shall adopt rules 38099  
establishing criteria and procedures ~~to be followed by the~~ 38100  
~~director of health in for~~ approving radon laboratories under 38101  
section 3723.07 of the Revised Code. 38102

(E) The ~~public health council director~~ shall adopt rules 38103  
establishing reasonable fees for licenses, license renewals, radon 38104  
laboratory approvals, and training course approvals. 38105

(F) The ~~public health council director~~ shall adopt rules 38106  
establishing standards to be followed by licensed radon testers, 38107  
mitigation specialists, and mitigation contractors for the 38108  
prevention of hazards to the public health, including standards 38109  
for worker protection, record keeping, and training of employees 38110  
of licensed radon mitigation contractors. 38111

(G) The ~~public health council director~~ shall adopt rules 38112  
establishing procedures to be followed by any individual, business 38113  
entity, or government entity licensed by another state to practice 38114

as a radon tester, mitigation specialist, or mitigation contractor 38115  
in providing notice to the director of health prior to commencing 38116  
practice in this state pursuant to section 3723.03 of the Revised 38117  
Code. 38118

(H) The ~~public health council~~ director may adopt rules that 38119  
require licensed radon testers and mitigation specialists to 38120  
report to the director ~~of health~~, by street address, radon test 38121  
results that indicate the presence of radon at a level considered 38122  
to be dangerous as determined by the ~~council~~ director. The rules 38123  
may require the reporting of screening measurements, follow-up 38124  
measurements, post-mitigation measurements, and, if it is known 38125  
that radon mitigation has been performed, the methods of 38126  
mitigation that were used. Any information required to be reported 38127  
to the director under these rules is not a public record under 38128  
section 149.43 of the Revised Code, and shall not be released 38129  
except in aggregate statistical form. 38130

**Sec. 3725.02.** (A) No person other than a hospital shall 38131  
collect plasma, regardless of the use for which the plasma is 38132  
intended, except at a plasmapheresis center holding a current, 38133  
valid certificate of approval issued by the director of health. 38134

Whoever violates this division is guilty of a misdemeanor of 38135  
the fourth degree. 38136

(B) The ~~public health council~~ director shall adopt such rules 38137  
as are necessary to carry out this chapter. 38138

**Sec. 3727.01.** (A) As used in this section, "health 38139  
maintenance organization" means a public or private organization 38140  
organized under the law of any state that is qualified under 38141  
section 1310(d) of Title XIII of the "Public Health Service Act," 38142  
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 38143  
following: 38144

(1) Provides or otherwise makes available to enrolled participants health care services including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive service, and out-of-area coverage;

(2) Is compensated, except for copayments, for the provision of basic health care services to enrolled participants by a payment that is paid on a periodic basis without regard to the date the health care services are provided and that is fixed without regard to the frequency, extent, or kind of health service actually provided;

(3) Provides physician services primarily in either of the following ways:

(a) Directly through physicians who are either employees or partners of the organization;

(b) Through arrangements with individual physicians or one or more groups of physicians organized on a group-practice or individual-practice basis.

(B) As used in this chapter:

(1) "~~Children's hospital~~" ~~has the same meaning as in section 3702.51 of the Revised Code~~ means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care

beds, and in which at least seventy-five per cent of annual 38175  
inpatient discharges for the preceding two calendar years were 38176  
individuals less than eighteen years of age; 38177

(c) A distinct portion of a hospital, if the hospital is 38178  
registered under section 3701.07 of the Revised Code as a 38179  
children's hospital and the children's hospital meets all the 38180  
requirements of division (B)(1)(a) of this section. 38181

(2) "Hospital" means an institution classified as a hospital 38182  
under section 3701.07 of the Revised Code in which are provided to 38183  
inpatients diagnostic, medical, surgical, obstetrical, 38184  
psychiatric, or rehabilitation care for a continuous period longer 38185  
than twenty-four hours or a hospital operated by a health 38186  
maintenance organization. "Hospital" does not include a facility 38187  
licensed under Chapter 3721. of the Revised Code, a health care 38188  
facility operated by the department of mental health or the 38189  
department of developmental disabilities, a health maintenance 38190  
organization that does not operate a hospital, the office of any 38191  
private licensed health care professional, whether organized for 38192  
individual or group practice, or a clinic that provides ambulatory 38193  
patient services and where patients are not regularly admitted as 38194  
inpatients. "Hospital" also does not include an institution for 38195  
the sick that is operated exclusively for patients who use 38196  
spiritual means for healing and for whom the acceptance of medical 38197  
care is inconsistent with their religious beliefs, accredited by a 38198  
national accrediting organization, exempt from federal income 38199  
taxation under section 501 of the Internal Revenue Code of 1986, 38200  
100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing 38201  
twenty-four hour nursing care pursuant to the exemption in 38202  
division (E) of section 4723.32 of the Revised Code from the 38203  
licensing requirements of Chapter 4723. of the Revised Code. 38204

(3) "Joint commission" means the commission formerly known as 38205  
the joint commission on accreditation of healthcare organizations 38206

or the joint commission on accreditation of hospitals. 38207

**Sec. 3727.42.** (A) Every hospital shall compile and make 38208  
available for inspection by the public a price information list 38209  
containing the information specified in division (B) of this 38210  
section and shall periodically update the list to maintain current 38211  
information. The price information list shall be compiled and made 38212  
available in a format that complies with the electronic 38213  
transaction standards and code sets adopted by the United States 38214  
secretary of health and human services under 42 U.S.C. 1320d-2. 38215

(B) Each price information list required by division (A) of 38216  
this section shall contain all of the following information: 38217

(1) The usual and customary room and board charges for each 38218  
level of care within the hospital, including but not limited to 38219  
private rooms, semiprivate rooms, other multiple patient rooms, 38220  
and intensive care and other specialty units; 38221

(2) Rates charged for nursing care, if the hospital charges 38222  
separately for nursing care; 38223

(3) The usual and customary charges, stated separately for 38224  
inpatients and outpatients if different charges are imposed, for 38225  
any of the following services provided by the hospital: 38226

(a) The thirty most common x-ray and radiological procedures; 38227

(b) The thirty most common laboratory procedures; 38228

(c) Emergency room services; 38229

(d) Operating room services; 38230

(e) Delivery room services; 38231

(f) Physical, occupational, and pulmonary therapy services; 38232

(g) Any other services designated as high volume services by 38233  
a rule which shall be adopted by the ~~public~~ director of health 38234  
~~council~~. 38235



|                                                                                                                                                                                                                                                                                                                           |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (4) The hospital's billing policies, including whether the hospital charges interest on an amount not paid in full by any person or government entity and the interest rate charged;                                                                                                                                      | 38236<br>38237<br>38238                   |
| (5) Whether or not the charges listed include fees for the services of hospital-based anesthesiologists, radiologists, pathologists, and emergency room physicians and, if a charge does not include such fees, how such fee information can be obtained.                                                                 | 38239<br>38240<br>38241<br>38242          |
| (C) Every hospital shall do all of the following with the price information list required by this section:                                                                                                                                                                                                                | 38243<br>38244                            |
| (1) At the time of admission, or as soon as practical thereafter, inform each patient of the availability of the list and on request provide the patient with a free copy of the list;                                                                                                                                    | 38245<br>38246<br>38247                   |
| (2) On request, provide a paper copy of the list to any person or governmental agency, subject to payment of a reasonable fee for copying and processing;                                                                                                                                                                 | 38248<br>38249<br>38250                   |
| (3) Make the list available free of charge on the hospital's internet web site.                                                                                                                                                                                                                                           | 38251<br>38252                            |
| <b>Sec. 3729.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                             | 38253                                     |
| (A) "Camp operator" means the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.                                                                                                                                                                                       | 38254<br>38255<br>38256                   |
| (B) "Campsite user" means a person who enters into a campsite use agreement with a camp operator for the use of a campsite at a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.                                                                                                   | 38257<br>38258<br>38259<br>38260          |
| (C) "Combined park-camp" means any tract of land upon which a combination of five or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is | 38261<br>38262<br>38263<br>38264<br>38265 |

subdivided for lease or other contract of the individual lots is a 38266  
combined park-camp if a combination of five or more recreational 38267  
vehicles or portable camping units are placed on it for 38268  
recreation, vacation, or business purposes. 38269

"Combined park-camp" does not include any tract of land used 38270  
solely as a temporary park-camp or solely as a manufactured home 38271  
park. 38272

(D) "Dependent recreational vehicle" means a recreational 38273  
vehicle other than a self-contained recreational vehicle. 38274

"Dependent recreational vehicle" includes a park model. 38275

(E) "Development" means any artificial change to improved or 38276  
unimproved real estate, including, without limitation, buildings 38277  
or structures, dredging, filling, grading, paving, excavation or 38278  
drilling operations, or storage of equipment or materials, and the 38279  
construction, expansion, or substantial alteration of a 38280  
recreational vehicle park, recreation camp, or combined park-camp, 38281  
for which plan review is required under division (A) of section 38282  
3729.03 of the Revised Code. "Development" does not include the 38283  
building, construction, erection, or manufacture of any building 38284  
to which section 3781.06 of the Revised Code is applicable. 38285

(F) "Director of health" means the director of health or the 38286  
director's authorized representative. 38287

(G) "Flood" or "flooding" means either of the following: 38288

(1) A general and temporary condition of partial or complete 38289  
inundation of normally dry land areas from any of the following: 38290

(a) The overflow of inland or tidal waters; 38291

(b) The unusual and rapid accumulation or runoff of surface 38292  
waters from any source; 38293

(c) Mudslides that are proximately caused by flooding as 38294  
defined in division (G)(1)(b) of this section and that are akin to 38295

a river of liquid and flowing mud on the surface of normally dry  
land areas, as when earth is carried by a current of water and  
deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a  
lake or other body of water as a result of erosion or undermining  
that is caused by waves or currents of water exceeding anticipated  
cyclical levels or that is suddenly caused by an unusually high  
water level in a natural body of water, and that is accompanied by  
a severe storm, by an unanticipated force of nature, such as a  
flash flood, by an abnormal tidal surge, or by some similarly  
unusual and unforeseeable event, that results in flooding as  
defined in division (G)(1)(a) of this section.

(H) "Flood plain" means the area adjoining any river, stream,  
watercourse, or lake that has been or may be covered by flood  
water.

(I) "Licensor" means either the board of health of a city or  
general health district, or the authority having the duties of a  
board of health in any city as authorized by section 3709.05 of  
the Revised Code, or the director of health, when required under  
division (B) of section 3729.06 of the Revised Code. "Licensor"  
also means an authorized representative of any of those entities  
or of the director.

(J) "Manufactured home park" has the same meaning as in  
section ~~3733.01~~ 4781.01 of the Revised Code.

(K) "One-hundred-year flood" means a flood having a one per  
cent chance of being equaled or exceeded in any given year.

(L) "One-hundred-year flood plain" means that portion of a  
flood plain inundated by a one-hundred-year flood.

(M) "Operator" means the person who has responsible charge of  
a recreational vehicle park, recreation camp, combined park-camp,  
or temporary park-camp and who is licensed under this chapter.

(N) "Park model" means a recreational vehicle that meets the American national standard institute standard A119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of not more than four hundred square feet when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for operation of installed features and appliances.

(O) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(P) "Portable camping units" means dependent recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes.

(Q) "Recreation camp" means any tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five or more portable camping units are placed on it for recreation, vacation, or business purposes.

"Recreation camp" does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

(R) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(S) "Recreational vehicle park" means any tract of land used for parking five or more self-contained recreational vehicles and

includes any roadway, building, structure, vehicle, or enclosure 38358  
used or intended for use as part of the park facilities and any 38359  
tract of land that is subdivided for lease or other contract of 38360  
the individual lots for the express or implied purpose of placing 38361  
self-contained recreational vehicles for recreation, vacation, or 38362  
business purposes. 38363

"Recreational vehicle park" does not include any tract of 38364  
land used solely for the storage or display for sale of 38365  
self-contained recreational vehicles, solely as a temporary 38366  
park-camp, or solely as a manufactured home park. 38367

(T) "Self-contained recreational vehicle" means a 38368  
recreational vehicle that can operate independent of connections 38369  
to sewer and water and has plumbing fixtures or appliances all of 38370  
which are connected to sewage holding tanks located within the 38371  
vehicle. "Self-contained recreational vehicle" includes a park 38372  
model. 38373

(U) "Substantially alter" means a change in the layout or 38374  
design of a recreational vehicle park, recreation camp, combined 38375  
park-camp, or temporary park-camp, including, without limitation, 38376  
the movement of utilities or changes in established streets, lots, 38377  
or sites or in other facilities. 38378

(V) "Temporary park-camp" means any tract of land used for a 38379  
period not to exceed a total of twenty-one days per calendar year 38380  
for the purpose of parking five or more recreational vehicles, 38381  
dependent recreational vehicles, or portable camping units, or any 38382  
combination thereof, for one or more periods of time that do not 38383  
exceed seven consecutive days or parts thereof. 38384

(W) "Tract" means a contiguous area of land that consists of 38385  
one or more parcels, lots, or sites that have been separately 38386  
surveyed regardless of whether the individual parcels, lots, or 38387  
sites have been recorded and regardless of whether the one or more 38388

parcels, lots, or sites are under common or different ownership. 38389

**Sec. 3729.02.** (A) The ~~public~~ director of health council, 38390  
subject to Chapter 119. of the Revised Code, shall adopt rules of 38391  
uniform application throughout the state governing the review of 38392  
plans and issuance of licenses for and the location, layout, 38393  
construction, drainage, sanitation, safety, and operation of 38394  
recreational vehicle parks, recreation camps, and combined 38395  
park-camps. The rules shall not apply to the construction, 38396  
erection, or manufacture of any building to which section 3781.06 38397  
of the Revised Code is applicable. 38398

(B) The ~~public health council~~ director, subject to Chapter 38399  
119. of the Revised Code, shall adopt rules of uniform application 38400  
throughout the state governing the review of plans and issuance of 38401  
licenses for and the layout, sanitation, safety, and operation of 38402  
temporary park-camps. The rules shall not apply to the 38403  
construction, erection, or manufacture of any building to which 38404  
section 3781.06 of the Revised Code is applicable. 38405

**Sec. 3729.03.** (A) No person shall cause development to occur 38406  
within any portion of a recreational vehicle park, recreation 38407  
camp, or combined park-camp until the plans for the development 38408  
have been submitted to and reviewed and approved by the director 38409  
of health. This division does not require that plans be submitted 38410  
to the director for approval for the replacement of recreational 38411  
vehicles or portable camping units on previously approved sites in 38412  
a recreational vehicle park, recreation camp, or combined 38413  
park-camp when no development is to occur in connection with the 38414  
replacement. Within thirty days after receipt of the plans, all 38415  
supporting documents and materials required to complete the 38416  
review, and the applicable plan review fee established under 38417  
division (D) of this section, the director shall approve or 38418  
disapprove the plans. 38419

(B) Any person aggrieved by the director's disapproval of a 38420  
set of plans under division (A) of this section may request a 38421  
hearing on the matter within thirty days after receipt of the 38422  
director's notice of the disapproval. The hearing shall be held in 38423  
accordance with Chapter 119. of the Revised Code. Thereafter, the 38424  
disapproval may be appealed in the manner provided in section 38425  
119.12 of the Revised Code. 38426

(C) The director shall establish a system by which 38427  
development occurring within a recreational vehicle park, 38428  
recreation camp, or combined park-camp is inspected or verified in 38429  
accordance with rules adopted under division (A) of section 38430  
3729.02 of the Revised Code to ensure that the development 38431  
complies with the plans approved under division (A) of this 38432  
section. 38433

(D) The ~~public health council~~ director shall establish fees 38434  
for reviewing plans under division (A) of this section and 38435  
conducting inspections under division (C) of this section. 38436

(E) The director shall charge the appropriate fees 38437  
established under division (D) of this section for reviewing plans 38438  
under division (A) of this section and conducting inspections 38439  
under division (C) of this section. All such plan review and 38440  
inspection fees received by the director shall be transmitted to 38441  
the treasurer of state and shall be credited to the general 38442  
operations fund created in section 3701.83 of the Revised Code. 38443  
Moneys so credited to the fund shall be used only for the purpose 38444  
of administering and enforcing this chapter and rules adopted 38445  
under it. 38446

(F) Plan approvals issued under this section do not 38447  
constitute an exemption from the land use and building 38448  
requirements of the political subdivision in which the 38449  
recreational vehicle park, recreation camp, or combined park-camp 38450  
is or is to be located. 38451

Sec. 3729.04. (A) No person shall cause development to occur 38452  
within any portion of a recreational vehicle park, recreation 38453  
camp, combined park-camp, or temporary park-camp that is located 38454  
within a one-hundred-year flood plain in a municipal corporation 38455  
unless the person first obtains a permit therefor from the 38456  
municipal corporation in accordance with the flood plain 38457  
management ordinance of the municipal corporation. 38458

(B) No person shall cause development to occur within any 38459  
portion of a recreational vehicle park, recreation camp, combined 38460  
park-camp, or temporary park-camp that is located within a 38461  
one-hundred-year flood plain in an unincorporated area unless the 38462  
person first obtains a permit therefor from the board of county 38463  
commissioners of the county in which the development is to occur 38464  
in accordance with the flood plain management resolution of the 38465  
county adopted under section 307.37 of the Revised Code. 38466

(C) If development for which a permit is required under 38467  
division (A) or (B) of this section is to occur on a site where a 38468  
recreational vehicle or portable camping unit is or is to be 38469  
located, the owner of the recreational vehicle or portable camping 38470  
unit and the operator of the recreational vehicle park, recreation 38471  
camp, or combined park-camp shall jointly obtain the permit. Each 38472  
of the persons to whom a permit is jointly issued is responsible 38473  
for compliance with the provisions of the approved permit that are 38474  
applicable to that person. 38475

If development for which a permit is required under division 38476  
(A) or (B) of this section is to occur within a temporary 38477  
park-camp on a site where a recreational vehicle or portable 38478  
camping unit is or is to be located, the owner of the temporary 38479  
park-camp shall obtain the permit. 38480

(D) Fees established by a municipal corporation or county for 38481  
the issuance of permits under division (A) or (B) of this section 38482



are not subject to regulation by the ~~public director of health~~ 38483  
~~council~~. 38484

**Sec. 3729.07.** The licensor of a recreational vehicle park, 38485  
recreation camp, or combined park-camp may charge a fee for an 38486  
annual license to operate such a park, camp, or park-camp. In the 38487  
case of a temporary park-camp, the licensor may charge a fee for a 38488  
license to operate the temporary park-camp for the period 38489  
specified in division (A) of section 3729.05 of the Revised Code. 38490  
The fees for both types of licenses shall be determined in 38491  
accordance with section 3709.09 of the Revised Code and shall 38492  
include the cost of licensing and all inspections. 38493

Except for the fee for a temporary park-camp license, the fee 38494  
also shall include any additional amount determined by rule of the 38495  
~~public director of health council~~, which shall be collected and 38496  
transmitted by the board of health to the director ~~of health~~ 38497  
pursuant to section 3709.092 of the Revised Code and used only for 38498  
the purpose of administering and enforcing this chapter and rules 38499  
adopted under it. The portion of any fee retained by the board of 38500  
health shall be paid into a special fund and used only for the 38501  
purpose of administering and enforcing this chapter and rules 38502  
adopted under it. 38503

**Sec. 3729.08.** The licensor of the health district in which a 38504  
recreational vehicle park, recreation camp, combined park-camp, or 38505  
temporary park-camp is or is to be located, in accordance with 38506  
Chapter 119. of the Revised Code, may refuse to grant, may 38507  
suspend, or may revoke any license granted to any person for 38508  
failure to comply with this chapter or with any rule adopted by 38509  
the ~~public director of health council~~ under section 3729.02 of the 38510  
Revised Code. 38511

**Sec. 3730.10.** (A) ~~Not later than ninety days after the~~ 38512

~~effective date of this section, the public~~ The director of health 38513  
~~council~~ shall adopt rules in accordance with Chapter 119. of the 38514  
Revised Code as necessary for the implementation and enforcement 38515  
of this chapter. The rules shall include all of the following: 38516

(1) Safety and sanitation standards and procedures to be 38517  
followed to prevent the transmission of infectious diseases during 38518  
the performance of tattooing and body piercing procedures; 38519

(2) Standards and procedures to be followed for appropriate 38520  
disinfection and sterilization of all invasive equipment or parts 38521  
of equipment used in tattooing procedures, body piercing 38522  
procedures, and ear piercing procedures performed with an ear 38523  
piercing gun; 38524

(3) Procedures for suspending and revoking approvals under 38525  
section 3730.05 of the Revised Code. 38526

(B) The rules adopted under division (A)(1) of this section 38527  
shall establish universal blood and body fluid precautions to be 38528  
used by any individual who performs tattooing or body piercing 38529  
procedures. The precautions shall include all of the following: 38530

(1) The appropriate use of hand washing; 38531

(2) The handling and disposal of all needles and other sharp 38532  
instruments used in tattooing or body piercing procedures; 38533

(3) The wearing and disposal of gloves and other protective 38534  
garments and devices. 38535

(C) The rules adopted under division (A) of this section may 38536  
include standards and procedures to be followed by a business that 38537  
offers tattooing or body piercing services to ensure that the 38538  
individuals who perform tattooing or body piercing procedures for 38539  
the business are adequately trained to perform the procedures 38540  
properly. 38541

**Sec. 3733.41.** As used in sections 3733.41 to 3733.49 of the 38542

Revised Code: 38543

(A) "Agricultural labor camp" means one or more buildings or 38544  
structures, trailers, tents, or vehicles, together with any land 38545  
appertaining thereto, established, operated, or used as temporary 38546  
living quarters for two or more families or five or more persons 38547  
intending to engage in or engaged in agriculture or related food 38548  
processing, whether occupancy is by rent, lease, or mutual 38549  
agreement. "Agricultural labor camp" does not include a hotel or 38550  
motel, or a manufactured home park regulated pursuant to ~~section~~ 38551  
~~3733.01~~ sections 4781.26 to 4781.52 of the Revised Code, and rules 38552  
adopted thereunder. 38553

(B) "Board of health" means the board of health of a city or 38554  
general health district or the authority having the duties of a 38555  
board of health in any city as authorized by section 3709.05 of 38556  
the Revised Code or an authorized representative of the board of 38557  
health. 38558

(C) "Director" means the director of ~~the department of~~ health 38559  
or the authorized representative of the director of health. 38560

(D) "Licensor" means the director of health. 38561

(E) "Person" means the state, any political subdivision, 38562  
public or private corporation, partnership, association, trust, 38563  
individual, or other entity. 38564

~~(F) "Public health council" means the public health council~~ 38565  
~~as created by section 3701.33 of the Revised Code.~~ 38566

**Sec. 3733.42.** The public director of health council, subject 38567  
to sections 119.01 to 119.13 of the Revised Code, shall adopt 38568  
rules having a uniform application throughout the state, governing 38569  
the issuance of licenses, location, layout, construction, approval 38570  
of plans, sanitation, safety, operation, use, and maintenance of 38571  
agricultural labor camps. The rules shall establish minimum 38572

standards of habitability with which a licensee shall comply in 38573  
operating an agricultural labor camp. The rules shall establish, 38574  
beyond minimum standards of habitability, additional standards of 38575  
habitability for those camps and shall establish priorities for 38576  
those additional standards with which a licensee may ~~voluntary~~ 38577  
voluntarily comply. 38578

In addition to meeting the requirements of section 119.03 of 38579  
the Revised Code, the director of health shall mail a notice of 38580  
the date, time, and place of any hearing on the adoption, 38581  
amendment, or rescission of such rules and the full text of the 38582  
proposed rule, amendment, or rule to be rescinded, at least thirty 38583  
days prior to the hearing date, to all persons currently 38584  
authorized or licensed to operate camps by the department of 38585  
health, or authorized or licensed to operate camps in the previous 38586  
calendar year. 38587

**Sec. 3734.01.** As used in this chapter: 38588

(A) "Board of health" means the board of health of a city or 38589  
general health district or the authority having the duties of a 38590  
board of health in any city as authorized by section 3709.05 of 38591  
the Revised Code. 38592

(B) "Director" means the director of environmental 38593  
protection. 38594

(C) "Health district" means a city or general health district 38595  
as created by or under authority of Chapter 3709. of the Revised 38596  
Code. 38597

(D) "Agency" means the environmental protection agency. 38598

(E) "Solid wastes" means such unwanted residual solid or 38599  
semisolid material as results from industrial, commercial, 38600  
agricultural, and community operations, excluding earth or 38601  
material from construction, mining, or demolition operations, or 38602

other waste materials of the type that normally would be included 38603  
in demolition debris, nontoxic fly ash and bottom ash, including 38604  
at least ash that results from the combustion of coal and ash that 38605  
results from the combustion of coal in combination with scrap 38606  
tires where scrap tires comprise not more than fifty per cent of 38607  
heat input in any month, spent nontoxic foundry sand, and slag and 38608  
other substances that are not harmful or inimical to public 38609  
health, and includes, but is not limited to, garbage, scrap tires, 38610  
combustible and noncombustible material, street dirt, and debris. 38611  
"Solid wastes" does not include any material that is an infectious 38612  
waste or a hazardous waste. 38613

(F) "Disposal" means the discharge, deposit, injection, 38614  
dumping, spilling, leaking, emitting, or placing of any solid 38615  
wastes or hazardous waste into or on any land or ground or surface 38616  
water or into the air, except if the disposition or placement 38617  
constitutes storage or treatment or, if the solid wastes consist 38618  
of scrap tires, the disposition or placement constitutes a 38619  
beneficial use or occurs at a scrap tire recovery facility 38620  
licensed under section 3734.81 of the Revised Code. 38621

(G) "Person" includes the state, any political subdivision 38622  
and other state or local body, the United States and any agency or 38623  
instrumentality thereof, and any legal entity defined as a person 38624  
under section 1.59 of the Revised Code. 38625

(H) "Open burning" means the burning of solid wastes in an 38626  
open area or burning of solid wastes in a type of chamber or 38627  
vessel that is not approved or authorized in rules adopted by the 38628  
director under section 3734.02 of the Revised Code or, if the 38629  
solid wastes consist of scrap tires, in rules adopted under 38630  
division (V) of this section or section 3734.73 of the Revised 38631  
Code, or the burning of treated or untreated infectious wastes in 38632  
an open area or in a type of chamber or vessel that is not 38633  
approved in rules adopted by the director under section 3734.021 38634

of the Revised Code. 38635

(I) "Open dumping" means the depositing of solid wastes into 38636  
a body or stream of water or onto the surface of the ground at a 38637  
site that is not licensed as a solid waste facility under section 38638  
3734.05 of the Revised Code or, if the solid wastes consist of 38639  
scrap tires, as a scrap tire collection, storage, monocell, 38640  
monofill, or recovery facility under section 3734.81 of the 38641  
Revised Code; the depositing of solid wastes that consist of scrap 38642  
tires onto the surface of the ground at a site or in a manner not 38643  
specifically identified in divisions (C)(2) to (5), (7), or (10) 38644  
of section 3734.85 of the Revised Code; the depositing of 38645  
untreated infectious wastes into a body or stream of water or onto 38646  
the surface of the ground; or the depositing of treated infectious 38647  
wastes into a body or stream of water or onto the surface of the 38648  
ground at a site that is not licensed as a solid waste facility 38649  
under section 3734.05 of the Revised Code. 38650

(J) "Hazardous waste" means any waste or combination of 38651  
wastes in solid, liquid, semisolid, or contained gaseous form that 38652  
in the determination of the director, because of its quantity, 38653  
concentration, or physical or chemical characteristics, may do 38654  
either of the following: 38655

(1) Cause or significantly contribute to an increase in 38656  
mortality or an increase in serious irreversible or incapacitating 38657  
reversible illness; 38658

(2) Pose a substantial present or potential hazard to human 38659  
health or safety or to the environment when improperly stored, 38660  
treated, transported, disposed of, or otherwise managed. 38661

"Hazardous waste" includes any substance identified by 38662  
regulation as hazardous waste under the "Resource Conservation and 38663  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 38664  
amended, and does not include any substance that is subject to the 38665

"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 38666  
amended. 38667

(K) "Treat" or "treatment," when used in connection with 38668  
hazardous waste, means any method, technique, or process designed 38669  
to change the physical, chemical, or biological characteristics or 38670  
composition of any hazardous waste; to neutralize the waste; to 38671  
recover energy or material resources from the waste; to render the 38672  
waste nonhazardous or less hazardous, safer to transport, store, 38673  
or dispose of, or amenable for recovery, storage, further 38674  
treatment, or disposal; or to reduce the volume of the waste. When 38675  
used in connection with infectious wastes, "treat" or "treatment" 38676  
means any method, technique, or process designed to render the 38677  
wastes noninfectious, including, without limitation, steam 38678  
sterilization and incineration, or, in the instance of wastes 38679  
identified in division (R)(7) of this section, to substantially 38680  
reduce or eliminate the potential for the wastes to cause 38681  
lacerations or puncture wounds. 38682

(L) "Manifest" means the form used for identifying the 38683  
quantity, composition, origin, routing, and destination of 38684  
hazardous waste during its transportation from the point of 38685  
generation to the point of disposal, treatment, or storage. 38686

(M) "Storage," when used in connection with hazardous waste, 38687  
means the holding of hazardous waste for a temporary period in 38688  
such a manner that it remains retrievable and substantially 38689  
unchanged physically and chemically and, at the end of the period, 38690  
is treated; disposed of; stored elsewhere; or reused, recycled, or 38691  
reclaimed in a beneficial manner. When used in connection with 38692  
solid wastes that consist of scrap tires, "storage" means the 38693  
holding of scrap tires for a temporary period in such a manner 38694  
that they remain retrievable and, at the end of that period, are 38695  
beneficially used; stored elsewhere; placed in a scrap tire 38696  
monocell or monofill facility licensed under section 3734.81 of 38697

the Revised Code; processed at a scrap tire recovery facility 38698  
licensed under that section or a solid waste incineration or 38699  
energy recovery facility subject to regulation under this chapter; 38700  
or transported to a scrap tire monocell, monofill, or recovery 38701  
facility, any other solid waste facility authorized to dispose of 38702  
scrap tires, or a facility that will beneficially use the scrap 38703  
tires, that is located in another state and is operating in 38704  
compliance with the laws of the state in which the facility is 38705  
located. 38706

(N) "Facility" means any site, location, tract of land, 38707  
installation, or building used for incineration, composting, 38708  
sanitary landfilling, or other methods of disposal of solid wastes 38709  
or, if the solid wastes consist of scrap tires, for the 38710  
collection, storage, or processing of the solid wastes; for the 38711  
transfer of solid wastes; for the treatment of infectious wastes; 38712  
or for the storage, treatment, or disposal of hazardous waste. 38713

(O) "Closure" means the time at which a hazardous waste 38714  
facility will no longer accept hazardous waste for treatment, 38715  
storage, or disposal, the time at which a solid waste facility 38716  
will no longer accept solid wastes for transfer or disposal or, if 38717  
the solid wastes consist of scrap tires, for storage or 38718  
processing, or the effective date of an order revoking the permit 38719  
for a hazardous waste facility or the registration certificate, 38720  
permit, or license for a solid waste facility, as applicable. 38721  
"Closure" includes measures performed to protect public health or 38722  
safety, to prevent air or water pollution, or to make the facility 38723  
suitable for other uses, if any, including, but not limited to, 38724  
the removal of processing residues resulting from solid wastes 38725  
that consist of scrap tires; the establishment and maintenance of 38726  
a suitable cover of soil and vegetation over cells in which 38727  
hazardous waste or solid wastes are buried; minimization of 38728  
erosion, the infiltration of surface water into such cells, the 38729



production of leachate, and the accumulation and runoff of 38730  
contaminated surface water; the final construction of facilities 38731  
for the collection and treatment of leachate and contaminated 38732  
surface water runoff, except as otherwise provided in this 38733  
division; the final construction of air and water quality 38734  
monitoring facilities, except as otherwise provided in this 38735  
division; the final construction of methane gas extraction and 38736  
treatment systems; or the removal and proper disposal of hazardous 38737  
waste or solid wastes from a facility when necessary to protect 38738  
public health or safety or to abate or prevent air or water 38739  
pollution. With regard to a solid waste facility that is a scrap 38740  
tire facility, "closure" includes the final construction of 38741  
facilities for the collection and treatment of leachate and 38742  
contaminated surface water runoff and the final construction of 38743  
air and water quality monitoring facilities only if those actions 38744  
are determined to be necessary. 38745

(P) "Premises" means either of the following: 38746

(1) Geographically contiguous property owned by a generator; 38747

(2) Noncontiguous property that is owned by a generator and 38748  
connected by a right-of-way that the generator controls and to 38749  
which the public does not have access. Two or more pieces of 38750  
property that are geographically contiguous and divided by public 38751  
or private right-of-way or rights-of-way are a single premises. 38752

(Q) "Post-closure" means that period of time following 38753  
closure during which a hazardous waste facility is required to be 38754  
monitored and maintained under this chapter and rules adopted 38755  
under it, including, without limitation, operation and maintenance 38756  
of methane gas extraction and treatment systems, or the period of 38757  
time after closure during which a scrap tire monocell or monofill 38758  
facility licensed under section 3734.81 of the Revised Code is 38759  
required to be monitored and maintained under this chapter and 38760  
rules adopted under it. 38761

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (R) "Infectious wastes" includes all of the following              | 38762 |
| substances or categories of substances:                            | 38763 |
| (1) Cultures and stocks of infectious agents and associated        | 38764 |
| biologicals, including, without limitation, specimen cultures,     | 38765 |
| cultures and stocks of infectious agents, wastes from production   | 38766 |
| of biologicals, and discarded live and attenuated vaccines;        | 38767 |
| (2) Laboratory wastes that were, or are likely to have been,       | 38768 |
| in contact with infectious agents that may present a substantial   | 38769 |
| threat to public health if improperly managed;                     | 38770 |
| (3) Pathological wastes, including, without limitation, human      | 38771 |
| and animal tissues, organs, and body parts, and body fluids and    | 38772 |
| excreta that are contaminated with or are likely to be             | 38773 |
| contaminated with infectious agents, removed or obtained during    | 38774 |
| surgery or autopsy or for diagnostic evaluation, provided that,    | 38775 |
| with regard to pathological wastes from animals, the animals have  | 38776 |
| or are likely to have been exposed to a zoonotic or infectious     | 38777 |
| agent;                                                             | 38778 |
| (4) Waste materials from the rooms of humans, or the               | 38779 |
| enclosures of animals, that have been isolated because of          | 38780 |
| diagnosed communicable disease that are likely to transmit         | 38781 |
| infectious agents. Such waste materials from the rooms of humans   | 38782 |
| do not include any wastes of patients who have been placed on      | 38783 |
| blood and body fluid precautions under the universal precaution    | 38784 |
| system established by the centers for disease control in the       | 38785 |
| public health service of the United States department of health    | 38786 |
| and human services, except to the extent specific wastes generated | 38787 |
| under the universal precautions system have been identified as     | 38788 |
| infectious wastes by rules adopted under division (R)(8) of this   | 38789 |
| section.                                                           | 38790 |
| (5) Human and animal blood specimens and blood products that       | 38791 |
| are being disposed of, provided that, with regard to blood         | 38792 |

specimens and blood products from animals, the animals were or are 38793  
likely to have been exposed to a zoonotic or infectious agent. 38794  
"Blood products" does not include patient care waste such as 38795  
bandages or disposable gowns that are lightly soiled with blood or 38796  
other body fluids unless those wastes are soiled to the extent 38797  
that the generator of the wastes determines that they should be 38798  
managed as infectious wastes. 38799

(6) Contaminated carcasses, body parts, and bedding of 38800  
animals that were intentionally exposed to infectious agents from 38801  
zoonotic or human diseases during research, production of 38802  
biologicals, or testing of pharmaceuticals, and carcasses and 38803  
bedding of animals otherwise infected by zoonotic or infectious 38804  
agents that may present a substantial threat to public health if 38805  
improperly managed; 38806

(7) Sharp wastes used in the treatment, diagnosis, or 38807  
inoculation of human beings or animals or that have, or are likely 38808  
to have, come in contact with infectious agents in medical, 38809  
research, or industrial laboratories, including, without 38810  
limitation, hypodermic needles and syringes, scalpel blades, and 38811  
glass articles that have been broken; 38812

(8) Any other waste materials generated in the diagnosis, 38813  
treatment, or immunization of human beings or animals, in research 38814  
pertaining thereto, or in the production or testing of 38815  
biologicals, that the ~~public director of health council created in~~ 38816  
~~section 3701.33 of the Revised Code~~, by rules adopted in 38817  
accordance with Chapter 119. of the Revised Code, identifies as 38818  
infectious wastes after determining that the wastes present a 38819  
substantial threat to human health when improperly managed because 38820  
they are contaminated with, or are likely to be contaminated with, 38821  
infectious agents. 38822

(S) "Infectious agent" means a type of microorganism, 38823  
helminth, or virus that causes, or significantly contributes to 38824

the cause of, increased morbidity or mortality of human beings. 38825

(T) "Zoonotic agent" means a type of microorganism, helminth, 38826  
or virus that causes disease in vertebrate animals and that is 38827  
transmissible to human beings and causes or significantly 38828  
contributes to the cause of increased morbidity or mortality of 38829  
human beings. 38830

(U) "Solid waste transfer facility" means any site, location, 38831  
tract of land, installation, or building that is used or intended 38832  
to be used primarily for the purpose of transferring solid wastes 38833  
that were generated off the premises of the facility from vehicles 38834  
or containers into other vehicles for transportation to a solid 38835  
waste disposal facility. "Solid waste transfer facility" does not 38836  
include any facility that consists solely of portable containers 38837  
that have an aggregate volume of fifty cubic yards or less nor any 38838  
facility where legitimate recycling activities are conducted. 38839

(V) "Beneficially use" means to use a scrap tire in a manner 38840  
that results in a commodity for sale or exchange or in any other 38841  
manner authorized as a beneficial use in rules adopted by the 38842  
director in accordance with Chapter 119. of the Revised Code. 38843

(W) "Commercial car," "commercial tractor," "farm machinery," 38844  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 38845  
the same meanings as in section 4501.01 of the Revised Code. 38846

(X) "Construction equipment" means road rollers, traction 38847  
engines, power shovels, power cranes, and other equipment used in 38848  
construction work, or in mining or producing or processing 38849  
aggregates, and not designed for or used in general highway 38850  
transportation. 38851

(Y) "Motor vehicle salvage dealer" has the same meaning as in 38852  
section 4738.01 of the Revised Code. 38853

(Z) "Scrap tire" means an unwanted or discarded tire. 38854

(AA) "Scrap tire collection facility" means any facility that 38855  
meets all of the following qualifications: 38856

(1) The facility is used for the receipt and storage of whole 38857  
scrap tires from the public prior to their transportation to a 38858  
scrap tire storage, monocell, monofill, or recovery facility 38859  
licensed under section 3734.81 of the Revised Code; a solid waste 38860  
incineration or energy recovery facility subject to regulation 38861  
under this chapter; a premises within the state where the scrap 38862  
tires will be beneficially used; or a scrap tire storage, 38863  
monocell, monofill, or recovery facility, any other solid waste 38864  
disposal facility authorized to dispose of scrap tires, or a 38865  
facility that will beneficially use the scrap tires, that is 38866  
located in another state, and that is operating in compliance with 38867  
the laws of the state in which the facility is located. 38868

(2) The facility exclusively stores scrap tires in portable 38869  
containers. 38870

(3) The aggregate storage of the portable containers in which 38871  
the scrap tires are stored does not exceed five thousand cubic 38872  
feet. 38873

(BB) "Scrap tire monocell facility" means an individual site 38874  
within a solid waste landfill that is used exclusively for the 38875  
environmentally sound storage or disposal of whole scrap tires or 38876  
scrap tires that have been shredded, chipped, or otherwise 38877  
mechanically processed. 38878

(CC) "Scrap tire monofill facility" means an engineered 38879  
facility used or intended to be used exclusively for the storage 38880  
or disposal of scrap tires, including at least facilities for the 38881  
submergence of whole scrap tires in a body of water. 38882

(DD) "Scrap tire recovery facility" means any facility, or 38883  
portion thereof, for the processing of scrap tires for the purpose 38884  
of extracting or producing usable products, materials, or energy 38885

from the scrap tires through a controlled combustion process, 38886  
mechanical process, or chemical process. "Scrap tire recovery 38887  
facility" includes any facility that uses the controlled 38888  
combustion of scrap tires in a manufacturing process to produce 38889  
process heat or steam or any facility that produces usable heat or 38890  
electric power through the controlled combustion of scrap tires in 38891  
combination with another fuel, but does not include any solid 38892  
waste incineration or energy recovery facility that is designed, 38893  
constructed, and used for the primary purpose of incinerating 38894  
mixed municipal solid wastes and that burns scrap tires in 38895  
conjunction with mixed municipal solid wastes, or any tire 38896  
retreading business, tire manufacturing finishing center, or tire 38897  
adjustment center having on the premises of the business a single, 38898  
covered scrap tire storage area at which not more than four 38899  
thousand scrap tires are stored. 38900

(EE) "Scrap tire storage facility" means any facility where 38901  
whole scrap tires are stored prior to their transportation to a 38902  
scrap tire monocell, monofill, or recovery facility licensed under 38903  
section 3734.81 of the Revised Code; a solid waste incineration or 38904  
energy recovery facility subject to regulation under this chapter; 38905  
a premises within the state where the scrap tires will be 38906  
beneficially used; or a scrap tire storage, monocell, monofill, or 38907  
recovery facility, any other solid waste disposal facility 38908  
authorized to dispose of scrap tires, or a facility that will 38909  
beneficially use the scrap tires, that is located in another 38910  
state, and that is operating in compliance with the laws of the 38911  
state in which the facility is located. 38912

(FF) "Used oil" means any oil that has been refined from 38913  
crude oil, or any synthetic oil, that has been used and, as a 38914  
result of that use, is contaminated by physical or chemical 38915  
impurities. "Used oil" includes only those substances identified 38916  
as used oil by the United States environmental protection agency 38917

under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 38918  
U.S.C.A. 6901a, as amended. 38919

(GG) "Accumulated speculatively" has the same meaning as in 38920  
rules adopted by the director under section 3734.12 of the Revised 38921  
Code. 38922

**Sec. 3734.131.** (A)(1) Except as provided in divisions (D)(1) 38923  
and (2) of this section, no person shall transport any solid 38924  
wastes from outside this state to a solid waste facility in this 38925  
state unless that person has first irrevocably consented in 38926  
writing to the jurisdiction of the courts of this state and 38927  
service of process in this state, including, without limitation, 38928  
summonses and subpoenas, for any civil or criminal proceeding 38929  
arising out of or relating to the wastes that are shipped to a 38930  
facility in this state. 38931

(2) The original of the consent-to-jurisdiction document 38932  
shall be legible and shall be filed with the director of 38933  
environmental protection on a form provided by the director. A 38934  
legible copy of the completed document shall be filed with the 38935  
owner or operator of each solid waste facility to which the wastes 38936  
are transported. A consent-to-jurisdiction document applies only 38937  
to shipments into this state of wastes described in division 38938  
(A)(1) of this section. 38939

(3) All consent-to-jurisdiction documents required under 38940  
division (A)(1) or (3) of this section shall be refiled during the 38941  
month of December, 1995, and during the month of December of every 38942  
fourth year thereafter. Except as provided in division (D)(1) of 38943  
this section, after December 31, 1995, or after the thirty-first 38944  
day of December of every fourth year thereafter, whichever is 38945  
applicable, no person shall continue to transport any solid wastes 38946  
from outside this state to a solid waste facility in this state 38947  
unless the person refiles with the director and the owner or 38948

operator of each facility to which the wastes are transported 38949  
consent-to-jurisdiction documents, in the manner prescribed in 38950  
division (A)(2) of this section, during the month of December next 38951  
preceding the period for which the refiled document is required. 38952

(4) If the address of a person changes from that listed on 38953  
the current consent-to-jurisdiction document filed under division 38954  
(A)(1) or (3) of this section, the person shall file amended 38955  
consent-to-jurisdiction documents containing the new address with 38956  
the director and the owner or operator of each facility to which 38957  
the wastes are transported. 38958

(5)(a) Except as provided in division (D)(1) of this section, 38959  
no person identified in divisions (D)(2)(a) to (d) of this section 38960  
shall transport any solid wastes from outside this state to a 38961  
solid waste facility in this state unless the person has first 38962  
filed a notification and authorization document naming the 38963  
person's agent who is authorized to accept service of process in 38964  
this state, including, without limitation, summonses and 38965  
subpoenas, for any civil or criminal proceeding arising out of or 38966  
relating to the wastes that are shipped to a facility in this 38967  
state. 38968

The original of the notification and authorization document 38969  
shall be legible and shall be filed with the director on a form 38970  
provided by the director. A legible copy of the completed document 38971  
shall be filed with the owner or operator of each solid waste 38972  
facility to which the wastes are transported. 38973

(b) All notification and authorization documents required 38974  
under division (A)(5) of this section shall be refiled during the 38975  
month of December, 1995, and during the month of December of every 38976  
fourth year thereafter. Except as provided in division (D)(1) of 38977  
this section, after December 31, 1995, or after the thirty-first 38978  
day of December of every fourth year thereafter, whichever is 38979  
applicable, no person identified in divisions (D)(2)(a) to (d) of 38980



this section shall continue to transport any solid wastes from 38981  
outside this state to a solid waste facility in this state unless 38982  
the person refiles with the director and the owner or operator of 38983  
each facility to which the wastes are transported notification and 38984  
authorization documents, in the manner prescribed in division 38985  
(A)(5)(a) of this section, during the month of December next 38986  
preceding the period for which the refiled document is required. 38987

(c) If a person's agent or the address of a person's agent 38988  
changes from that listed on the current notification and 38989  
authorization document filed under division (A)(5)(a) or (b) of 38990  
this section, the person shall file amended notification and 38991  
authorization documents containing the name and address of the new 38992  
agent or the agent's new address with the director and the owner 38993  
or operator of each facility to which the wastes are transported. 38994

(B) A person who enters this state pursuant to a summons, 38995  
subpoena, or other form of process authorized by this section is 38996  
not subject to arrest or the service of process, whether civil or 38997  
criminal, in connection with other matters that arose before his 38998  
entrance into this state pursuant to the summons, subpoena, or 38999  
other form of process authorized by this section. 39000

(C)(1) Except as provided in division (D)(1) of this section, 39001  
no owner, operator, or employee of a solid waste facility shall 39002  
accept for treatment, transfer, storage, or disposal at the 39003  
facility any solid wastes from outside the boundaries of this 39004  
state unless the facility has received a copy of the 39005  
consent-to-jurisdiction document or notification and authorization 39006  
document required under this section and applicable to the wastes. 39007

(2) The owner or operator of a solid waste facility shall 39008  
keep the consent-to-jurisdiction documents and the notification 39009  
and authorization documents filed with him under this section at 39010  
the facility in such a location and manner that they are readily 39011  
accessible to the director or his authorized representative, and 39012

the board of health having jurisdiction over the facility and its 39013  
authorized representative, for the purposes of sections 3734.07 39014  
and 3734.10 of the Revised Code. 39015

(D)(1) Divisions (A), (B), and (C) of this section do not 39016  
apply to the transportation, transfer, or disposal of solid wastes 39017  
from residential premises located less than ten miles outside the 39018  
boundaries of this state. 39019

(2) Divisions (A)(1) to (4) of this section do not apply to 39020  
any of the following: 39021

(a) A corporation incorporated under the laws of this state 39022  
that has appointed a statutory agent pursuant to section 1701.07 39023  
of the Revised Code; 39024

(b) A foreign corporation licensed to transact business in 39025  
this state that has appointed a designated agent pursuant to 39026  
section 1703.041 of the Revised Code; 39027

(c) A ~~nonresident~~ motor carrier ~~that has designated an agent~~ 39028  
~~pursuant to, as defined in~~ section ~~4919.77~~ 4923.01 of the Revised 39029  
Code, that is a nonresident; 39030

(d) Any other person who is a resident of this state. 39031

**Sec. 3734.15.** (A) No person shall transport hazardous waste 39032  
anywhere in this state unless ~~he~~ the person has first registered 39033  
with and obtained a uniform permit from the public utilities 39034  
commission in accordance with ~~section 4905.80~~ Chapter 4921. of the 39035  
Revised Code. 39036

For the purposes of this section, "registered transporter" 39037  
means any person who is registered with and has received a uniform 39038  
permit from the public utilities commission pursuant to ~~section~~ 39039  
~~4905.80~~ Chapter 4921. of the Revised Code. 39040

(B) A registered transporter of hazardous waste shall be 39041  
responsible for the safe delivery of any hazardous waste that ~~he~~ 39042

the registered transporter transports from such time as ~~he~~ the  
registered transporter obtains the waste until ~~he~~ the registered  
transporter delivers it to a treatment, storage, or disposal  
facility specified in division (F) of section 3734.02 of the  
Revised Code, as recorded on the manifest required in division (B)  
of section 3734.12 of the Revised Code. Any registered transporter  
who violates this chapter or any rule adopted under the chapter  
while transporting hazardous waste shall be liable for any damage  
or injury caused by the violation and for the costs of rectifying  
the violation and conditions caused by the violation.

(C) No person who generates hazardous waste shall cause the  
waste to be transported by any person who is not a registered  
transporter. No person shall accept for treatment, storage, or  
disposal any hazardous waste from an unregistered transporter. Any  
person who is requested to accept such waste for treatment,  
storage, or disposal shall notify the director, the board of  
health in ~~his~~ the person's location, and the public utilities  
commission of the request.

If a generator causes an unregistered transporter to  
transport the hazardous waste, the generator of the waste, the  
transporter, and any person who accepts the waste for treatment,  
storage, or disposal shall be jointly and severally liable for any  
damage or injury caused by the handling of the waste and for the  
costs of rectifying their violation and conditions caused by their  
violation.

**Sec. 3734.51.** There is hereby created within the  
environmental protection agency the solid waste management  
advisory council consisting of the directors of environmental  
protection, and development, ~~and natural resources~~, or their  
designees, as members ex officio, one member of the senate to be  
appointed by the president of the senate, one member of the house

of representatives to be appointed by the speaker of the house of 39074  
representatives, and fourteen members to be appointed by the 39075  
governor with the advice and consent of the senate. Of the 39076  
appointed members, one shall be an employee of a health district 39077  
whose duties include enforcement of the solid waste provisions of 39078  
this chapter, two shall represent the interests of counties, two 39079  
shall represent the interests of municipal corporations, two shall 39080  
represent the interests of townships, one shall represent the 39081  
interests of county solid waste management districts, one shall 39082  
represent the interests of joint solid waste management districts, 39083  
one shall represent the interests of industrial generators of 39084  
solid wastes, one shall be from the private recycling industry, 39085  
one shall be from the private solid waste management industry, one 39086  
shall be from a statewide environmental advocacy organization, and 39087  
one shall represent the public. ~~Within ninety days after June 24,~~ 39088  
~~1988, the governor shall make the initial appointments to the~~ 39089  
~~advisory council. Of those initial appointments, six shall be for~~ 39090  
~~a term ending June 24, 1989, and six shall be for a term ending~~ 39091  
~~June 24, 1990. The governor shall make the initial appointments to~~ 39092  
~~the advisory council of the members representing county and joint~~ 39093  
~~solid waste management districts within ninety days after the~~ 39094  
~~effective date of this amendment. Of the initial appointments of~~ 39095  
~~the members representing solid waste management districts, one~~ 39096  
~~shall be for a term ending June 24, 1993, and one shall be for a~~ 39097  
~~term ending June 24, 1994. Thereafter, terms~~ Terms of office shall 39098  
be for two years with each term ending on the same day of the same 39099  
month as did the term that it succeeds. Each member shall hold 39100  
office from the date of ~~his~~ appointment until the end of the term 39101  
for which ~~he~~ the member was appointed. Members may be reappointed. 39102  
Vacancies shall be filled in the manner provided for original 39103  
appointments. Any member appointed to fill a vacancy occurring 39104  
prior to the expiration of the term for which ~~his~~ the member's 39105  
predecessor was appointed shall hold office for the remainder of 39106

that term. A member shall continue in office subsequent to the 39107  
expiration of ~~his~~ the member's term or until a period of sixty 39108  
days has elapsed, whichever occurs first. 39109

The advisory council shall hold at least four regular 39110  
quarterly meetings each year. Special meetings may be held at the 39111  
behest of the ~~chairman~~ chairperson or a majority of the members. 39112  
The director of environmental protection shall serve as ~~chairman~~ 39113  
chairperson of the advisory council. The advisory council annually 39114  
shall select from among its members a vice-~~chairman~~ chairperson 39115  
and a secretary to keep a record of its proceedings. A majority 39116  
vote of the members of the advisory council is necessary to take 39117  
action on any matter. 39118

Serving as an appointed member of the advisory council does 39119  
not constitute holding a public office or position of employment 39120  
under the laws of this state and does not constitute grounds for 39121  
removal of public officers or employees from their offices or 39122  
positions of employment. The governor may remove an appointed 39123  
member of the advisory council at any time for misfeasance, 39124  
nonfeasance, or malfeasance in office. 39125

Appointed members of the advisory council shall serve without 39126  
compensation for attending council meetings. Members of the 39127  
advisory council shall be reimbursed for their actual and 39128  
necessary expenses incurred in the performance of their duties as 39129  
members of the council from moneys appropriated to the 39130  
environmental protection agency for administration and enforcement 39131  
of the solid waste provisions of this chapter. 39132

The advisory council shall do all of the following: 39133

(A) Advise and assist the director of environmental 39134  
protection with preparation of the state solid waste management 39135  
plan and periodic revisions to the plan under section 3734.50 of 39136  
the Revised Code; 39137

(B) Approve or disapprove the draft state solid waste management plan and periodic revisions prior to adoption of the plan under section 3734.50 of the Revised Code;

(C) Annually review implementation of the state solid waste management plan and the solid waste management plans of county and joint solid waste management districts approved or ordered to be implemented under section 3734.521 or 3734.55 of the Revised Code or amendments to those plans approved or ordered to be implemented under section 3734.521 or 3734.56 of the Revised Code, and report its findings to the director.

**Sec. 3734.55.** (A) Upon completion of its draft solid waste management plan under section 3734.54 of the Revised Code, the solid waste management policy committee of a county or joint solid waste management district shall send a copy of the draft plan to the director of environmental protection for preliminary review and comment. Within forty-five days after receiving the draft plan, the director shall provide the committee with a written, nonbinding advisory opinion regarding the draft plan and any recommended changes to it that the director considers necessary to effect its approval. After receipt of the director's written opinion, the committee may make such revisions to the draft plan based on the director's opinion as it considers appropriate. Upon receipt of the director's opinion and after making any such revisions to the draft plan, the committee shall prepare and publish in at least one newspaper of general circulation within the county or joint district a public notice that describes the draft plan, specifies the location where it is available for review, and establishes a period of thirty days for comments concerning the draft plan. The committee shall send written notice of the draft plan to adjacent county and joint districts and shall make it available for review by those districts, by the board of county commissioners of each county forming the district, by all

municipal corporations and townships within the county or joint district, and by the public. The committee also shall send written notice of the plan to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the board, and their local trade associations. The board shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular industrial, commercial, or institutional generator or local trade association does not invalidate the proceedings under this section. All such written notices shall include the date, time, and location of the public hearing; the dates when the comment period begins and ends; and a description of the plan that includes, without limitation, the proposed amount of the fees to be levied under the plan pursuant to division (B) of section 3734.57 or division (A) of section 3734.573 of the Revised Code, if any, and an indication as to whether the provision required to be included in the plan under division (E)(1) of section 3734.53 of the Revised Code authorizes the board of county commissioners or directors of the district to establish, or precludes the board from establishing, facility designations under section 343.014 of the Revised Code. Within fifteen days after expiration of the comment period, the committee shall conduct a public hearing concerning the draft plan and, at least fifteen days before the hearing, shall publish in at least one newspaper of general circulation within the county or joint district a notice containing the time and place of the hearing and the location where the draft plan is available for review.

(B) After the public hearing, the committee may modify the draft plan based upon the public's comments and shall adopt or reject it by a majority vote. Within thirty days after adoption of the draft plan, the committee shall deliver a copy of it to the

board of county commissioners of each county forming the district 39203  
and to the legislative authority of each municipal corporation and 39204  
township under the jurisdiction of the district. Within ninety 39205  
days after receiving a copy of the draft plan adopted by the 39206  
committee, each such board and legislative authority shall approve 39207  
or disapprove the draft plan, by ordinance or resolution, and 39208  
deliver a copy of the ordinance or resolution to the committee. 39209

The solid waste management policy committee of a county 39210  
district or a joint district formed by two or three counties shall 39211  
declare the draft plan to be ratified as the solid waste 39212  
management plan of the district upon determining that the board of 39213  
county commissioners of each county forming the district has 39214  
approved the draft plan and that the legislative authorities of a 39215  
combination of municipal corporations and townships with a 39216  
combined population within the county or joint district comprising 39217  
at least sixty per cent of the total population of the district 39218  
have approved the draft plan, provided that in the case of a 39219  
county district, that combination shall include the municipal 39220  
corporation having the largest population within the boundaries of 39221  
the district, and provided further that in the case of a joint 39222  
district formed by two or three counties, that combination shall 39223  
include for each county forming the joint district the municipal 39224  
corporation having the largest population within the boundaries of 39225  
both the county in which the municipal corporation is located and 39226  
the joint district. The solid waste management policy committee of 39227  
a joint district formed by four or more counties shall declare the 39228  
draft plan to be ratified as the solid waste management plan of 39229  
the joint district upon determining that the boards of county 39230  
commissioners of a majority of the counties forming the district 39231  
have approved the draft plan; that, in each of a majority of the 39232  
counties forming the joint district, the draft plan has been 39233  
approved by the municipal corporation having the largest 39234  
population within the county and the joint district; and that the 39235



legislative authorities of a combination of municipal corporations 39236  
and townships with a combined population within the joint district 39237  
comprising at least sixty per cent of the total population of the 39238  
joint district have approved the draft plan. 39239

For the purposes of this division and division (C)(2) of this 39240  
section, only the population of the unincorporated area of a 39241  
township shall be considered. For the purpose of determining the 39242  
largest municipal corporation within each county under this 39243  
division and division (C)(2) of this section, a municipal 39244  
corporation that is located in more than one solid waste 39245  
management district, but that is under the jurisdiction of one 39246  
county or joint solid waste management district in accordance with 39247  
division (A) of section 3734.52 of the Revised Code shall be 39248  
considered to be within the boundaries of the county in which a 39249  
majority of the population of the municipal corporation resides. 39250

(C)(1) Upon ratification of the draft plan under division (B) 39251  
of this section, the committee shall submit it to the director for 39252  
review and approval for compliance with the requirements of 39253  
divisions (A), (B), (D), and (E)(1) of section 3734.53 of the 39254  
Revised Code. The director, by order, shall approve or disapprove 39255  
the plan within ninety days after its submission. The director 39256  
shall include with an order disapproving a plan a statement 39257  
outlining the deficiencies in the plan and directing the committee 39258  
to submit, within ninety days after issuance of the order, a 39259  
revised plan that remedies those deficiencies, except that if the 39260  
committee, by resolution, requests an extension of the time for 39261  
submission of a revised plan, the director, for good cause shown, 39262  
may grant one such extension for a period of not more than sixty 39263  
additional days. 39264

(2) Within sixty days after issuance of the order 39265  
disapproving its plan, the committee shall prepare a draft revised 39266  
plan, adopt a draft revised plan by a majority vote, and deliver a 39267

copy of the draft revised plan to the board of county 39268  
commissioners of each county forming the district and to the 39269  
legislative authority of each municipal corporation and township 39270  
under the jurisdiction of the district. Within twenty-one days 39271  
after the delivery of the draft revised plan, each such board and 39272  
legislative authority shall approve or disapprove the draft 39273  
revised plan, by ordinance or resolution, and deliver a copy of 39274  
the ordinance or resolution to the committee. In the case of a 39275  
county district or a joint district formed by two or three 39276  
counties, the committee shall declare the draft revised plan to be 39277  
ratified as the solid waste management plan of the county or joint 39278  
district upon determining that the board of county commissioners 39279  
of each county forming the district has approved the draft revised 39280  
plan and that the legislative authorities of a combination of 39281  
municipal corporations and townships with a combined population 39282  
within the district comprising at least sixty per cent of the 39283  
total population of the district have approved the draft revised 39284  
plan, provided that in the case of a county district, that 39285  
combination shall include the municipal corporation having the 39286  
largest population within the boundaries of the district, and 39287  
provided further that in the case of a joint district formed by 39288  
two or three counties, that combination shall include for each 39289  
county forming the joint district the municipal corporation having 39290  
the largest population within the boundaries of both the county in 39291  
which the municipal corporation is located and the joint district. 39292  
In the case of a joint district formed by four or more counties, 39293  
the committee shall declare the draft revised plan to be ratified 39294  
as the solid waste management plan of the joint district upon 39295  
determining that the boards of county commissioners of a majority 39296  
of the counties forming the district have approved the draft 39297  
revised plan; that, in each of a majority of the counties forming 39298  
the joint district, the draft revised plan has been approved by 39299  
the municipal corporation having the largest population within the 39300

county and the joint district; and that the legislative 39301  
authorities of a combination of municipal corporations and 39302  
townships with a combined population within the joint district 39303  
comprising at least sixty per cent of the total population of the 39304  
joint district have approved the draft revised plan. Upon 39305  
ratification of the draft revised plan, the committee shall submit 39306  
it to the director for approval in accordance with division (C)(1) 39307  
of this section. The director, by order, shall approve or 39308  
disapprove the draft revised plan within thirty days after 39309  
receiving it. 39310

(3) Notwithstanding section 119.06 of the Revised Code, the 39311  
director may approve or disapprove a plan or revised plan 39312  
submitted under division (C)(1) or (2) of this section by issuance 39313  
of a final order that is effective upon issuance, without the 39314  
necessity to hold any adjudication hearing in connection with the 39315  
order and without issuance of a proposed action under section 39316  
3745.07 of the Revised Code. In any appeal taken under section 39317  
3745.04 of the Revised Code pertaining to the director's 39318  
disapproval of the solid waste management plan or revised plan of 39319  
a county or joint district, the solid waste management policy 39320  
committee of the county or joint district and the director shall 39321  
be the parties. Upon a showing by the policy committee that there 39322  
is a substantial likelihood that it will prevail on the merits, 39323  
the environmental review appeals commission, within thirty days 39324  
after filing of the notice of appeal under that section and 39325  
pending final determination of the appeal, may grant temporary 39326  
relief from the director's order disapproving the district's plan, 39327  
including the issuance of appropriate orders to the director to 39328  
refrain from acting under division (D) of this section. 39329

(4) After approval of the plan or revised plan by the 39330  
director, the board of county commissioners of a county district 39331  
or board of directors of a joint district shall implement the plan 39332

in compliance with the implementation schedule contained in the 39333  
approved plan. 39334

The committee annually shall review implementation of the 39335  
plan approved under this section or section 3734.521 of the 39336  
Revised Code and subsequent amended plans approved under section 39337  
3734.521 or 3734.56 of the Revised Code and report its findings 39338  
and recommendations regarding implementation of the plan to the 39339  
board of county commissioners or board of directors of the 39340  
district. 39341

(D) If the director finds that a county or joint solid waste 39342  
management district has failed to obtain approval of its solid 39343  
waste management plan within eighteen months after the applicable 39344  
date prescribed for submission of its plan under division (A) of 39345  
section 3734.54 of the Revised Code or within twenty-four months 39346  
after that date if the date for submission was extended under that 39347  
division, the director shall prepare a solid waste management plan 39348  
for the county or joint district that complies with divisions (A) 39349  
and (D) of section 3734.53 of the Revised Code. The plan shall not 39350  
contain any of the provisions required or authorized to be 39351  
included in plans submitted by districts under division (B), (C), 39352  
or (E) of that section. Upon completion of the plan, the director 39353  
shall issue an order in accordance with Chapter 3745. of the 39354  
Revised Code directing the board of county commissioners or board 39355  
of directors of the district to implement the plan in compliance 39356  
with the implementation schedule contained in it. 39357

Within thirty days after the effective date of the order to 39358  
implement the plan, the board of county commissioners or board of 39359  
directors of the district shall determine whether the solid waste 39360  
management policy committee of the district should continue to 39361  
exist to monitor implementation of the plan or for the purposes of 39362  
division (B) of section 3734.57 or section 3734.574 of the Revised 39363  
Code. The board, by resolution, may abolish the committee if it 39364

determines that the committee is not necessary for any of those 39365  
purposes. If the board of county commissioners or directors of a 39366  
district that has so abolished the policy committee of the 39367  
district finds that it is necessary or appropriate for the 39368  
district to consider levying fees under section 3734.574 of the 39369  
Revised Code, the board shall reestablish and convene the policy 39370  
committee to initiate proceedings to levy the fees. If the fees 39371  
are levied, the policy committee shall continue to exist for as 39372  
long as the district is levying the fees. If, after a policy 39373  
committee is convened to initiate proceedings to levy those fees, 39374  
the fees are not levied or are abolished under section 3734.574 of 39375  
the Revised Code, the board, by resolution, may abolish the 39376  
committee if it determines that the committee is not necessary to 39377  
monitor implementation of the plan. 39378

(E) If the director finds that the board of county 39379  
commissioners or the board of directors of a district has 39380  
materially failed to implement the district's plan or amended plan 39381  
approved under division (C) of this section or section 3734.521 or 39382  
3734.56 of the Revised Code, or prepared and ordered to be 39383  
implemented under division (D) of this section or section 3734.521 39384  
or 3734.56 of the Revised Code, in compliance with the 39385  
implementation schedule contained in the plan or amended plan, the 39386  
director shall issue an enforcement order under division (A) of 39387  
section 3734.13 of the Revised Code directing the board to comply 39388  
with the implementation schedule in the plan or amended plan 39389  
within a specified, reasonable time. If the director finds that 39390  
the board of county commissioners or directors of a district for 39391  
which the provision included in the district's initial or amended 39392  
plan approved under section 3734.521, 3734.55, or 3734.56 of the 39393  
Revised Code pursuant to division (E)(1) or (2)(b) or (c) of 39394  
section 3734.53 of the Revised Code, or an amendment to the 39395  
district's approved initial or amended plan adopted and ratified 39396  
under division (F) of section 3734.56 of the Revised Code, 39397

precludes the board from establishing facility designations under 39398  
section 343.014 of the Revised Code has initiated proceedings to 39399  
establish facility designations in violation of that section and 39400  
the district's initial or amended plan, the director shall issue 39401  
an enforcement order under division (A) of section 3734.13 of the 39402  
Revised Code directing the board, at the board's discretion, to 39403  
either abandon the proceedings or suspend them until after the 39404  
board has adopted and obtained ratification of an amendment to the 39405  
district's initial or amended plan under division (F) of section 39406  
3734.56 of the Revised Code that authorizes the board to establish 39407  
facility designations under section 343.014 of the Revised Code. 39408  
If the director finds that a board of county commissioners or 39409  
directors of a district for which the provision included in the 39410  
district's initial or amended plan approved under section 39411  
3734.521, 3734.55, or 3734.56 of the Revised Code pursuant to 39412  
division (E)(1) or (2)(b) or (c) of section 3734.53 of the Revised 39413  
Code, or an amendment to the district's approved initial or 39414  
amended plan adopted and ratified under division (F) of section 39415  
3734.56 of the Revised Code, authorizes the board to establish 39416  
facility designations under section 343.014 of the Revised Code 39417  
has established facility designations under section 343.014 of the 39418  
Revised Code or continued facility designations under section 39419  
343.015 of the Revised Code and subsequently has initiated 39420  
proceedings to terminate any such facility designations in 39421  
violation of section 343.014 of the Revised Code and the 39422  
district's initial or amended plan, the director shall issue an 39423  
enforcement order under division (A) of section 3734.13 of the 39424  
Revised Code directing the board, at the board's discretion, to 39425  
either abandon the proceedings or adopt and obtain ratification of 39426  
an amendment to the district's initial or amended plan under 39427  
division (F) of section 3734.56 of the Revised Code that precludes 39428  
the board from establishing facility designations under section 39429  
343.014 of the Revised Code. 39430

(F) The director shall maintain a record of the county and joint solid waste management district solid waste management plans and amended plans that the director has approved or ordered to be implemented under this section, section 3734.521, and section 3734.56 of the Revised Code. ~~Upon determining that each county within the state is subject to such a plan or amended plan, the director shall notify the chief of recycling and litter prevention in the department of natural resources of that fact.~~

(G)(1) As used in divisions (C)(4), (D)(1) and (2), and (E) of this section and section 3734.521 of the Revised Code, any reference to a board of county commissioners of a county or a board of directors of a joint solid waste management district is deemed to include the board of trustees of a regional solid waste management authority formed under section 343.011 of the Revised Code.

(2) As used in this section and sections 3734.521 and 3734.57 of the Revised Code, "deliver" includes mailing as well as delivery by a means other than mailing.

**Sec. 3734.79.** (A) Except as provided in division (B) of this section, each application for a permit submitted under sections 3734.76 to 3734.78 of the Revised Code shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code. If a permit is issued, the amount of the application fee paid shall be deducted from the amount of the applicable permit fee due under division ~~(G)~~(R) of section 3745.11 of the Revised Code.

(B) Division (A) of this section does not apply to an application for a permit for a scrap tire storage facility submitted under section 3734.76 of the Revised Code if the owner or operator of the facility or proposed facility is a motor

vehicle salvage dealer licensed under Chapter 4738. of the Revised Code. 39462  
39463

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule: 39464  
39465  
39466

| Daily Design<br>Input Capacity<br>(Tons) | Annual<br>License<br>Fee |       |
|------------------------------------------|--------------------------|-------|
| 1 or less                                | \$ 100                   | 39467 |
| 2 to 25                                  | 500                      | 39471 |
| 26 to 50                                 | 1,000                    | 39472 |
| 51 to 100                                | 1,500                    | 39473 |
| 101 to 200                               | 2,500                    | 39474 |
| 201 to 500                               | 3,500                    | 39475 |
| 501 or more                              | 5,500                    | 39476 |

For the purpose of determining the applicable license fee under this division, the daily design input capacity shall be the quantity of scrap tires the facility is designed to process daily as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code. 39477  
39478  
39479  
39480  
39481  
39482

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule: 39483  
39484  
39485

| Authorized Maximum<br>Daily Waste Receipt<br>(Tons) | Annual<br>License<br>Fee |                |
|-----------------------------------------------------|--------------------------|----------------|
| 100 or less                                         | \$ 5,000                 | 39486<br>39489 |
| 101 to 200                                          | 12,500                   | 39490          |
| 201 to 500                                          | 30,000                   | 39491          |
| 501 or more                                         | 60,000                   | 39492          |



For the purpose of determining the applicable license fee 39493  
under this division, the authorized maximum daily waste receipt 39494  
shall be the maximum amount of scrap tires the facility is 39495  
authorized to receive daily that is established in the permit for 39496  
the facility, and any modification to that permit, issued under 39497  
section 3734.77 of the Revised Code. 39498

(C)(1) Except as otherwise provided in division (C)(2) of 39499  
this section, the annual fee for a scrap tire storage facility 39500  
license shall equal one thousand dollars times the number of acres 39501  
on which scrap tires are to be stored at the facility during the 39502  
license year, as set forth on the application for the annual 39503  
license, except that the total annual license fee for any such 39504  
facility shall not exceed three thousand dollars. 39505

(2) The annual fee for a scrap tire storage facility license 39506  
for a storage facility that is owned or operated by a motor 39507  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 39508  
Code is one hundred dollars. 39509

(D)(1) Except as otherwise provided in division (D)(2) of 39510  
this section, the annual fee for a scrap tire collection facility 39511  
license is two hundred dollars. 39512

(2) The annual fee for a scrap tire collection facility 39513  
license for a collection facility that is owned or operated by a 39514  
motor vehicle salvage dealer licensed under Chapter 4738. of the 39515  
Revised Code is fifty dollars. 39516

(E) Except as otherwise provided in divisions (C)(2) and 39517  
(D)(2) of this section, the same fees apply to private operators 39518  
and to the state and its political subdivisions and shall be paid 39519  
within thirty days after the issuance of a license. The fees 39520  
include the cost of licensing, all inspections, and other costs 39521  
associated with the administration of the scrap tire provisions of 39522  
this chapter and rules adopted under them. Each license shall 39523

specify that it is conditioned upon payment of the applicable fee 39524  
to the board of health or the director of environmental 39525  
protection, as appropriate, within thirty days after the issuance 39526  
of the license. 39527

(F) The board of health shall retain fifteen thousand dollars 39528  
of each license fee collected by the board under division (B) of 39529  
this section, or the entire amount of any such fee that is less 39530  
than fifteen thousand dollars, and the entire amount of each 39531  
license fee collected by the board under divisions (A), (C), and 39532  
(D) of this section. The moneys retained shall be paid into a 39533  
special fund, which is hereby created in each health district, and 39534  
used solely to administer and enforce the scrap tire provisions of 39535  
this chapter and rules adopted under them. The remainder, if any, 39536  
of each license fee collected by the board under division (B) of 39537  
this section shall be transmitted to the director within 39538  
forty-five days after receipt of the fee. 39539

(G) The director shall transmit the moneys received by the 39540  
director from license fees collected under division (B) of this 39541  
section to the treasurer of state to be credited to the scrap tire 39542  
management fund, which is hereby created in the state treasury. 39543  
The fund shall consist of all federal moneys received by the 39544  
environmental protection agency for the scrap tire management 39545  
program; all grants, gifts, and contributions made to the director 39546  
for that program; and all other moneys that may be provided by law 39547  
for that program. The director shall use moneys in the fund as 39548  
follows: 39549

(1) Expend amounts determined necessary by the director to 39550  
implement, administer, and enforce the scrap tire provisions of 39551  
this chapter and rules adopted under them; 39552

(2) During each fiscal year, request the director of budget 39553  
and management to, and the director of budget and management 39554  
shall, transfer one million dollars to the scrap tire grant fund 39555

created in section ~~1502.12~~ 3734.822 of the Revised Code for 39556  
supporting market development activities for scrap tires and 39557  
synthetic rubber from tire manufacturing processes and tire 39558  
recycling processes. In addition, during a fiscal year, the 39559  
director of environmental protection may request the director of 39560  
budget and management to, and the director of budget and 39561  
management shall, transfer up to an additional five hundred 39562  
thousand dollars to the scrap tire grant fund for scrap tire 39563  
amnesty events and scrap tire cleanup events. 39564

(3) After the expenditures and transfers are made under 39565  
divisions (G)(1) and (2) of this section, expend the balance of 39566  
the money in the scrap tire management fund remaining in each 39567  
fiscal year to conduct removal actions under section 3734.85 of 39568  
the Revised Code and to provide grants to boards of health under 39569  
section 3734.042 of the Revised Code. 39570

**Sec. ~~1502.12~~ 3734.822.** (A) There is hereby created in the 39571  
state treasury the scrap tire grant fund, consisting of moneys 39572  
transferred to the fund under section 3734.82 of the Revised Code. 39573  
~~The chief of the division of recycling and litter prevention, with~~ 39574  
~~the approval of the director of natural resources, environmental~~ 39575  
protection may make grants from the fund for the following 39576  
purposes: 39577

(1) Supporting market development activities for scrap tires 39578  
and synthetic rubber from tire manufacturing processes and tire 39579  
recycling processes; 39580

(2) Supporting scrap tire amnesty and cleanup events 39581  
sponsored by solid waste management districts. 39582

Grants awarded under division (A)(1) of this section may be 39583  
awarded to individuals, businesses, and entities certified under 39584  
division (A) of section ~~1502.04~~ 3736.04 of the Revised Code. 39585

(B) Projects and activities that are eligible for grants 39586  
under division (A)(1) of this section shall be evaluated for 39587  
funding using, at a minimum, the following criteria: 39588

(1) The degree to which a proposed project contributes to the 39589  
increased use of scrap tires generated in this state; 39590

(2) The degree of local financial support for a proposed 39591  
project; 39592

(3) The technical merit and quality of a proposed project. 39593

**Sec. 3735.37.** A metropolitan housing authority shall keep an 39594  
accurate account of all its activities and of all receipts and 39595  
expenditures and make an annual report ~~thereof to the director of~~ 39596  
~~development~~ of these publicly available. All moneys received in 39597  
excess of operating expenditures shall be devoted to the payment 39598  
of interest and sinking fund charges for the retirement of 39599  
indebtedness, whether secured by mortgage or otherwise, and from 39600  
the excess there shall be set aside such fund as the authority 39601  
deems proper for the purpose of covering repairs, depreciation, 39602  
and reserves. Whatever balance then remains shall be applied to 39603  
the reduction of rentals thereafter falling due. 39604

**Sec. ~~1502.01~~ 3736.01.** As used in this chapter: 39605

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 39606  
cans, bottles, wire, paper, cartons, boxes, automobile parts, 39607  
furniture, glass, or anything else of an unsightly or unsanitary 39608  
nature thrown, dropped, discarded, placed, or deposited by a 39609  
person on public property, on private property not owned by the 39610  
person, or in or on waters of the state unless one of the 39611  
following applies: 39612

(1) The person has been directed to do so by a public 39613  
official as part of a litter collection drive. 39614

(2) The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements.

(3) The person has been issued a permit or license covering the material pursuant to Chapter 3734. or 6111. of the Revised Code.

(B) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.

(C) "Agency of the state" includes, but is not limited to, an "agency" subject to Chapter 119. of the Revised Code and a "state university or college" as defined in section 3345.12 of the Revised Code.

(D) "Source reduction" means activities that decrease the initial production of waste materials at their point of origin.

(E) "Enterprise" means a business with its principal place of business in this state and that proposes to engage in research and development or recycling in this state.

(F) "Research and development" means inquiry, experimentation, or demonstration to advance basic scientific or technical knowledge or the application, adaptation, or use of existing or newly discovered scientific or technical knowledge regarding recycling, source reduction, or litter prevention.

(G) "Recyclables" means waste materials that are collected, separated, or processed and used as raw materials or products.

(H) "Recycling market development" means activities that stimulate the demand for recycled products, provide for a consistent supply of recyclables to meet the needs of recycling industries, or both.

(I) "Solid waste management districts" means solid waste

management districts established under Chapter 343. of the Revised Code. 39645  
39646

(J) "Synthetic rubber" means produced or extended rubber and 39647  
products made from a synthetic rubber base material originating 39648  
from petrochemical feedstocks, including scrap tires, tire molds, 39649  
automobile engine belts, brake pads and hoses, weather stripping, 39650  
fittings, electrical insulation, and other molded objects and 39651  
parts. 39652

**Sec. ~~1502.03~~ 3736.02.** (A) The ~~chief director~~ of the ~~division~~ 39653  
~~of recycling and litter prevention~~ environmental protection shall 39654  
establish and implement statewide source reduction, recycling, 39655  
recycling market development, and litter prevention programs that 39656  
are consistent with the state solid waste management plan adopted 39657  
under section 3734.50 of the Revised Code. The programs shall 39658  
include all of the following: 39659

(1) The assessment of waste generation within the state and 39660  
implementation of source reduction practices; 39661

(2) The implementation of recycling and recycling market 39662  
development activities and projects, including all of the 39663  
following: 39664

(a) Collection of recyclables; 39665

(b) Separation of recyclables; 39666

(c) Processing of recyclables; 39667

(d) Facilitation and encouragement of the use of recyclables 39668  
and products made with recyclables; 39669

(e) Education and training concerning recycling and products 39670  
manufactured with recyclables; 39671

(f) Public awareness campaigns to promote recycling; 39672

(g) Other activities and projects that promote recycling and 39673

recycling market development. 39674

(3) Litter prevention assistance to enforce antilitter laws, 39675  
educate the public, and stimulate collection and containment of 39676  
litter; 39677

(4) Research and development regarding source reduction, 39678  
recycling, and litter prevention, including, without limitation, 39679  
research and development regarding materials or products 39680  
manufactured with recyclables. 39681

(B) ~~The chief, with the approval of the director of natural~~ 39682  
~~resources,~~ may enter into contracts or other agreements and may 39683  
execute any instruments necessary or incidental to the discharge 39684  
of the ~~chief's~~ director's responsibilities under this chapter. 39685

**Sec. ~~1502.02~~ 3736.03.** (A) ~~There is hereby created in the~~ 39686  
~~department of natural resources the division of recycling and~~ 39687  
~~litter prevention to be headed by the chief of recycling and~~ 39688  
~~litter prevention.~~ 39689

~~(B)~~ There is hereby created in the state treasury the 39690  
recycling and litter prevention fund, consisting of moneys 39691  
distributed to it from fees, including the fee levied under 39692  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 39693  
donations, grants, reimbursements, and other sources, including 39694  
investment earnings. 39695

~~(C)~~(B) The ~~chief~~ director of ~~recycling and litter prevention~~ 39696  
environmental protection shall do all of the following: 39697

(1) Use moneys credited to the fund exclusively for the 39698  
purposes set forth in sections ~~1502.03~~ 3736.02, ~~1502.04~~ 3736.04, 39699  
3736.05, and ~~1502.05~~ 3745.014 of the Revised Code, with particular 39700  
emphasis on programs relating to recycling; 39701

(2) ~~Expend for administration of the division not more than~~ 39702  
~~ten per cent of any fiscal year's appropriation to the division,~~ 39703

~~excluding the amount assessed to the division for direct and indirect central support charges;~~ 39704  
39705

~~(3)~~ Require recipients of grants under section ~~1502.05~~ 39706  
3736.05 of the Revised Code, as a condition of receiving and 39707  
retaining them, to do all of the following: 39708

(a) Create a separate account for the grants and any cash 39709  
donations received that qualify for the donor credit allowed by 39710  
section 5733.064 of the Revised Code; 39711

(b) Make expenditures from the account exclusively for the 39712  
purposes for which the grants were received; 39713

(c) Use any auditing and accounting practices the ~~chief~~ 39714  
director considers necessary regarding the account; 39715

(d) Report to the ~~chief~~ director information regarding the 39716  
amount and donor of cash donations received as described by 39717  
section 5733.064 of the Revised Code; 39718

(e) Use grants received to supplement and not to replace any 39719  
existing funding for such purposes. 39720

~~(4)~~(3) Report to the tax commissioner information the ~~chief~~ 39721  
director receives pursuant to division ~~(C)~~(3)~~(B)~~(2)(d) of this 39722  
section. 39723

**Sec. ~~1502.04~~ 3736.04.** There is hereby created within the 39724  
~~division of recycling and litter prevention~~ environmental 39725  
protection agency the recycling and litter prevention advisory 39726  
council consisting of thirteen members. The speaker of the house 39727  
of representatives shall appoint one member of the house of 39728  
representatives to the council, and the president of the senate 39729  
shall appoint one member of the senate to the council. If the 39730  
president of the senate belongs to the same political party as the 39731  
speaker of the house of representatives, the president shall 39732  
appoint a member of the senate who belongs to a different 39733



political party as recommended by the minority leader of the 39734  
senate. ~~The speaker of the house of representatives and the~~ 39735  
~~president of the senate shall make their initial appointments to~~ 39736  
~~the council within sixty days after July 20, 1994.~~ Each member 39737  
appointed by the speaker of the house of representatives or the 39738  
president of the senate shall serve for a term of office of three 39739  
years. The appropriate appointing authority may fill any vacancy 39740  
occurring during the term of any member whom the appointing 39741  
authority has appointed to the advisory council. 39742

The remaining eleven members shall be appointed by the 39743  
governor with the advice and consent of the senate and shall be 39744  
persons with knowledge of or experience in recycling or litter 39745  
prevention programs. The council shall have broad-based 39746  
representation of interests including agriculture, labor, the 39747  
environment, manufacturing, wholesale and retail industry, and the 39748  
public. One of the business members shall be from the commercial 39749  
recycling industry, and another shall be from an industry required 39750  
to pay taxes under section 5733.065 of the Revised Code. The 39751  
director of ~~natural resources~~ environmental protection shall not 39752  
be a member of the council. ~~The governor shall make initial~~ 39753  
~~appointments to the council within thirty days after October 20,~~ 39754  
~~1987. Of the governor's initial appointments to the council, five~~ 39755  
~~shall be for a term of one year, and six shall be for a term of~~ 39756  
~~two years. Thereafter, terms~~ Terms of office shall be for three 39757  
years. Each member appointed by the governor shall hold office 39758  
from the date of the member's appointment until the end of the 39759  
term for which the member was appointed. In the event of death, 39760  
removal, resignation, or incapacity of a member of the council 39761  
appointed by the governor, the governor, with the advice and 39762  
consent of the senate, shall appoint a successor who shall hold 39763  
office for the remainder of the term for which the successor's 39764  
predecessor was appointed. A member shall continue in office 39765  
subsequent to the expiration date of the member's term until the 39766

member's successor takes office, or until a period of sixty days 39767  
has elapsed, whichever occurs first. The governor at any time may 39768  
remove any of the governor's appointees from the council for 39769  
misfeasance, nonfeasance, or malfeasance in office. 39770

Members of the council may be reappointed. 39771

The council shall hold at least four regular quarterly 39772  
meetings each year. Special meetings may be held at the behest of 39773  
the chairperson or a majority of the members. The council annually 39774  
shall select from among its members a chairperson, a 39775  
vice-chairperson, and a secretary to keep a record of its 39776  
proceedings. 39777

A majority vote of the members of the council is necessary to 39778  
take action ~~in~~ on any matter. 39779

A member of the council shall serve without compensation for 39780  
attending council meetings, but shall be reimbursed for all 39781  
traveling, hotel, and other ordinary and necessary expenses 39782  
incurred in the performance of the member's work as a member of 39783  
the council. 39784

Membership on the council does not constitute holding a 39785  
public office or position of employment under the laws of this 39786  
state and does not constitute grounds for removal of public 39787  
officers or employees from their offices or positions of 39788  
employment. 39789

The council shall do all of the following: 39790

(A) ~~In conjunction with the chief of recycling and litter~~ 39791  
~~prevention and with~~ With the approval of the director of ~~natural~~ 39792  
~~resources~~ environmental protection, establish criteria by which to 39793  
certify, and certify, agencies of the state, municipal 39794  
corporations with a population of more than fifty thousand, 39795  
counties, and solid waste management districts as eligible to 39796  
receive grants under section ~~1502.05~~ 3736.05 of the Revised Code; 39797

(B) ~~In conjunction with the chief and with~~ With the approval 39798  
of the director, establish criteria by which to certify, and 39799  
certify, political subdivisions for receipt of special grants for 39800  
activities or projects that are intended to accomplish the 39801  
purposes of any of the programs established under section ~~1502.03~~ 39802  
3736.02 of the Revised Code; 39803

(C) Advise the ~~chief~~ director in carrying out the ~~chief's~~ 39804  
director's duties under this chapter. 39805

**Sec. ~~1502.05~~ 3736.05.** (A) The ~~chief~~ director of ~~recycling and~~ 39806  
~~litter prevention~~ environmental protection, pursuant to division 39807  
(A) of section ~~1502.04~~ 3736.04 of the Revised Code ~~and with the~~ 39808  
~~approval of the director of natural resources~~, may make grants 39809  
from the recycling and litter prevention fund created in section 39810  
~~1502.02~~ 3736.03 of the Revised Code to accomplish the purposes of 39811  
the programs established under section ~~1502.03~~ 3736.02 of the 39812  
Revised Code. 39813

(B) Except as provided in division (C) of this section, ~~the~~ 39814  
~~chief, with the approval of the director,~~ may require any eligible 39815  
applicant certified by the recycling and litter prevention 39816  
advisory council under division (A) of section ~~1502.04~~ 3736.04 of 39817  
the Revised Code that applies for a grant for an activity or 39818  
project that is intended to further the purposes of any program 39819  
established under division (A)(1), (2), or (4) of section ~~1502.03~~ 39820  
3736.02 of the Revised Code to provide a matching contribution of 39821  
not more than fifty per cent of the grant. 39822

(C) Notwithstanding division (B) of this section, any grant 39823  
awarded under division (A) of this section to foster cooperative 39824  
research and development regarding recycling or the cooperative 39825  
establishment or expansion of private recycling facilities or 39826  
programs shall be made in conjunction with a contribution to the 39827  
project by a cooperating enterprise that maintains or proposes to 39828

maintain a relevant research and development or recycling facility 39829  
or program in this state or by an agency of the state, provided 39830  
that funding provided by a state agency shall not be provided from 39831  
general revenue funds appropriated by the general assembly. No 39832  
grant made under division (A) of this section for the purposes 39833  
described in this division shall exceed the contribution made by 39834  
the cooperating enterprise or state agency. The ~~chief~~ director may 39835  
consider cooperating contributions in the form of state of the art 39836  
new equipment or in other forms if the ~~chief~~ director determines 39837  
that the contribution is essential to the successful 39838  
implementation of the project. 39839

Grants made under division (A) of this section for the 39840  
purposes described in this division shall be made in such form and 39841  
conditioned on such terms as the ~~chief~~ director considers to be 39842  
appropriate. 39843

(D)(1) The ~~chief, with the approval of the director,~~ may 39844  
require any eligible applicant certified by the recycling and 39845  
litter prevention advisory council under division (A) of section 39846  
~~1502.04~~ 3736.04 of the Revised Code that applies for a grant that 39847  
is intended to further the purposes of the program established 39848  
under division (A)(3) of section ~~1502.03~~ 3736.02 of the Revised 39849  
Code, except any eligible applicant that is or is located in a 39850  
county that has a per capita income equal to or below ninety per 39851  
cent of the median county per capita income of the state as 39852  
determined by the ~~chief~~ director using the most recently available 39853  
figures from the United States census bureau, to provide a 39854  
matching contribution as follows: 39855

(a) Up to ten per cent of the grant from any eligible 39856  
applicant that is or is located in a county that has a per capita 39857  
income above ninety per cent of the median county per capita 39858  
income of the state, but equal to or below one hundred per cent of 39859  
the median county per capita income of the state; 39860

(b) Up to twenty per cent of the grant from any eligible applicant that is or is located in a county that has a per capita income above the median county per capita income of the state.

(2) If the eligible applicant is a joint solid waste management district or is filing a joint application on behalf of two or more counties, the matching contribution required under division (D)(1) of this section shall be the average of the matching contributions of all of the counties covered by the application as determined in accordance with that division. The matching contribution of a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state shall be included as zero in calculating the average matching contribution.

(E) ~~After receiving notice from the~~ The director of environmental protection that each county within the state is subject to the solid waste management plan of a solid waste management district, the chief shall ensure that not less than fifty per cent of the moneys distributed as grants under this section shall be expended for the purposes of recycling and recycling market development.

(F) No information that is submitted to, acquired by, or exchanged with employees of the environmental protection agency who administer or provide services under this section and that is submitted, acquired, or exchanged in order to obtain a grant pursuant to division (A) of this section shall be used in any manner for the purpose of the enforcement of any requirement established in an environmental law or used as evidence in any judicial or administrative enforcement proceeding unless that information reveals a clear and immediate danger to the environment or to the health, safety, or welfare of the public.

(G) Nothing in this section confers immunity on persons from enforcement that is based on information that is obtained by the

director or the director's authorized representatives who are not 39893  
employees of the agency who administer or provide services under 39894  
this section. 39895

(H) As used in this section, "environmental law" means a law 39896  
that is administered by the environmental protection agency. 39897

**Sec. ~~1502.06~~ 3736.06.** (A) Agencies of the state certified 39898  
pursuant to section ~~1502.04~~ 3736.04 of the Revised Code as 39899  
eligible to receive a grant shall designate an employee as the 39900  
liaison with the ~~chief~~ director of ~~recycling and litter prevention~~ 39901  
environmental protection to cooperate with ~~him~~ the director in 39902  
carrying out ~~his~~ the director's duties under this chapter. 39903

(B) The executive and legislative authorities of municipal 39904  
corporations, counties, and townships and the boards of park 39905  
commissioners of township park districts created under section 39906  
511.18 of the Revised Code, boards of park commissioners of park 39907  
districts created under section 1545.04 of the Revised Code, and 39908  
boards of education of city, exempted village, local, and joint 39909  
vocational school districts may participate in the programs 39910  
established under section ~~1502.03~~ 3736.02 of the Revised Code. 39911

**Sec. ~~1502.07~~ 3736.07.** No person, agency of the state, 39912  
municipal corporation, county, or township shall sell or offer for 39913  
sale any beer or mixed beverages as defined in section 4301.01 of 39914  
the Revised Code, or any soft drink as defined in section 913.22 39915  
of the Revised Code, in a metal container that is so designed that 39916  
it may be opened by removing from the container a part of the 39917  
container without using a separate opener. However, nothing in 39918  
this section prohibits the sale or offering for sale of a 39919  
container the only detachable part of which is a piece of tape or 39920  
other similar adhesive material. 39921

**Sec. ~~1502.99~~ 3736.99.** Whoever violates section ~~1502.07~~ 39922

3736.07 of the Revised Code is guilty of a minor misdemeanor. Each 39923  
day of violation constitutes a separate offense. 39924

**Sec. 3737.83.** The fire marshal shall, as part of the state 39925  
fire code, adopt rules to: 39926

(A) Establish minimum standards of performance for fire 39927  
protection equipment and fire fighting equipment; 39928

(B) Establish minimum standards of training, fix minimum 39929  
qualifications, and require certificates for all persons who 39930  
engage in the business for profit of installing, testing, 39931  
repairing, or maintaining fire protection equipment; 39932

(C) Provide for the issuance of certificates required under 39933  
division (B) of this section and establish the fees to be charged 39934  
for such certificates. A certificate shall be granted, renewed, or 39935  
revoked according to rules the fire marshal shall adopt. 39936

(D) Establish minimum standards of flammability for consumer 39937  
goods in any case where the federal government or any department 39938  
or agency thereof has established, or may from time to time 39939  
establish standards of flammability for consumer goods. The 39940  
standards established by the fire marshal shall be identical to 39941  
the minimum federal standards. 39942

In any case where the federal government or any department or 39943  
agency thereof, establishes standards of flammability for consumer 39944  
goods subsequent to the adoption of a flammability standard by the 39945  
fire marshal, standards previously adopted by the fire marshal 39946  
shall not continue in effect to the extent such standards are not 39947  
identical to the minimum federal standards. 39948

With respect to the adoption of minimum standards of 39949  
flammability, this division shall supersede any authority granted 39950  
a political subdivision by any other section of the Revised Code. 39951

(E) Establish minimum standards pursuant to section 5104.05 39952

of the Revised Code for fire prevention and fire safety in child 39953  
day-care centers and in type A family day-care homes, as defined 39954  
in section 5104.01 of the Revised Code. 39955

~~(F) Establish minimum standards for fire prevention and 39956  
safety an adult group home seeking licensure as an adult care 39957  
facility must meet under section 5119.71 of the Revised Code. The 39958  
fire marshal shall adopt the rules under this division in 39959  
consultation with the directors of mental health and aging and 39960  
interested parties designated by the directors of mental health 39961  
and aging. 39962~~

**Sec. 3737.841.** As used in this section and section 3737.842 39963  
of the Revised Code: 39964

(A) "Public occupancy" means all of the following: 39965

(1) Any state correctional institution as defined in section 39966  
2967.01 of the Revised Code and any county, multicounty, 39967  
municipal, or municipal-county jail or workhouse; 39968

(2) Any hospital as defined in section 3727.01 of the Revised 39969  
Code, any hospital licensed by the department of mental health 39970  
under section 5119.20 of the Revised Code, and any institution, 39971  
hospital, or other place established, controlled, or supervised by 39972  
the department of mental health under Chapter 5119. of the Revised 39973  
Code; 39974

(3) Any nursing home, residential care facility, or home for 39975  
the aging as defined in section 3721.01 of the Revised Code and 39976  
any ~~adult care~~ residential facility ~~as defined in~~ licensed under 39977  
section ~~5119.70~~ 5119.22 of the Revised Code that provides 39978  
accommodations, supervision, and personal care services for three 39979  
to sixteen unrelated adults; 39980

(4) Any child day-care center and any type A family day-care 39981  
home as defined in section 5104.01 of the Revised Code; 39982



|                                                                                                                                                                                                                                                                                                             |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (5) Any public auditorium or stadium;                                                                                                                                                                                                                                                                       | 39983                                     |
| (6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture.                                                                                                                                                                                                      | 39984<br>39985                            |
| (B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner.                                                                                                                                | 39986<br>39987<br>39988                   |
| (C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either: | 39989<br>39990<br>39991<br>39992<br>39993 |
| (1) Is made with loose or attached cushions or pillows;                                                                                                                                                                                                                                                     | 39994                                     |
| (2) Is stuffed or filled in whole or in part with any filling material;                                                                                                                                                                                                                                     | 39995<br>39996                            |
| (3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.                                                                                                                                                                           | 39997<br>39998<br>39999                   |
| "Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering.                                                                                                                          | 40000<br>40001<br>40002                   |
| (D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:                                                                                                                                       | 40003<br>40004<br>40005                   |
| (1) Cushions or pads intended solely for outdoor use;                                                                                                                                                                                                                                                       | 40006                                     |
| (2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;                                                                                                | 40007<br>40008<br>40009<br>40010          |
| (3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches,                                                                                                                                                                                    | 40011<br>40012                            |

gymnasium mats or pads, and sidehorses. 40013

(E) "Filling material" means cotton, wool, kapok, feathers, 40014  
down, hair, liquid, or any other natural or artificial material or 40015  
substance that is used or can be used as stuffing in seating 40016  
furniture. 40017

**Sec. 3742.01.** As used in this chapter: 40018

(A) "Board of health" means the board of health of a city or 40019  
general health district or the authority having the duties of a 40020  
board of health under section 3709.05 of the Revised Code. 40021

(B) "Child care facility" means each area of any of the 40022  
following in which child care, as defined in section 5104.01 of 40023  
the Revised Code, is provided to children under six years of age: 40024

(1) A child day-care center, type A family day-care home, or 40025  
type B family day-care home as defined in section 5104.01 of the 40026  
Revised Code; 40027

(2) A type C family day-care home authorized to provide child 40028  
care by Sub. H.B. 62 of the 121st general assembly, as amended by 40029  
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 40030  
of the 123rd general assembly; 40031

(3) A preschool program or school child program as defined in 40032  
section 3301.52 of the Revised Code. 40033

(C) "Clearance examination" means an examination to determine 40034  
whether the lead hazards in a residential unit, child care 40035  
facility, or school have been sufficiently controlled. A clearance 40036  
examination includes a visual assessment, collection, and analysis 40037  
of environmental samples. 40038

(D) "Clearance technician" means a person, other than a 40039  
licensed lead inspector or licensed lead risk assessor, who 40040  
performs a clearance examination. 40041

(E) "Clinical laboratory" means a facility for the 40042  
biological, microbiological, serological, chemical, 40043  
immunoematological, hematological, biophysical, cytological, 40044  
pathological, or other examination of substances derived from the 40045  
human body for the purpose of providing information for the 40046  
diagnosis, prevention, or treatment of any disease, or in the 40047  
assessment or impairment of the health of human beings. "Clinical 40048  
laboratory" does not include a facility that only collects or 40049  
prepares specimens, or serves as a mailing service, and does not 40050  
perform testing. 40051

(F) "Encapsulation" means the coating and sealing of surfaces 40052  
with durable surface coating specifically formulated to be 40053  
elastic, able to withstand sharp and blunt impacts, long-lasting, 40054  
and resilient, while also resistant to cracking, peeling, algae, 40055  
fungus, and ultraviolet light, so as to prevent any part of 40056  
lead-containing paint from becoming part of house dust or 40057  
otherwise accessible to children. 40058

(G) "Enclosure" means the resurfacing or covering of surfaces 40059  
with durable materials such as wallboard or paneling, and the 40060  
sealing or caulking of edges and joints, so as to prevent or 40061  
control chalking, flaking, peeling, scaling, or loose 40062  
lead-containing substances from becoming part of house dust or 40063  
otherwise accessible to children. 40064

(H) "Environmental lead analytical laboratory" means a 40065  
facility that analyzes air, dust, soil, water, paint, film, or 40066  
other substances, other than substances derived from the human 40067  
body, for the presence and concentration of lead. 40068

(I) "HEPA" means the designation given to a product, device, 40069  
or system that has been equipped with a high-efficiency 40070  
particulate air filter, which is a filter capable of removing 40071  
particles of 0.3 microns or larger from air at 99.97 per cent or 40072  
greater efficiency. 40073

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (a) Removal of lead-based paint and lead-contaminated dust;
- (b) Permanent enclosure or encapsulation of lead-based paint;
- (c) Replacement of surfaces or fixtures painted with lead-based paint;
- (d) Removal or permanent covering of lead-contaminated soil;
- (e) Preparation, cleanup, and disposal activities associated with lead abatement.

(2) "Lead abatement" does not include any of the following:

- (a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;
- (b) Implementation of interim controls;
- (c) Activities performed by a property owner on a residential unit to which both of the following apply:
  - (i) It is a freestanding single-family home used as the property owner's private residence.
  - (ii) No child under six years of age who has lead poisoning resides in the unit.

(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site

supervision of lead abatement projects, or prepares 40103  
specifications, plans, or documents for a lead abatement project. 40104

(M) "Lead abatement project" means one or more lead abatement 40105  
activities that are conducted by a lead abatement contractor and 40106  
are reasonably related to each other. 40107

(N) "Lead abatement project designer" means a person who is 40108  
responsible for designing lead abatement projects and preparing a 40109  
pre-abatement plan for all designed projects. 40110

(O) "Lead abatement worker" means an individual who is 40111  
responsible in a nonsupervisory capacity for the performance of 40112  
lead abatement. 40113

(P) "Lead-based paint" means any paint or other similar 40114  
surface-coating substance containing lead at or in excess of the 40115  
level that is hazardous to human health, as that level is 40116  
~~established by rule of the public health council in rules adopted~~ 40117  
under section 3742.50 of the Revised Code. 40118

(Q) "Lead-contaminated dust" means dust that contains an area 40119  
or mass concentration of lead at or in excess of the level that is 40120  
hazardous to human health, as that level is established ~~by rule of~~ 40121  
~~the public health council in rules adopted~~ under section 3742.50 40122  
of the Revised Code. 40123

(R) "Lead-contaminated soil" means soil that contains lead at 40124  
or in excess of the level that is hazardous to human health, as 40125  
that level is established ~~by rule of the public health council in~~ 40126  
rules adopted under section 3742.50 of the Revised Code. 40127

(S) "Lead hazard" means material that is likely to cause lead 40128  
exposure and endanger an individual's health as determined by the 40129  
~~public director of health council~~ in rules adopted under section 40130  
3742.50 of the Revised Code. "Lead hazard" includes lead-based 40131  
paint, lead-contaminated dust, lead-contaminated soil, and 40132  
lead-contaminated water pipes. 40133

(T) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the ~~public health council~~ director in rules adopted ~~by the council~~ under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(U) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(V) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.50 of the Revised Code.

(W) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(X) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(Y) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child care facility, or school, when the services are supervised or performed by a lead-safe renovator.

(Z) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved under section 3742.47 of the Revised Code.

(AA) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.

(BB) "Permanent" means an expected design life of at least twenty years.

(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence.

(EE) "School" means a public or nonpublic school in which children under six years of age receive education.

**Sec. 3742.02.** (A) No person shall do any of the following:

(1) Violate any provision of this chapter or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the public director of health council has determined by rule under section 3742.50 of the Revised Code that no suitable substitute exists;

(3) Interfere with an investigation conducted by the director

of health or a board of health in accordance with section 3742.35 40194  
of the Revised Code. 40195

(B) No person shall knowingly authorize or employ an 40196  
individual to perform lead abatement on a residential unit, child 40197  
care facility, or school unless the individual who will perform 40198  
the lead abatement holds a valid license issued under section 40199  
3742.05 of the Revised Code. 40200

(C) No person shall do any of the following when a 40201  
residential unit, child care facility, or school is involved: 40202

(1) Perform a lead inspection without a valid lead inspector 40203  
license issued under section 3742.05 of the Revised Code; 40204

(2) Perform a lead risk assessment or provide professional 40205  
advice regarding lead abatement without a valid lead risk assessor 40206  
license issued under section 3742.05 of the Revised Code; 40207

(3) Act as a lead abatement contractor without a valid lead 40208  
abatement contractor's license issued under section 3742.05 of the 40209  
Revised Code; 40210

(4) Act as a lead abatement project designer without a valid 40211  
lead abatement project designer license issued under section 40212  
3742.05 of the Revised Code; 40213

(5) Perform lead abatement without a valid lead abatement 40214  
worker license issued under section 3742.05 of the Revised Code; 40215

(6) Effective one year after April 7, 2003, perform a 40216  
clearance examination without a valid clearance technician license 40217  
issued under section 3742.05 of the Revised Code, unless the 40218  
person holds a valid lead inspector license or valid lead risk 40219  
assessor license issued under that section; 40220

(7) Perform lead training for the licensing purposes of this 40221  
chapter without a valid approval from the director of health under 40222  
section 3742.08 of the Revised Code; 40223



(8) Perform interim controls without complying with 24 C.F.R. 40224  
Part 35. 40225

**Sec. 3742.03.** The ~~public~~ director of health council shall 40226  
adopt rules in accordance with Chapter 119. of the Revised Code 40227  
for the administration and enforcement of sections 3742.01 to 40228  
3742.19 and 3742.99 of the Revised Code. The rules shall specify 40229  
all of the following: 40230

(A) Procedures to be followed by a lead abatement contractor, 40231  
lead abatement project designer, lead abatement worker, lead 40232  
inspector, or lead risk assessor licensed under section 3742.05 of 40233  
the Revised Code for undertaking lead abatement activities and 40234  
procedures to be followed by a clearance technician, lead 40235  
inspector, or lead risk assessor in performing a clearance 40236  
examination; 40237

(B)(1) Requirements for training and licensure, in addition 40238  
to those established under section 3742.08 of the Revised Code, to 40239  
include levels of training and periodic refresher training for 40240  
each class of worker, and to be used for licensure under section 40241  
3742.05 of the Revised Code. Except in the case of clearance 40242  
technicians, these requirements shall include at least twenty-four 40243  
classroom hours of training based on the Occupational Safety and 40244  
Health Act training program for lead set forth in 29 C.F.R. 40245  
1926.62. For clearance technicians, the training requirements to 40246  
obtain an initial license shall not exceed six hours and the 40247  
requirements for refresher training shall not exceed two hours 40248  
every four years. In establishing the training and licensure 40249  
requirements, the ~~public health council~~ director shall consider 40250  
the core of information that is needed by all licensed persons, 40251  
and establish the training requirements so that persons who would 40252  
seek licenses in more than one area would not have to take 40253  
duplicative course work. 40254

(2) Persons certified by the American board of industrial hygiene as a certified industrial hygienist or as an industrial hygienist-in-training, and persons registered as a sanitarian or sanitarian-in-training under Chapter 4736. of the Revised Code, shall be exempt from any training requirements for initial licensure established under this chapter, but shall be required to take any examinations for licensure required under section 3742.05 of the Revised Code.

(C) Fees for licenses issued under section 3742.05 of the Revised Code and for their renewal;

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;

(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects and record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, and clearance technicians for clearance examinations;

(2) Record-keeping and reporting requirements regarding lead poisoning for physicians, in addition to the requirements of section 3701.25 of the Revised Code;

(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;                                                                                                                                                                                                                                                                                                                                                                               | 40286<br>40287                                                       |
| (G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                | 40288<br>40289                                                       |
| (H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials. | 40290<br>40291<br>40292<br>40293<br>40294<br>40295<br>40296<br>40297 |
| <b>Sec. 3742.04.</b> (A) The director of health shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                     | 40298<br>40299                                                       |
| (1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;                                                                                                                                                                                                                                                                                                                                       | 40300<br>40301<br>40302                                              |
| (2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;                                                                                                                                                                     | 40303<br>40304<br>40305<br>40306<br>40307<br>40308                   |
| (3) Examine records and reports submitted by physicians, clinical laboratories, and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code;                                                                                                                                                                                                                                                                                                               | 40309<br>40310<br>40311                                              |
| (4) Issue approval to manufacturers of encapsulants that have done all of the following:                                                                                                                                                                                                                                                                                                                                                                                                           | 40312<br>40313                                                       |
| (a) Submitted an application for approval to the director on a form prescribed by the director;                                                                                                                                                                                                                                                                                                                                                                                                    | 40314<br>40315                                                       |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (b) Paid the application fee established by the director;                 | 40316 |
| (c) Submitted results from an independent laboratory                      | 40317 |
| indicating that the manufacturer's encapsulants satisfy the               | 40318 |
| requirements established in rules adopted under division (H) of           | 40319 |
| section 3742.03 of the Revised Code;                                      | 40320 |
| (d) Complied with rules adopted by the <del>public health council</del>   | 40321 |
| <u>director</u> regarding durability and safety to workers and residents. | 40322 |
| (5) Establish liaisons and cooperate with the directors or                | 40323 |
| agencies in states having lead abatement, licensing,                      | 40324 |
| accreditation, certification, and approval programs to promote            | 40325 |
| consistency between the requirements of this chapter and those of         | 40326 |
| other states in order to facilitate reciprocity of the programs           | 40327 |
| among states;                                                             | 40328 |
| (6) Establish a program to monitor and audit the quality of               | 40329 |
| work of lead inspectors, lead risk assessors, lead abatement              | 40330 |
| project designers, lead abatement contractors, lead abatement             | 40331 |
| workers, and clearance technicians. The director may refer                | 40332 |
| improper work discovered through the program to the attorney              | 40333 |
| general for appropriate action.                                           | 40334 |
| (B) In addition to any other authority granted by this                    | 40335 |
| chapter, the director of health may do any of the following:              | 40336 |
| (1) Employ persons who have received training from a program              | 40337 |
| the director has determined provides the necessary background. The        | 40338 |
| appropriate training may be obtained in a state that has an               | 40339 |
| ongoing lead abatement program under which it conducts educational        | 40340 |
| programs.                                                                 | 40341 |
| (2) Cooperate with the United States environmental protection             | 40342 |
| agency in any joint oversight procedures the agency may propose           | 40343 |
| for laboratories that offer lead analysis services and are                | 40344 |
| accredited under the agency's laboratory accreditation program;           | 40345 |

(3) Advise, consult, cooperate with, or enter into contracts 40346  
or cooperative agreements with any person, government entity, 40347  
interstate agency, or the federal government as the director 40348  
considers necessary to fulfill the requirements of this chapter 40349  
and the rules adopted under it. 40350

**Sec. 3742.05.** (A)(1) The director of health shall issue lead 40351  
inspector, lead abatement contractor, lead risk assessor, lead 40352  
abatement project designer, lead abatement worker, and clearance 40353  
technician licenses. The director shall issue a license to an 40354  
applicant who meets all of the following requirements: 40355

(a) Submits an application to the director on a form 40356  
prescribed by the director; 40357

(b) Meets the licensing and training requirements established 40358  
~~by the public health council in rules adopted~~ under section 40359  
3742.03 of the Revised Code; 40360

(c) Successfully completes the licensing examination for the 40361  
applicant's area of expertise administered under section 3742.08 40362  
of the Revised Code and any training required by the director 40363  
under that section; 40364

(d) Pays the license fee established ~~by the public health~~ 40365  
~~council in rules adopted~~ under section 3742.03 of the Revised 40366  
Code; 40367

(e) Provides the applicant's social security number and any 40368  
information the director may require to demonstrate the 40369  
applicant's compliance with this chapter and the rules adopted 40370  
under it. 40371

(2) An individual may hold more than one license issued under 40372  
this section, but a separate application is required for each 40373  
license. 40374

(B) A license issued under this section expires two years 40375

after the date of issuance. The director shall renew a license in 40376  
accordance with the standard renewal procedure set forth in 40377  
Chapter 4745. of the Revised Code, if the licensee does all of the 40378  
following: 40379

(1) Continues to meet the requirements of division (A) of 40380  
this section; 40381

(2) Demonstrates compliance with procedures to prevent public 40382  
exposure to lead hazards and for worker protection during lead 40383  
abatement projects established ~~by rule~~ in rules adopted ~~by the~~ 40384  
~~public health council~~ under section 3742.03 of the Revised Code; 40385

(3) Meets the record-keeping and reporting requirements for 40386  
lead abatement projects or clearance examinations established ~~by~~ 40387  
~~rule~~ in rules adopted ~~by the public health council~~ under section 40388  
3742.03 of the Revised Code; 40389

(4) Pays the license renewal fee established ~~by rule~~ in rules 40390  
adopted ~~by the public health council~~ under section 3742.03 of the 40391  
Revised Code. 40392

(C) An individual licensed, certified, or otherwise approved 40393  
under the law of another state to perform functions substantially 40394  
similar to those of a lead inspector, lead abatement contractor, 40395  
lead risk assessor, lead abatement project designer, lead 40396  
abatement worker, or clearance technician may apply to the 40397  
director of health for licensure in accordance with the procedures 40398  
set forth in division (A) of this section. The director shall 40399  
license an individual under this division on a determination that 40400  
the standards for licensure, certification, or approval in that 40401  
state are at least substantially equivalent to those established 40402  
by this chapter and the rules adopted under it. The director may 40403  
require an examination for licensure under this division. 40404

**Sec. 3742.30.** Each child at risk of lead poisoning shall 40405

undergo a blood lead screening test to determine whether the child 40406  
has lead poisoning. The at-risk children shall undergo the test at 40407  
times determined by rules the ~~public~~ director of health ~~council~~ 40408  
shall adopt in accordance with Chapter 119. of the Revised Code 40409  
that are consistent with the guidelines established by the centers 40410  
for disease control and prevention in the public health service of 40411  
the United States department of health and human services. The 40412  
rules shall specify which children are at risk of lead poisoning. 40413

Neither this section nor the rules adopted under it affect 40414  
the coverage of blood lead screening tests by any publicly funded 40415  
health program, including the medicaid program established by 40416  
Chapter 5111. of the Revised Code. Neither this section nor the 40417  
rules adopted under it apply to a child if a parent of the child 40418  
objects to the test on the grounds that the test conflicts with 40419  
the parent's religious tenets and practices. 40420

**Sec. 3742.47.** (A) A person seeking approval of a training 40421  
program in either essential maintenance practices or lead-safe 40422  
renovation shall apply for approval to the director of health. The 40423  
application shall be made on a form prescribed by the director and 40424  
shall include the fee established under division (B) of this 40425  
section. The director shall issue approval to the applicant if the 40426  
applicant demonstrates to the satisfaction of the director that 40427  
the training program will meet the following requirements and any 40428  
other training program requirements established by rules adopted 40429  
under section 3742.50 of the Revised Code: 40430

(1) Conducts the training program in a period of time that 40431  
does not exceed six hours; 40432

(2) Administers an examination established by rule of the 40433  
~~public health council~~ director at the end of the training program 40434  
to each person who completes the training; 40435

(3) Grades each examination not later than one week after its completion and determines whether the person who took the examination received a passing score;

(4) Not later than one week after the examination is completed provides written proof of training program completion to each person who completes the program and passes the examination.

(B) The director of health shall establish an application fee for approving training programs under this section. The fee shall be reasonable and shall not exceed the expenses incurred in conducting the approval of training programs. An application fee submitted under division (A) of this section is nonrefundable.

**Sec. 3742.50.** (A) The ~~public director of health council~~ shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;

(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;

(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is hazardous to human health;



(6) Standards and procedures to be followed when implementing preventive treatments for the control of lead hazards pursuant to section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;

(7) Standards that must be met to pass a clearance examination;

(8) Procedures for approving under section 3742.47 of the Revised Code training programs in essential maintenance practices and lead-safe renovation and requirements, in addition to those specified in section 3742.47 of the Revised Code, that a program must meet to receive approval;

(9) The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score.

(B) The ~~public health council~~ director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning prevention.

**Sec. 3743.04.** (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December. The state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing fireworks at the designated fireworks

plant after its then effective license expires, it shall apply no 40497  
later than the first day of October for a new license pursuant to 40498  
section 3743.02 of the Revised Code. The state fire marshal shall 40499  
send a written notice of the expiration of its license to a 40500  
licensed manufacturer at least three months before the expiration 40501  
date. 40502

(B) If, during the effective period of its licensure, a 40503  
licensed manufacturer of fireworks wishes to construct, locate, or 40504  
relocate any buildings or other structures on the premises of its 40505  
fireworks plant, to make any structural change or renovation in 40506  
any building or other structure on the premises of its fireworks 40507  
plant, or to change the nature of its manufacturing of fireworks 40508  
so as to include the processing of fireworks, the manufacturer 40509  
shall notify the state fire marshal in writing. The state fire 40510  
marshal may require a licensed manufacturer also to submit 40511  
documentation, including, but not limited to, plans covering the 40512  
proposed construction, location, relocation, structural change or 40513  
renovation, or change in manufacturing of fireworks, if the state 40514  
fire marshal determines the documentation is necessary for 40515  
evaluation purposes in light of the proposed construction, 40516  
location, relocation, structural change or renovation, or change 40517  
in manufacturing of fireworks. 40518

Upon receipt of the notification and additional documentation 40519  
required by the state fire marshal, the state fire marshal shall 40520  
inspect the premises of the fireworks plant to determine if the 40521  
proposed construction, location, relocation, structural change or 40522  
renovation, or change in manufacturing of fireworks conforms to 40523  
sections 3743.02 to 3743.08 of the Revised Code and the rules 40524  
adopted by the state fire marshal pursuant to section 3743.05 of 40525  
the Revised Code. The state fire marshal shall issue a written 40526  
authorization to the manufacturer for the construction, location, 40527  
relocation, structural change or renovation, or change in 40528

manufacturing of fireworks if the state fire marshal determines, 40529  
upon the inspection and a review of submitted documentation, that 40530  
the construction, location, relocation, structural change or 40531  
renovation, or change in manufacturing of fireworks conforms to 40532  
those sections and rules. Upon authorizing a change in 40533  
manufacturing of fireworks to include the processing of fireworks, 40534  
the state fire marshal shall make notations on the manufacturer's 40535  
license and in the list of licensed manufacturers in accordance 40536  
with section 3743.03 of the Revised Code. 40537

On or before June 1, 1998, a licensed manufacturer shall 40538  
install, in every licensed building in which fireworks are 40539  
manufactured, stored, or displayed and to which the public has 40540  
access, interlinked fire detection, smoke exhaust, and smoke 40541  
evacuation systems that are approved by the superintendent of 40542  
~~labor~~ industrial compliance, and shall comply with floor plans 40543  
showing occupancy load limits and internal circulation and egress 40544  
patterns that are approved by the state fire marshal and 40545  
superintendent, and that are submitted under seal as required by 40546  
section 3791.04 of the Revised Code. Notwithstanding section 40547  
3743.59 of the Revised Code, the construction and safety 40548  
requirements established in this division are not subject to any 40549  
variance, waiver, or exclusion. 40550

(C) The license of a manufacturer of fireworks authorizes the 40551  
manufacturer to engage only in the following activities: 40552

(1) The manufacturing of fireworks on the premises of the 40553  
fireworks plant as described in the application for licensure or 40554  
in the notification submitted under division (B) of this section, 40555  
except that a licensed manufacturer shall not engage in the 40556  
processing of fireworks unless authorized to do so by its license. 40557

(2) To possess for sale at wholesale and sell at wholesale 40558  
the fireworks manufactured by the manufacturer, to persons who are 40559  
licensed wholesalers of fireworks, to out-of-state residents in 40560

accordance with section 3743.44 of the Revised Code, to residents 40561  
of this state in accordance with section 3743.45 of the Revised 40562  
Code, or to persons located in another state provided the 40563  
fireworks are shipped directly out of this state to them by the 40564  
manufacturer. A person who is licensed as a manufacturer of 40565  
fireworks on June 14, 1988, also may possess for sale and sell 40566  
pursuant to division (C)(2) of this section fireworks other than 40567  
those the person manufactures. The possession for sale shall be on 40568  
the premises of the fireworks plant described in the application 40569  
for licensure or in the notification submitted under division (B) 40570  
of this section, and the sale shall be from the inside of a 40571  
licensed building and from no other structure or device outside a 40572  
licensed building. At no time shall a licensed manufacturer sell 40573  
any class of fireworks outside a licensed building. 40574

(3) Possess for sale at retail and sell at retail the 40575  
fireworks manufactured by the manufacturer, other than 1.4G 40576  
fireworks as designated by the state fire marshal in rules adopted 40577  
pursuant to division (A) of section 3743.05 of the Revised Code, 40578  
to licensed exhibitors in accordance with sections 3743.50 to 40579  
3743.55 of the Revised Code, and possess for sale at retail and 40580  
sell at retail the fireworks manufactured by the manufacturer, 40581  
including 1.4G fireworks, to out-of-state residents in accordance 40582  
with section 3743.44 of the Revised Code, to residents of this 40583  
state in accordance with section 3743.45 of the Revised Code, or 40584  
to persons located in another state provided the fireworks are 40585  
shipped directly out of this state to them by the manufacturer. A 40586  
person who is licensed as a manufacturer of fireworks on June 14, 40587  
1988, may also possess for sale and sell pursuant to division 40588  
(C)(3) of this section fireworks other than those the person 40589  
manufactures. The possession for sale shall be on the premises of 40590  
the fireworks plant described in the application for licensure or 40591  
in the notification submitted under division (B) of this section, 40592  
and the sale shall be from the inside of a licensed building and 40593

from no other structure or device outside a licensed building. At 40594  
no time shall a licensed manufacturer sell any class of fireworks 40595  
outside a licensed building. 40596

A licensed manufacturer of fireworks shall sell under 40597  
division (C) of this section only fireworks that meet the 40598  
standards set by the consumer product safety commission or by the 40599  
American fireworks standard laboratories or that have received an 40600  
EX number from the United States department of transportation. 40601

(D) The license of a manufacturer of fireworks shall be 40602  
protected under glass and posted in a conspicuous place on the 40603  
premises of the fireworks plant. Except as otherwise provided in 40604  
this division, the license is not transferable or assignable. A 40605  
license may be transferred to another person for the same 40606  
fireworks plant for which the license was issued if the assets of 40607  
the plant are transferred to that person by inheritance or by a 40608  
sale approved by the state fire marshal. The license is subject to 40609  
revocation in accordance with section 3743.08 of the Revised Code. 40610

(E) The state fire marshal shall not place the license of a 40611  
manufacturer of fireworks in a temporarily inactive status while 40612  
the holder of the license is attempting to qualify to retain the 40613  
license. 40614

(F) Each licensed manufacturer of fireworks that possesses 40615  
fireworks for sale and sells fireworks under division (C) of 40616  
section 3743.04 of the Revised Code, or a designee of the 40617  
manufacturer, whose identity is provided to the state fire marshal 40618  
by the manufacturer, annually shall attend a continuing education 40619  
program. The state fire marshal shall develop the program and the 40620  
state fire marshal or a person or public agency approved by the 40621  
state fire marshal shall conduct it. A licensed manufacturer or 40622  
the manufacturer's designee who attends a program as required 40623  
under this division, within one year after attending the program, 40624  
shall conduct in-service training as approved by the state fire 40625

marshal for other employees of the licensed manufacturer regarding 40626  
the information obtained in the program. A licensed manufacturer 40627  
shall provide the state fire marshal with notice of the date, 40628  
time, and place of all in-service training. For any program 40629  
conducted under this division, the state fire marshal shall, in 40630  
accordance with rules adopted by the state fire marshal under 40631  
Chapter 119. of the Revised Code, establish the subjects to be 40632  
taught, the length of classes, the standards for approval, and 40633  
time periods for notification by the licensee to the state fire 40634  
marshal of any in-service training. 40635

(G) A licensed manufacturer shall maintain comprehensive 40636  
general liability insurance coverage in the amount and type 40637  
specified under division (B)(2) of section 3743.02 of the Revised 40638  
Code at all times. Each policy of insurance required under this 40639  
division shall contain a provision requiring the insurer to give 40640  
not less than fifteen days' prior written notice to the state fire 40641  
marshal before termination, lapse, or cancellation of the policy, 40642  
or any change in the policy that reduces the coverage below the 40643  
minimum required under this division. Prior to canceling or 40644  
reducing the amount of coverage of any comprehensive general 40645  
liability insurance coverage required under this division, a 40646  
licensed manufacturer shall secure supplemental insurance in an 40647  
amount and type that satisfies the requirements of this division 40648  
so that no lapse in coverage occurs at any time. A licensed 40649  
manufacturer who secures supplemental insurance shall file 40650  
evidence of the supplemental insurance with the state fire marshal 40651  
prior to canceling or reducing the amount of coverage of any 40652  
comprehensive general liability insurance coverage required under 40653  
this division. 40654

(H) The state fire marshal shall adopt rules for the 40655  
expansion or contraction of a licensed premises and for approval 40656  
of such expansions or contractions. The boundaries of a licensed 40657

premises, including any geographic expansion or contraction of 40658  
those boundaries, shall be approved by the state fire marshal in 40659  
accordance with rules the state fire marshal adopts. If the 40660  
licensed premises consists of more than one parcel of real estate, 40661  
those parcels shall be contiguous unless an exception is allowed 40662  
pursuant to division (I) of this section. 40663

(I)(1) A licensed manufacturer may expand its licensed 40664  
premises within this state to include not more than two storage 40665  
locations that are located upon one or more real estate parcels 40666  
that are noncontiguous to the licensed premises as that licensed 40667  
premises exists on the date a licensee submits an application as 40668  
described below, if all of the following apply: 40669

(a) The licensee submits an application to the state fire 40670  
marshal and an application fee of one hundred dollars per storage 40671  
location for which the licensee is requesting approval. 40672

(b) The identity of the holder of the license remains the 40673  
same at the storage location. 40674

(c) The storage location has received a valid certificate of 40675  
zoning compliance as applicable and a valid certificate of 40676  
occupancy for each building or structure at the storage location 40677  
issued by the authority having jurisdiction to issue the 40678  
certificate for the storage location, and those certificates 40679  
permit the distribution and storage of fireworks regulated under 40680  
this chapter at the storage location and in the buildings or 40681  
structures. The storage location shall be in compliance with all 40682  
other applicable federal, state, and local laws and regulations. 40683

(d) Every building or structure located upon the storage 40684  
location is separated from occupied residential and nonresidential 40685  
buildings or structures, railroads, highways, or any other 40686  
buildings or structures on the licensed premises in accordance 40687  
with the distances specified in the rules adopted by the state 40688

fire marshal pursuant to section 3743.05 of the Revised Code. 40689

(e) Neither the licensee nor any person holding, owning, or 40690  
controlling a five per cent or greater beneficial or equity 40691  
interest in the licensee has been convicted of or pleaded guilty 40692  
to a felony under the laws of this state, any other state, or the 40693  
United States, after September 29, 2005. 40694

(f) The state fire marshal approves the application for 40695  
expansion. 40696

(2) The state fire marshal shall approve an application for 40697  
expansion requested under division (I)(1) of this section if the 40698  
state fire marshal receives the application fee and proof that the 40699  
requirements of divisions (I)(1)(b) to (e) of this section are 40700  
satisfied. The storage location shall be considered part of the 40701  
original licensed premises and shall use the same distinct number 40702  
assigned to the original licensed premises with any additional 40703  
designations as the state fire marshal deems necessary in 40704  
accordance with section 3743.03 of the Revised Code. 40705

(J)(1) A licensee who obtains approval for the use of a 40706  
storage location in accordance with division (I) of this section 40707  
shall use the storage location exclusively for the following 40708  
activities, in accordance with division (C) of this section: 40709

(a) The packaging, assembling, or storing of fireworks, which 40710  
shall only occur in buildings or structures approved for such 40711  
hazardous uses by the building code official having jurisdiction 40712  
for the storage location or, for 1.4G fireworks, in containers or 40713  
trailers approved for such hazardous uses by the state fire 40714  
marshal if such containers or trailers are not subject to 40715  
regulation by the building code adopted in accordance with Chapter 40716  
3781. of the Revised Code. All such storage shall be in accordance 40717  
with the rules adopted by the state fire marshal under division 40718  
(G) of section 3743.05 of the Revised Code for the packaging, 40719



assembling, and storage of fireworks. 40720

(b) Distributing fireworks to other parcels of real estate 40721  
located on the manufacturer's licensed premises, to licensed 40722  
wholesalers or other licensed manufacturers in this state or to 40723  
similarly licensed persons located in another state or country; 40724

(c) Distributing fireworks to a licensed exhibitor of 40725  
fireworks pursuant to a properly issued permit in accordance with 40726  
section 3743.54 of the Revised Code. 40727

(2) A licensed manufacturer shall not engage in any sales 40728  
activity, including the retail sale of fireworks otherwise 40729  
permitted under division (C)(2) or (C)(3) of this section, or 40730  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 40731  
storage location approved under this section. 40732

(3) A storage location may not be relocated for a minimum 40733  
period of five years after the storage location is approved by the 40734  
state fire marshal in accordance with division (I) of this 40735  
section. 40736

(K) The licensee shall prohibit public access to the storage 40737  
location. The state fire marshal shall adopt rules to describe the 40738  
acceptable measures a manufacturer shall use to prohibit access to 40739  
the storage site. 40740

**Sec. 3743.06.** In addition to conforming to the rules of the 40741  
fire marshal adopted pursuant to section 3743.05 of the Revised 40742  
Code, licensed manufacturers of fireworks shall operate their 40743  
fireworks plants in accordance with the following: 40744

(A) Signs indicating that smoking is generally forbidden and 40745  
trespassing is prohibited on the premises of a fireworks plant 40746  
shall be posted on the premises in a manner determined by the fire 40747  
marshal. 40748

(B) Reasonable precautions shall be taken to protect the 40749

premises of a fireworks plant from trespass, loss, theft, or 40750  
destruction. Only persons employed by the manufacturer, authorized 40751  
governmental personnel, and persons who have obtained permission 40752  
from a member of the manufacturer's office to be on the premises, 40753  
are to be allowed to enter and remain on the premises. 40754

(C) Smoking or the carrying of pipes, cigarettes, or cigars, 40755  
matches, lighters, other flame-producing items, or open flame on, 40756  
or the carrying of a concealed source of ignition into, the 40757  
premises of a fireworks plant is prohibited, except that a 40758  
manufacturer may permit smoking in specified lunchrooms or 40759  
restrooms in buildings or other structures in which no 40760  
manufacturing, handling, sales, or storage of fireworks takes 40761  
place. "NO SMOKING" signs shall be posted on the premises as 40762  
required by the fire marshal. 40763

(D) Fire and explosion prevention and other reasonable safety 40764  
measures and precautions shall be implemented by a manufacturer. 40765

(E) Persons shall not be permitted to have in their 40766  
possession or under their control, while they are on the premises 40767  
of the fireworks plant, any intoxicating liquor, beer, or 40768  
controlled substance, and they shall not be permitted to enter or 40769  
remain on the premises if they are found to be under the influence 40770  
of any intoxicating liquor, beer, or controlled substance. 40771

(F) A manufacturer shall conform to all building, safety, and 40772  
zoning statutes, ordinances, rules, or other enactments that apply 40773  
to the premises of its fireworks plant. 40774

(G) Each fireworks plant shall have at least one class 1 40775  
magazine that is approved by the bureau of alcohol, tobacco, and 40776  
firearms of the United States department of the treasury and that 40777  
is otherwise in conformity with federal law. This division does 40778  
not apply to fireworks plants existing on or before August 3, 40779  
1931. 40780

(H) Awnings, tents, and canopies shall not be used as 40781  
facilities for the sale or storage of fireworks. This division 40782  
does not prohibit the use of an awning or canopy attached to a 40783  
public access showroom for storing nonflammable shopping 40784  
convenience items such as shopping carts or baskets or providing a 40785  
shaded area for patrons waiting to enter the public sales area. 40786

(I) Fireworks may be stored in trailers if the trailers are 40787  
properly enclosed, secured, and grounded and are separated from 40788  
any structure to which the public is admitted by a distance that 40789  
will, in the fire marshal's judgment, allow fire-fighting 40790  
equipment to have full access to the structures on the licensed 40791  
premises. Such trailers may be moved into closer proximity to any 40792  
structure only to accept or discharge cargo for a period not to 40793  
exceed forty-eight hours. Only two such trailers may be placed in 40794  
such closer proximity at any one time. At no time may trailers be 40795  
used for conducting sales of any class of fireworks, nor may 40796  
members of the public have access to the trailers. 40797

Storage areas for fireworks that are in the same building 40798  
where fireworks are displayed and sold to the public shall be 40799  
separated from the areas to which the public has access by an 40800  
appropriately rated fire wall. 40801

(J) A fire suppression system as defined in section 3781.108 40802  
of the Revised Code may be turned off only for repair, drainage of 40803  
the system to prevent damage by freezing during the period of 40804  
time, approved by the fire marshal, that the facility is closed to 40805  
all public access during winter months, or maintenance of the 40806  
system. If any repair or maintenance is necessary during times 40807  
when the facility is open for public access and business as 40808  
approved by the fire marshal, the licensed manufacturer shall 40809  
notify in advance the appropriate insurance company and fire chief 40810  
or fire prevention officer regarding the nature of the maintenance 40811  
or repair and the time when it will be performed. 40812

(K) If any fireworks item is removed from its original 40813  
package or is manufactured with any fuse other than a safety fuse 40814  
approved by the consumer product safety commission, then the item 40815  
shall be covered completely by repackaging or bagging or it shall 40816  
otherwise be covered so as to prevent ignition prior to sale. 40817

(L) A safety officer shall be present during regular business 40818  
hours at a building open to the public during the period 40819  
commencing fourteen days before, and ending two days after, each 40820  
fourth day of July. The officer shall be highly visible, enforce 40821  
this chapter and any applicable building codes to the extent the 40822  
officer is authorized by law, and be one of the following: 40823

(1) A deputy sheriff; 40824

(2) A law enforcement officer of a municipal corporation, 40825  
township, or township or joint police district; 40826

(3) A private uniformed security guard registered under 40827  
section 4749.06 of the Revised Code. 40828

(M) All doors of all buildings on the licensed premises shall 40829  
swing outward. 40830

(N) All wholesale and commercial sales of fireworks shall be 40831  
packaged, shipped, placarded, and transported in accordance with 40832  
United States department of transportation regulations applicable 40833  
to the transportation, and the offering for transportation, of 40834  
hazardous materials. For purposes of this division, "wholesale and 40835  
commercial sales" includes all sales for resale and any nonretail 40836  
sale made in furtherance of a commercial enterprise. For purposes 40837  
of enforcement of these regulations under section ~~4905.83~~ 4923.99 40838  
of the Revised Code, any sales transaction exceeding one thousand 40839  
pounds shall be rebuttably presumed to be a wholesale or 40840  
commercial sale. 40841

**Sec. 3743.19.** In addition to conforming to the rules of the 40842

fire marshal adopted pursuant to section 3743.18 of the Revised Code, licensed wholesalers of fireworks shall conduct their business operations in accordance with the following:

(A) A wholesaler shall conduct its business operations from the location described in its application for licensure or in a notification submitted under division (B) of section 3743.17 of the Revised Code.

(B) Signs indicating that smoking is generally forbidden and trespassing is prohibited on the premises of a wholesaler shall be posted on the premises as determined by the fire marshal.

(C) Reasonable precautions shall be taken to protect the premises of a wholesaler from trespass, loss, theft, or destruction.

(D) Smoking or the carrying of pipes, cigarettes, or cigars, matches, lighters, other flame-producing items, or open flame on, or the carrying of a concealed source of ignition into, the premises of a wholesaler is prohibited, except that a wholesaler may permit smoking in specified lunchrooms or restrooms in buildings or other structures in which no sales, handling, or storage of fireworks takes place. "NO SMOKING" signs shall be posted on the premises as required by the fire marshal.

(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler.

(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance.

(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply

to its premises. 40874

(H) Each building used in the sale of fireworks shall be kept 40875  
open to the public for at least four hours each day between the 40876  
hours of eight a.m. and five p.m., five days of each week, every 40877  
week of the year. Upon application from a licensed wholesaler, the 40878  
fire marshal may waive any of the requirements of this division. 40879

(I) Awnings, tents, or canopies shall not be used as 40880  
facilities for the storage or sale of fireworks. This division 40881  
does not prohibit the use of an awning or canopy attached to a 40882  
public access showroom for storing nonflammable shopping 40883  
convenience items such as shopping carts or baskets or providing a 40884  
shaded area for patrons waiting to enter the public sales area. 40885

(J) 1.4G fireworks may be stored in trailers if the trailers 40886  
are properly enclosed, secured, and grounded and are separated 40887  
from any structure to which the public is admitted by a distance 40888  
that will, in the fire marshal's judgment, allow fire-fighting 40889  
equipment to have full access to the structures on the licensed 40890  
premises. Such trailers may be moved into closer proximity to any 40891  
structure only to accept or discharge cargo for a period not to 40892  
exceed forty-eight hours. Only two such trailers may be placed in 40893  
such closer proximity at any one time. At no time may trailers be 40894  
used for conducting sales of any class of fireworks nor may 40895  
members of the public have access to the trailers. 40896

Storage areas for fireworks that are in the same building 40897  
where fireworks are displayed and sold to the public shall be 40898  
separated from the areas to which the public has access by an 40899  
appropriately rated fire wall. If the licensee installs and 40900  
properly maintains an early suppression fast response sprinkler 40901  
system or equivalent fire suppression system as described in the 40902  
fire code adopted by the fire marshal in accordance with section 40903  
3737.82 of the Revised Code throughout the structure, a fire 40904  
barrier wall may be substituted for a fire wall between the areas 40905

to which the public has access and the storage portions of the structure. 40906  
40907

(K) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal under division (I) of this section, that the facility is closed to public access during winter months, or maintenance of the system. If any repair or maintenance is necessary during times when the facility is open for public access and business, the licensed wholesaler shall notify in advance the appropriate insurance company and fire chief or fire prevention officer regarding the nature of the maintenance or repair and the time when it will be performed. 40908  
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(L) If any fireworks item is removed from its original package or is manufactured with any fuse other than a fuse approved by the consumer product safety commission, then the item shall be covered completely by repackaging or bagging or it shall otherwise be covered so as to prevent ignition prior to sale. 40919  
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(M) A safety officer shall be present during regular business hours at a building open to the public during the period commencing fourteen days before, and ending two days after, each fourth day of July. The officer shall be highly visible, enforce this chapter and any applicable building codes to the extent the officer is authorized by law, and be one of the following: 40924  
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(1) A deputy sheriff; 40930

(2) A law enforcement officer of a municipal corporation, township, or township or joint police district; 40931  
40932

(3) A private uniformed security guard registered under section 4749.06 of the Revised Code. 40933  
40934

(N) All doors of all buildings on the licensed premises shall swing outward. 40935  
40936

(O) All wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with United States department of transportation regulations applicable to the transportation, and the offering for transportation, of hazardous materials. For purposes of this division, "wholesale and commercial sales" includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise. For purposes of enforcement of these regulations under section ~~4905.83~~ 4923.99 of the Revised Code, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale.

**Sec. 3743.25.** (A)(1) Except as described in division (A)(2) of this section, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesaler shall only occur from an approved retail sales showroom on a licensed premises or from a representative sample showroom as described in this section on a licensed premises. For the purposes of this section, a retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Revised Code and rules adopted by the state fire marshal under Chapter 119. of the Revised Code. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under section 3743.51 of the Revised Code, that the exhibitor possesses a valid exhibition permit issued in accordance with section 3743.54 of the Revised Code, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(B) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed



premises to persons who intend to resell the fireworks purchased 40968  
at wholesale. A wholesale sale by a licensed manufacturer or 40969  
wholesaler may occur as follows: 40970

(1) The direct sale and shipment of fireworks to a person 40971  
outside of this state; 40972

(2) From an approved retail sales showroom as described in 40973  
this section; 40974

(3) From a representative sample showroom as described in 40975  
this section; 40976

(4) By delivery of wholesale fireworks to a purchaser at a 40977  
licensed premises outside of a structure or building on that 40978  
premises. All other portions of the wholesale sales transaction 40979  
may occur at any location on a licensed premises. 40980

(5) Any other method as described in rules adopted by the 40981  
state fire marshal under Chapter 119. of the Revised Code. 40982

(C) A licensed manufacturer or wholesaler shall only sell 40983  
1.4G fireworks from a representative sample showroom or a retail 40984  
sales showroom. Each licensed premises shall only contain one 40985  
sales structure. 40986

A representative sample showroom shall consist of a structure 40987  
constructed and maintained in accordance with the nonresidential 40988  
building code adopted under Chapter 3781. of the Revised Code and 40989  
the fire code adopted under section 3737.82 of the Revised Code 40990  
for a use and occupancy group that permits mercantile sales. A 40991  
representative sample showroom shall not contain any pyrotechnics, 40992  
pyrotechnic materials, fireworks, explosives, explosive materials, 40993  
or any similar hazardous materials or substances. A representative 40994  
sample showroom shall be used only for the public viewing of 40995  
fireworks product representations, including paper materials, 40996  
packaging materials, catalogs, photographs, or other similar 40997  
product depictions. The delivery of product to a purchaser of 40998

fireworks at a licensed premises that has a representative sample 40999  
structure shall not occur inside any structure on a licensed 41000  
premises. Such product delivery shall occur on the licensed 41001  
premises in a manner prescribed by rules adopted by the state fire 41002  
marshal pursuant to Chapter 119. of the Revised Code. 41003

If a manufacturer or wholesaler elects to conduct sales from 41004  
a retail sales showroom, the showroom structures, to which the 41005  
public may have any access and in which employees are required to 41006  
work, on all licensed premises, shall comply with the following 41007  
safety requirements: 41008

(1) A fireworks showroom that is constructed or upon which 41009  
expansion is undertaken on and after June 30, 1997, shall be 41010  
equipped with interlinked fire detection, fire suppression, smoke 41011  
exhaust, and smoke evacuation systems that are approved by the 41012  
superintendent of ~~labor~~ industrial compliance in the department of 41013  
commerce. 41014

(2) A fireworks showroom that first begins to operate on or 41015  
after June 30, 1997, and to which the public has access for retail 41016  
purposes shall not exceed five thousand square feet in floor area. 41017

(3) A newly constructed or an existing fireworks showroom 41018  
structure that exists on September 23, 2008, but that, on or after 41019  
September 23, 2008, is altered or added to in a manner requiring 41020  
the submission of plans, drawings, specifications, or data 41021  
pursuant to section 3791.04 of the Revised Code, shall comply with 41022  
a graphic floor plan layout that is approved by the state fire 41023  
marshal and superintendent showing width of aisles, parallel 41024  
arrangement of aisles to exits, number of exits per wall, maximum 41025  
occupancy load, evacuation plan for occupants, height of storage 41026  
or display of merchandise, and other information as may be 41027  
required by the state fire marshal and superintendent. 41028

(4) A fireworks showroom structure that exists on June 30, 41029

1997, shall be in compliance on or after June 30, 1997, with floor 41030  
plans showing occupancy load limits and internal circulation and 41031  
egress patterns that are approved by the state fire marshal and 41032  
superintendent, and that are submitted under seal as required by 41033  
section 3791.04 of the Revised Code. 41034

(D) The safety requirements established in division (C) of 41035  
this section are not subject to any variance, waiver, or exclusion 41036  
pursuant to this chapter or any applicable building code. 41037

**Sec. 3745.01.** There is hereby created the environmental 41038  
protection agency, headed by the director of environmental 41039  
protection. The agency, under the supervision of the director, 41040  
shall administer the laws pertaining to chemical emergency 41041  
planning, community right-to-know, and toxic chemical release 41042  
reporting; the cessation of chemical handling operations; the 41043  
prevention, control, and abatement of air and water pollution; 41044  
public water supply; comprehensive water resource management 41045  
planning; products that contain mercury as defined in section 41046  
3734.61 of the Revised Code; and the disposal and treatment of 41047  
solid wastes, infectious wastes, construction and demolition 41048  
debris, hazardous waste, sewage, industrial waste, and other 41049  
wastes. The director may do all of the following: 41050

(A) Provide such methods of administration, appoint such 41051  
personnel, make such reports, and take such other action as may be 41052  
necessary to comply with the requirements of the federal laws and 41053  
regulations pertaining to chemical emergency planning, community 41054  
right-to-know, and toxic chemical release reporting; air and water 41055  
pollution control; public water supply; water resource planning; 41056  
and waste disposal and treatment; 41057

(B) Procure by contract the temporary or intermittent 41058  
services of experts or consultants, or organizations thereof, when 41059  
those services are to be performed on a part-time or 41060

fee-for-service basis and do not involve the performance of 41061  
administrative duties; 41062

(C) Advise, consult, cooperate, and enter into contracts or 41063  
agreements, including consensual administrative order agreements, 41064  
with any other agencies of the state, the federal government, 41065  
other states, ~~and~~ interstate agencies, and persons and with 41066  
affected groups, political subdivisions, and industries in 41067  
furtherance of the purposes of this chapter and Chapters 3704., 41068  
3714., 3734., 3751., 3752., 6109., and 6111. of the Revised Code; 41069

(D) Establish advisory boards in accordance with section 41070  
121.13 of the Revised Code; 41071

(E) Accept on behalf of the state any grant, gift, or 41072  
contribution made for toxic chemical release reporting, air or 41073  
water pollution control, public water supply, water resource 41074  
planning, waste disposal or treatment, or related purposes, and 41075  
expend it for those purposes; 41076

(F) Make an annual report to the governor and the general 41077  
assembly on activities and expenditures as well as recommendations 41078  
for such additional legislation as the director considers 41079  
appropriate to carry out the director's duties or accomplish the 41080  
purposes of this section; 41081

(G) Enter into environmental covenants in accordance with 41082  
sections 5301.80 to 5301.92 of the Revised Code, and grant or 41083  
accept easements or sell real property pursuant to section 41084  
3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code, as 41085  
applicable. 41086

The agency shall utilize the laboratory facilities of the 41087  
department of health and other state institutions and agencies to 41088  
the maximum extent that the utilization is practicable, 41089  
economical, and technically satisfactory. 41090

The director shall maintain and keep available for public 41091

inspection, at the director's principal office, a current register 41092  
of all applications filed for permits, leases, licenses, 41093  
variances, certificates, and approval of plans and specifications 41094  
and of publicly owned treatment works pretreatment programs under 41095  
the director's jurisdiction, hearings pending, the director's 41096  
final action thereon, and the dates on which the filings, 41097  
hearings, and final actions occur. The director shall maintain and 41098  
keep available for public inspection at the director's principal 41099  
office all plans, reports, and other documents required to be 41100  
filed with the emergency response commission under Chapter 3750. 41101  
of the Revised Code and rules adopted under it, and all reports 41102  
and other documents required to be filed with the director under 41103  
Chapter 3751. of the Revised Code and rules adopted under it, 41104  
subject to the requirements of those chapters and rules adopted 41105  
under them for the protection of trade secrets and confidential 41106  
business information from disclosure to persons not authorized 41107  
under those laws to receive trade secret or confidential business 41108  
information. 41109

**Sec. 3745.05.** (A) In hearing the appeal, if an adjudication 41110  
hearing was conducted by the director of environmental protection 41111  
in accordance with sections 119.09 and 119.10 of the Revised Code 41112  
or conducted by a board of health, the environmental review 41113  
appeals commission is confined to the record as certified to it by 41114  
the director or the board of health, as applicable. The commission 41115  
may grant a request for the admission of additional evidence when 41116  
satisfied that such additional evidence is newly discovered and 41117  
could not with reasonable diligence have been ascertained prior to 41118  
the hearing before the director or the board, as applicable. If no 41119  
adjudication hearing was conducted in accordance with sections 41120  
119.09 and 119.10 of the Revised Code or conducted by a board of 41121  
health, the commission shall conduct a hearing de novo on the 41122  
appeal. 41123

For the purpose of conducting a de novo hearing, or where the commission has granted a request for the admission of additional evidence, the commission may require the attendance of witnesses and the production of written or printed materials.

When conducting a de novo hearing, or when a request for the admission of additional evidence has been granted, the commission may, and at the request of any party it shall, issue subpoenas for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the inquiry directed to the sheriff of the counties where the witnesses or documents or records are found, which subpoenas shall be served and returned in the same manner as those allowed by the court of common pleas in criminal cases.

(B) The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. The fee and mileage expenses incurred at the request of the appellant shall be paid in advance by the appellant, and the remainder of the expenses shall be paid out of funds appropriated for the expenses of the commission.

(C) In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

(D) A witness at any hearing shall testify under oath or affirmation, which any member of the commission may administer. A witness, if the witness requests, shall be permitted to be

accompanied, represented, and advised by an attorney, whose 41156  
participation in the hearing shall be limited to the protection of 41157  
the rights of the witness, and who may not examine or 41158  
cross-examine witnesses. A witness shall be advised of the right 41159  
to counsel before the witness is interrogated. 41160

(E) A ~~stenographic~~ record of the testimony and other evidence 41161  
submitted shall be taken by an official court ~~shorthand~~ reporter. 41162  
The record shall include all of the testimony and other evidence 41163  
and the rulings on the admissibility thereof presented at the 41164  
hearing. The commission shall pass upon the admissibility of 41165  
evidence, but any party may at the time object to the admission of 41166  
any evidence and except to the rulings of the commission thereon, 41167  
and if the commission refuses to admit evidence the party offering 41168  
same may make a proffer thereof, and such proffer shall be made a 41169  
part of the record of such hearing. 41170

Any party may request the ~~stenographic~~ record of the hearing. 41171  
Promptly after receiving such a request, the commission shall 41172  
prepare and provide the ~~stenographic~~ record of the hearing to the 41173  
party who requested it. The commission may charge a fee to the 41174  
party who requested the ~~stenographic~~ record that does not exceed 41175  
the cost to the commission for preparing and transcribing or 41176  
transmitting it. 41177

(F) If, upon completion of the hearing, the commission finds 41178  
that the action appealed from was lawful and reasonable, it shall 41179  
make a written order affirming the action, or if the commission 41180  
finds that the action was unreasonable or unlawful, it shall make 41181  
a written order vacating or modifying the action appealed from. 41182

The commission shall issue a written order affirming, 41183  
vacating, or modifying an action pursuant to the following 41184  
schedule: 41185

(1) For an appeal that was filed with the commission before 41186

April 15, 2008, the commission shall issue a written order not 41187  
later than December 15, 2009. 41188

(2) For all other appeals that have been filed with the 41189  
commission as of October 15, 2009, the commission shall issue a 41190  
written order not later than July 15, 2010. 41191

(3) For an appeal that is filed with the commission after 41192  
October 15, 2009, the commission shall issue a written order not 41193  
later than twelve months after the filing of the appeal with the 41194  
commission. 41195

(G) Every order made by the commission shall contain a 41196  
written finding by the commission of the facts upon which the 41197  
order is based. Notice of the making of the order shall be given 41198  
forthwith to each party to the appeal by mailing a certified copy 41199  
thereof to each party by certified mail, with a statement of the 41200  
time and method by which an appeal may be perfected. 41201

(H) The order of the commission is final unless vacated or 41202  
modified upon judicial review. 41203

**Sec. 3745.11.** (A) Applicants for and holders of permits, 41204  
licenses, variances, plan approvals, and certifications issued by 41205  
the director of environmental protection pursuant to Chapters 41206  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 41207  
to the environmental protection agency for each such issuance and 41208  
each application for an issuance as provided by this section. No 41209  
fee shall be charged for any issuance for which no application has 41210  
been submitted to the director. 41211

(B) ~~Each person who is issued a permit to install prior to 41212  
July 1, 2003, pursuant to rules adopted under division (F) of 41213  
section 3704.03 of the Revised Code shall pay the fees specified 41214  
in the following schedules:~~ 41215

~~(1) Fuel burning equipment (boilers) 41216~~



|                                                                               |                              |       |
|-------------------------------------------------------------------------------|------------------------------|-------|
| <del>Input capacity (maximum)</del>                                           |                              | 41217 |
| <del>(million British thermal units per hour)</del>                           | <del>Permit to install</del> | 41218 |
| <del>Greater than 0, but less than 10</del>                                   | <del>\$ 200</del>            | 41219 |
| <del>10 or more, but less than 100</del>                                      | <del>400</del>               | 41220 |
| <del>100 or more, but less than 300</del>                                     | <del>800</del>               | 41221 |
| <del>300 or more, but less than 500</del>                                     | <del>1500</del>              | 41222 |
| <del>500 or more, but less than 1000</del>                                    | <del>2500</del>              | 41223 |
| <del>1000 or more, but less than 5000</del>                                   | <del>4000</del>              | 41224 |
| <del>5000 or more</del>                                                       | <del>6000</del>              | 41225 |
| <del>Units burning exclusively natural gas, number two fuel oil,</del>        |                              | 41226 |
| <del>or both shall be assessed a fee that is one half of the applicable</del> |                              | 41227 |
| <del>amount established in division (F)(1) of this section.</del>             |                              | 41228 |
| <del>(2) Incinerators</del>                                                   |                              | 41229 |
| <del>Input capacity (pounds per hour)</del>                                   | <del>Permit to install</del> | 41230 |
| <del>0 to 100</del>                                                           | <del>\$ 100</del>            | 41231 |
| <del>101 to 500</del>                                                         | <del>400</del>               | 41232 |
| <del>501 to 2000</del>                                                        | <del>750</del>               | 41233 |
| <del>2001 to 20,000</del>                                                     | <del>1000</del>              | 41234 |
| <del>more than 20,000</del>                                                   | <del>2500</del>              | 41235 |
| <del>(3)(a) Process</del>                                                     |                              | 41236 |
| <del>Process weight rate (pounds per hour)</del>                              | <del>Permit to install</del> | 41237 |
| <del>0 to 1000</del>                                                          | <del>\$ 200</del>            | 41238 |
| <del>1001 to 5000</del>                                                       | <del>400</del>               | 41239 |
| <del>5001 to 10,000</del>                                                     | <del>600</del>               | 41240 |
| <del>10,001 to 50,000</del>                                                   | <del>800</del>               | 41241 |
| <del>more than 50,000</del>                                                   | <del>1000</del>              | 41242 |
| <del>In any process where process weight rate cannot be</del>                 |                              | 41243 |
| <del>ascertained, the minimum fee shall be assessed.</del>                    |                              | 41244 |
| <del>(b) Notwithstanding division (B)(3)(a) of this section, any</del>        |                              | 41245 |
| <del>person issued a permit to install pursuant to rules adopted under</del>  |                              | 41246 |
| <del>division (F) of section 3704.03 of the Revised Code shall pay the</del>  |                              | 41247 |
| <del>fees established in division (B)(3)(c) of this section for a</del>       |                              | 41248 |

|                                                                              |                              |       |
|------------------------------------------------------------------------------|------------------------------|-------|
| <del>process used in any of the following industries, as identified by</del> |                              | 41249 |
| <del>the applicable four digit standard industrial classification code</del> |                              | 41250 |
| <del>according to the Standard Industrial Classification Manual</del>        |                              | 41251 |
| <del>published by the United States office of management and budget in</del> |                              | 41252 |
| <del>the executive office of the president, 1972, as revised:</del>          |                              | 41253 |
| <del>1211 Bituminous coal and lignite mining;</del>                          |                              | 41254 |
| <del>1213 Bituminous coal and lignite mining services;</del>                 |                              | 41255 |
| <del>1411 Dimension stone;</del>                                             |                              | 41256 |
| <del>1422 Crushed and broken limestone;</del>                                |                              | 41257 |
| <del>1427 Crushed and broken stone, not elsewhere classified;</del>          |                              | 41258 |
| <del>1442 Construction sand and gravel;</del>                                |                              | 41259 |
| <del>1446 Industrial sand;</del>                                             |                              | 41260 |
| <del>3281 Cut stone and stone products;</del>                                |                              | 41261 |
| <del>3295 Minerals and earth, ground or otherwise treated.</del>             |                              | 41262 |
| <del>(c) The fees established in the following schedule apply to</del>       |                              | 41263 |
| <del>the issuance of a permit to install pursuant to rules adopted</del>     |                              | 41264 |
| <del>under division (F) of section 3704.03 of the Revised Code for a</del>   |                              | 41265 |
| <del>process listed in division (B)(3)(b) of this section:</del>             |                              | 41266 |
| <del>Process weight rate (pounds per hour)</del>                             | <del>Permit to install</del> | 41267 |
| <del>0 to 1000</del>                                                         | <del>\$ 200</del>            | 41268 |
| <del>10,001 to 50,000</del>                                                  | <del>300</del>               | 41269 |
| <del>50,001 to 100,000</del>                                                 | <del>400</del>               | 41270 |
| <del>100,001 to 200,000</del>                                                | <del>500</del>               | 41271 |
| <del>200,001 to 400,000</del>                                                | <del>600</del>               | 41272 |
| <del>400,001 or more</del>                                                   | <del>700</del>               | 41273 |
| <del>(4) Storage tanks</del>                                                 |                              | 41274 |
| <del>Gallons (maximum useful capacity)</del>                                 | <del>Permit to install</del> | 41275 |
| <del>0 to 20,000</del>                                                       | <del>\$ 100</del>            | 41276 |
| <del>20,001 to 40,000</del>                                                  | <del>150</del>               | 41277 |

|                                                                                                                                                                                                                                                                                                                                    |                              |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------|
| <del>40,001 to 100,000</del>                                                                                                                                                                                                                                                                                                       | <del>200</del>               | 41278 |
| <del>100,001 to 250,000</del>                                                                                                                                                                                                                                                                                                      | <del>250</del>               | 41279 |
| <del>250,001 to 500,000</del>                                                                                                                                                                                                                                                                                                      | <del>350</del>               | 41280 |
| <del>500,001 to 1,000,000</del>                                                                                                                                                                                                                                                                                                    | <del>500</del>               | 41281 |
| <del>1,000,001 or greater</del>                                                                                                                                                                                                                                                                                                    | <del>750</del>               | 41282 |
| <del>(5) Gasoline/fuel dispensing facilities</del>                                                                                                                                                                                                                                                                                 |                              | 41283 |
| <del>For each gasoline/fuel dispensing facility</del>                                                                                                                                                                                                                                                                              | <del>Permit to install</del> | 41284 |
|                                                                                                                                                                                                                                                                                                                                    | <del>\$ 100</del>            | 41285 |
| <del>(6) Dry cleaning facilities</del>                                                                                                                                                                                                                                                                                             |                              | 41286 |
| <del>For each dry cleaning facility</del>                                                                                                                                                                                                                                                                                          | <del>Permit to install</del> | 41287 |
| <del>(includes all units at the facility)</del>                                                                                                                                                                                                                                                                                    | <del>\$ 100</del>            | 41288 |
| <del>(7) Registration status</del>                                                                                                                                                                                                                                                                                                 |                              | 41289 |
| <del>For each source covered by registration status</del>                                                                                                                                                                                                                                                                          | <del>Permit to install</del> | 41290 |
|                                                                                                                                                                                                                                                                                                                                    | <del>\$ 75</del>             | 41291 |
| <del>(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in <u>this</u> division</del> |                              | 41292 |
| <del>(C)(1) of this section. For the purposes of <del>that</del> <u>this</u> division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.</del>                             |                              | 41293 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41294 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41295 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41296 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41297 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41298 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41299 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41300 |
| The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:                                                                                                                    |                              | 41301 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41302 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41303 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41304 |
| <del>(a)(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;</del>                                                                                                                                |                              | 41305 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41306 |
|                                                                                                                                                                                                                                                                                                                                    |                              | 41307 |
| <del>(b)(2) Twenty dollars per ton on the total actual emissions</del>                                                                                                                                                                                                                                                             |                              | 41308 |

of each such regulated pollutant during calendar year 1994, to be 41309  
collected no sooner than April 15, 1995; 41310

~~(e)~~(3) Twenty-five dollars per ton on the total actual 41311  
emissions of each such regulated pollutant in calendar year 1995, 41312  
and each subsequent calendar year, to be collected no sooner than 41313  
the fifteenth day of April of the year next succeeding the 41314  
calendar year in which the emissions occurred. 41315

The fees levied under this division ~~(C)(1)~~ of ~~this section~~ do 41316  
not apply to that portion of the emissions of a regulated 41317  
pollutant at a facility that exceed four thousand tons during a 41318  
calendar year. 41319

~~(2)~~(C)(1) The fees assessed under division ~~(C)(1)~~(B) of this 41320  
section are for the purpose of providing funding for the Title V 41321  
permit program. 41322

~~(3)~~(2) The fees assessed under division ~~(C)(1)~~(B) of this 41323  
section do not apply to emissions from any electric generating 41324  
unit designated as a Phase I unit under Title IV of the federal 41325  
Clean Air Act prior to calendar year 2000. Those fees shall be 41326  
assessed on the emissions from such a generating unit commencing 41327  
in calendar year 2001 based upon the total actual emissions from 41328  
the generating unit during calendar year 2000 and shall continue 41329  
to be assessed each subsequent calendar year based on the total 41330  
actual emissions from the generating unit during the preceding 41331  
calendar year. 41332

~~(4)~~(3) The director shall issue invoices to owners or 41333  
operators of air contaminant sources who are required to pay a fee 41334  
assessed under division ~~(C)~~(B) or (D) of this section. Any such 41335  
invoice shall be issued no sooner than the applicable date when 41336  
the fee first may be collected in a year under the applicable 41337  
division, shall identify the nature and amount of the fee 41338  
assessed, and shall indicate that the fee is required to be paid 41339

within thirty days after the issuance of the invoice. 41340

(D)(1) Except as provided in division (D)(3) of this section, 41341  
from January 1, 1994, through December 31, 2003, each person who 41342  
owns or operates an air contaminant source; who is required to 41343  
apply for a permit to operate pursuant to rules adopted under 41344  
division (G), or a variance pursuant to division (H), of section 41345  
3704.03 of the Revised Code; and who is not required to apply for 41346  
and obtain a Title V permit under section 3704.036 of the Revised 41347  
Code shall pay a single fee based upon the sum of the actual 41348  
annual emissions from the facility of the regulated pollutants 41349  
particulate matter, sulfur dioxide, nitrogen oxides, organic 41350  
compounds, and lead in accordance with the following schedule: 41351

| Total tons per year<br>of regulated pollutants<br>emitted | Annual fee<br>per facility |       |
|-----------------------------------------------------------|----------------------------|-------|
| More than 0, but less than 50                             | \$ 75                      | 41355 |
| 50 or more, but less than 100                             | 300                        | 41356 |
| 100 or more                                               | 700                        | 41357 |

(2) Except as provided in division (D)(3) of this section, 41358  
beginning January 1, 2004, each person who owns or operates an air 41359  
contaminant source; who is required to apply for a permit to 41360  
operate pursuant to rules adopted under division (G), or a 41361  
variance pursuant to division (H), of section 3704.03 of the 41362  
Revised Code; and who is not required to apply for and obtain a 41363  
Title V permit under section 3704.03 of the Revised Code shall pay 41364  
a single fee based upon the sum of the actual annual emissions 41365  
from the facility of the regulated pollutants particulate matter, 41366  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 41367  
accordance with the following schedule: 41368

| Total tons per year<br>of regulated pollutants<br>emitted | Annual fee<br>per facility |       |
|-----------------------------------------------------------|----------------------------|-------|
|                                                           |                            | 41369 |
|                                                           |                            | 41370 |
|                                                           |                            | 41371 |

|                               |        |       |
|-------------------------------|--------|-------|
| More than 0, but less than 10 | \$ 100 | 41372 |
| 10 or more, but less than 50  | 200    | 41373 |
| 50 or more, but less than 100 | 300    | 41374 |
| 100 or more                   | 700    | 41375 |

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, 2014, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

| Combined total tons per year of all regulated pollutants emitted | Annual fee per facility |       |
|------------------------------------------------------------------|-------------------------|-------|
| Less than 10                                                     | \$ 170                  | 41389 |
| 10 or more, but less than 20                                     | 340                     | 41390 |
| 20 or more, but less than 30                                     | 670                     | 41391 |
| 30 or more, but less than 40                                     | 1,010                   | 41392 |
| 40 or more, but less than 50                                     | 1,340                   | 41393 |
| 50 or more, but less than 60                                     | 1,680                   | 41394 |
| 60 or more, but less than 70                                     | 2,010                   | 41395 |
| 70 or more, but less than 80                                     | 2,350                   | 41396 |
| 80 or more, but less than 90                                     | 2,680                   | 41397 |
| 90 or more, but less than 100                                    | 3,020                   | 41398 |
| 100 or more                                                      | 3,350                   | 41399 |

(4) The fees assessed under division (D)(1) of this section 41400

shall be collected annually no sooner than the fifteenth day of 41404  
April, commencing in 1995. The fees assessed under division (D)(2) 41405  
of this section shall be collected annually no sooner than the 41406  
fifteenth day of April, commencing in 2005. The fees assessed 41407  
under division (D)(3) of this section shall be collected no sooner 41408  
than the fifteenth day of April, commencing in 2000. The fees 41409  
assessed under division (D) of this section in a calendar year 41410  
shall be based upon the sum of the actual emissions of those 41411  
regulated pollutants during the preceding calendar year. For the 41412  
purpose of division (D) of this section, emissions of air 41413  
contaminants may be calculated using engineering calculations, 41414  
emission factors, material balance calculations, or performance 41415  
testing procedures, as authorized by the director. The director, 41416  
by rule, may require persons who are required to pay the fees 41417  
assessed under division (D) of this section to pay those fees 41418  
biennially rather than annually. 41419

(E)(1) Consistent with the need to cover the reasonable costs 41420  
of the Title V permit program, the director annually shall 41421  
increase the fees prescribed in division ~~(C)(1)~~(B) of this section 41422  
by the percentage, if any, by which the consumer price index for 41423  
the most recent calendar year ending before the beginning of a 41424  
year exceeds the consumer price index for calendar year 1989. Upon 41425  
calculating an increase in fees authorized by division (E)(1) of 41426  
this section, the director shall compile revised fee schedules for 41427  
the purposes of division ~~(C)(1)~~(B) of this section and shall make 41428  
the revised schedules available to persons required to pay the 41429  
fees assessed under that division and to the public. 41430

(2) For the purposes of division (E)(1) of this section: 41431

(a) The consumer price index for any year is the average of 41432  
the consumer price index for all urban consumers published by the 41433  
United States department of labor as of the close of the 41434  
twelve-month period ending on the thirty-first day of August of 41435

that year. 41436

(b) If the 1989 consumer price index is revised, the director 41437  
shall use the revision of the consumer price index that is most 41438  
consistent with that for calendar year 1989. 41439

(F) Each person who is issued a permit to install pursuant to 41440  
rules adopted under division (F) of section 3704.03 of the Revised 41441  
Code on or after July 1, 2003, shall pay the fees specified in the 41442  
following schedules: 41443

(1) Fuel-burning equipment (boilers, furnaces, or process 41444  
heaters used in the process of burning fuel for the primary 41445  
purpose of producing heat or power by indirect heat transfer) 41446  
Input capacity (maximum) 41447  
(million British thermal units per hour) Permit to install 41448

|                                  |        |       |
|----------------------------------|--------|-------|
| Greater than 0, but less than 10 | \$ 200 | 41449 |
| 10 or more, but less than 100    | 400    | 41450 |
| 100 or more, but less than 300   | 1000   | 41451 |
| 300 or more, but less than 500   | 2250   | 41452 |
| 500 or more, but less than 1000  | 3750   | 41453 |
| 1000 or more, but less than 5000 | 6000   | 41454 |
| 5000 or more                     | 9000   | 41455 |

Units burning exclusively natural gas, number two fuel oil, 41456  
or both shall be assessed a fee that is one-half the applicable 41457  
amount shown in division (F)(1) of this section. 41458

(2) Combustion turbines and stationary internal combustion 41459  
engines designed to generate electricity 41460  
Generating capacity (mega watts) Permit to install 41461

|                                |       |       |
|--------------------------------|-------|-------|
| 0 or more, but less than 10    | \$ 25 | 41462 |
| 10 or more, but less than 25   | 150   | 41463 |
| 25 or more, but less than 50   | 300   | 41464 |
| 50 or more, but less than 100  | 500   | 41465 |
| 100 or more, but less than 250 | 1000  | 41466 |



|                                                                    |                   |       |
|--------------------------------------------------------------------|-------------------|-------|
| 250 or more                                                        | 2000              | 41467 |
| (3) Incinerators                                                   |                   | 41468 |
| Input capacity (pounds per hour)                                   | Permit to install | 41469 |
| 0 to 100                                                           | \$ 100            | 41470 |
| 101 to 500                                                         | 500               | 41471 |
| 501 to 2000                                                        | 1000              | 41472 |
| 2001 to 20,000                                                     | 1500              | 41473 |
| more than 20,000                                                   | 3750              | 41474 |
| (4)(a) Process                                                     |                   | 41475 |
| Process weight rate (pounds per hour)                              | Permit to install | 41476 |
| 0 to 1000                                                          | \$ 200            | 41477 |
| 1001 to 5000                                                       | 500               | 41478 |
| 5001 to 10,000                                                     | 750               | 41479 |
| 10,001 to 50,000                                                   | 1000              | 41480 |
| more than 50,000                                                   | 1250              | 41481 |
| In any process where process weight rate cannot be                 |                   | 41482 |
| ascertained, the minimum fee shall be assessed. A boiler, furnace, |                   | 41483 |
| combustion turbine, stationary internal combustion engine, or      |                   | 41484 |
| process heater designed to provide direct heat or power to a       |                   | 41485 |
| process not designed to generate electricity shall be assessed a   |                   | 41486 |
| fee established in division (F)(4)(a) of this section. A           |                   | 41487 |
| combustion turbine or stationary internal combustion engine        |                   | 41488 |
| designed to generate electricity shall be assessed a fee           |                   | 41489 |
| established in division (F)(2) of this section.                    |                   | 41490 |
| (b) Notwithstanding division (F)(4)(a) of this section, any        |                   | 41491 |
| person issued a permit to install pursuant to rules adopted under  |                   | 41492 |
| division (F) of section 3704.03 of the Revised Code shall pay the  |                   | 41493 |
| fees set forth in division (F)(4)(c) of this section for a process |                   | 41494 |
| used in any of the following industries, as identified by the      |                   | 41495 |
| applicable two-digit, three-digit, or four-digit standard          |                   | 41496 |
| industrial classification code according to the Standard           |                   | 41497 |
| Industrial Classification Manual published by the United States    |                   | 41498 |

|                                                                   |                   |       |
|-------------------------------------------------------------------|-------------------|-------|
| office of management and budget in the executive office of the    |                   | 41499 |
| president, 1987, as revised:                                      |                   | 41500 |
| Major group 10, metal mining;                                     |                   | 41501 |
| Major group 12, coal mining;                                      |                   | 41502 |
| Major group 14, mining and quarrying of nonmetallic minerals;     |                   | 41503 |
| Industry group 204, grain mill products;                          |                   | 41504 |
| 2873 Nitrogen fertilizers;                                        |                   | 41505 |
| 2874 Phosphatic fertilizers;                                      |                   | 41506 |
| 3281 Cut stone and stone products;                                |                   | 41507 |
| 3295 Minerals and earth, ground or otherwise treated;             |                   | 41508 |
| 4221 Grain elevators (storage only);                              |                   | 41509 |
| 5159 Farm related raw materials;                                  |                   | 41510 |
| 5261 Retail nurseries and lawn and garden supply stores.          |                   | 41511 |
| (c) The fees set forth in the following schedule apply to the     |                   | 41512 |
| issuance of a permit to install pursuant to rules adopted under   |                   | 41513 |
| division (F) of section 3704.03 of the Revised Code for a process |                   | 41514 |
| identified in division (F)(4)(b) of this section:                 |                   | 41515 |
| Process weight rate (pounds per                                   | Permit to install | 41516 |
| hour)                                                             |                   |       |
| 0 to 10,000                                                       | \$ 200            | 41517 |
| 10,001 to 50,000                                                  | 400               | 41518 |
| 50,001 to 100,000                                                 | 500               | 41519 |
| 100,001 to 200,000                                                | 600               | 41520 |
| 200,001 to 400,000                                                | 750               | 41521 |
| 400,001 or more                                                   | 900               | 41522 |
| (5) Storage tanks                                                 |                   | 41523 |
| Gallons (maximum useful capacity)                                 | Permit to install | 41524 |
| 0 to 20,000                                                       | \$ 100            | 41525 |
| 20,001 to 40,000                                                  | 150               | 41526 |

|                                                                    |                   |       |
|--------------------------------------------------------------------|-------------------|-------|
| 40,001 to 100,000                                                  | 250               | 41527 |
| 100,001 to 500,000                                                 | 400               | 41528 |
| 500,001 or greater                                                 | 750               | 41529 |
| (6) Gasoline/fuel dispensing facilities                            |                   | 41530 |
| For each gasoline/fuel                                             |                   | 41531 |
| dispensing facility (includes all                                  | Permit to install | 41532 |
| units at the facility)                                             | \$ 100            | 41533 |
| (7) Dry cleaning facilities                                        |                   | 41534 |
| For each dry cleaning                                              |                   | 41535 |
| facility (includes all units                                       | Permit to install | 41536 |
| at the facility)                                                   | \$ 100            | 41537 |
| (8) Registration status                                            |                   | 41538 |
| For each source covered                                            |                   | 41539 |
| by registration status                                             | \$ 75             | 41540 |
| (G) An owner or operator who is responsible for an asbestos        |                   | 41541 |
| demolition or renovation project pursuant to rules adopted under   |                   | 41542 |
| section 3704.03 of the Revised Code shall pay the fees set forth   |                   | 41543 |
| in the following schedule:                                         |                   | 41544 |
| Action                                                             | Fee               | 41545 |
| Each notification                                                  | \$75              | 41546 |
| Asbestos removal                                                   | \$3/unit          | 41547 |
| Asbestos cleanup                                                   | \$4/cubic yard    | 41548 |
| For purposes of this division, "unit" means any combination of     |                   | 41549 |
| linear feet or square feet equal to fifty.                         |                   | 41550 |
| (H) A person who is issued an extension of time for a permit       |                   | 41551 |
| to install an air contaminant source pursuant to rules adopted     |                   | 41552 |
| under division (F) of section 3704.03 of the Revised Code shall    |                   | 41553 |
| pay a fee equal to one-half the fee originally assessed for the    |                   | 41554 |
| permit to install under this section, except that the fee for such |                   | 41555 |
| an extension shall not exceed two hundred dollars.                 |                   | 41556 |
| (I) A person who is issued a modification to a permit to           |                   | 41557 |

install an air contaminant source pursuant to rules adopted under 41558  
section 3704.03 of the Revised Code shall pay a fee equal to 41559  
one-half of the fee that would be assessed under this section to 41560  
obtain a permit to install the source. The fee assessed by this 41561  
division only applies to modifications that are initiated by the 41562  
owner or operator of the source and shall not exceed two thousand 41563  
dollars. 41564

(J) Notwithstanding division ~~(B)~~ or (F) of this section, a 41565  
person who applies for or obtains a permit to install pursuant to 41566  
rules adopted under division (F) of section 3704.03 of the Revised 41567  
Code after the date actual construction of the source began shall 41568  
pay a fee for the permit to install that is equal to twice the fee 41569  
that otherwise would be assessed under the applicable division 41570  
unless the applicant received authorization to begin construction 41571  
under division (W) of section 3704.03 of the Revised Code. This 41572  
division only applies to sources for which actual construction of 41573  
the source begins on or after July 1, 1993. The imposition or 41574  
payment of the fee established in this division does not preclude 41575  
the director from taking any administrative or judicial 41576  
enforcement action under this chapter, Chapter 3704., 3714., 41577  
3734., or 6111. of the Revised Code, or a rule adopted under any 41578  
of them, in connection with a violation of rules adopted under 41579  
division (F) of section 3704.03 of the Revised Code. 41580

As used in this division, "actual construction of the source" 41581  
means the initiation of physical on-site construction activities 41582  
in connection with improvements to the source that are permanent 41583  
in nature, including, without limitation, the installation of 41584  
building supports and foundations and the laying of underground 41585  
pipework. 41586

(K) Fifty (1) Money received under division (B) of this 41587  
section shall be deposited in the state treasury to the credit of 41588  
the Title V clean air fund created in section 3704.035 of the 41589

Revised Code. Annually, fifty cents per ton of each fee assessed 41590  
under division ~~(C)~~(B) of this section on actual emissions from a 41591  
source and received by the environmental protection agency 41592  
pursuant to that division shall be ~~deposited into~~ transferred 41593  
using an interstate transfer voucher to the state treasury to the 41594  
credit of the small business assistance fund created in section 41595  
3706.19 of the Revised Code. ~~The remainder of the moneys~~ In 41596  
addition, annually, the amount of money necessary for the 41597  
operation of the office of ombudsperson as determined under 41598  
division (B) of that section shall be transferred to the state 41599  
treasury to the credit of the small business ombudsperson fund 41600  
created by that section. 41601

(2) Money received by the ~~division pursuant to that division~~ 41602  
and moneys received by the agency pursuant to divisions (D), (F), 41603  
(G), (H), (I), and (J) of this section shall be deposited in the 41604  
state treasury to the credit of the non-Title V clean air fund 41605  
created in section 3704.035 of the Revised Code. 41606

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 41607  
or (c) of this section, a person issued a water discharge permit 41608  
or renewal of a water discharge permit pursuant to Chapter 6111. 41609  
of the Revised Code shall pay a fee based on each point source to 41610  
which the issuance is applicable in accordance with the following 41611  
schedule: 41612

| Design flow discharge (gallons per day) | Fee  |       |
|-----------------------------------------|------|-------|
| 0 to 1000                               | \$ 0 | 41614 |
| 1,001 to 5000                           | 100  | 41615 |
| 5,001 to 50,000                         | 200  | 41616 |
| 50,001 to 100,000                       | 300  | 41617 |
| 100,001 to 300,000                      | 525  | 41618 |
| over 300,000                            | 750  | 41619 |

(b) Notwithstanding the fee schedule specified in division 41620  
(L)(1)(a) of this section, the fee for a water discharge permit 41621

that is applicable to coal mining operations regulated under 41622  
Chapter 1513. of the Revised Code shall be two hundred fifty 41623  
dollars per mine. 41624

(c) Notwithstanding the fee schedule specified in division 41625  
(L)(1)(a) of this section, the fee for a water discharge permit 41626  
for a public discharger identified by I in the third character of 41627  
the permittee's NPDES permit number shall not exceed seven hundred 41628  
fifty dollars. 41629

(2) A person applying for a plan approval for a wastewater 41630  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 41631  
of the Revised Code shall pay a fee of one hundred dollars plus 41632  
sixty-five one-hundredths of one per cent of the estimated project 41633  
cost through June 30, 2014, and one hundred dollars plus 41634  
two-tenths of one per cent of the estimated project cost on and 41635  
after July 1, 2014, except that the total fee shall not exceed 41636  
fifteen thousand dollars through June 30, 2014, and five thousand 41637  
dollars on and after July 1, 2014. The fee shall be paid at the 41638  
time the application is submitted. 41639

(3) A person issued a modification of a water discharge 41640  
permit shall pay a fee equal to one-half the fee that otherwise 41641  
would be charged for a water discharge permit, except that the fee 41642  
for the modification shall not exceed four hundred dollars. 41643

(4) A person who has entered into an agreement with the 41644  
director under section 6111.14 of the Revised Code shall pay an 41645  
administrative service fee for each plan submitted under that 41646  
section for approval that shall not exceed the minimum amount 41647  
necessary to pay administrative costs directly attributable to 41648  
processing plan approvals. The director annually shall calculate 41649  
the fee and shall notify all persons who have entered into 41650  
agreements under that section, or who have applied for agreements, 41651  
of the amount of the fee. 41652

(5)(a)(i) Not later than January 30, 2012, and January 30, 41653  
2013, a person holding an NPDES discharge permit issued pursuant 41654  
to Chapter 6111. of the Revised Code with an average daily 41655  
discharge flow of five thousand gallons or more shall pay a 41656  
nonrefundable annual discharge fee. Any person who fails to pay 41657  
the fee at that time shall pay an additional amount that equals 41658  
ten per cent of the required annual discharge fee. 41659

(ii) The billing year for the annual discharge fee 41660  
established in division (L)(5)(a)(i) of this section shall consist 41661  
of a twelve-month period beginning on the first day of January of 41662  
the year preceding the date when the annual discharge fee is due. 41663  
In the case of an existing source that permanently ceases to 41664  
discharge during a billing year, the director shall reduce the 41665  
annual discharge fee, including the surcharge applicable to 41666  
certain industrial facilities pursuant to division (L)(5)(c) of 41667  
this section, by one-twelfth for each full month during the 41668  
billing year that the source was not discharging, but only if the 41669  
person holding the NPDES discharge permit for the source notifies 41670  
the director in writing, not later than the first day of October 41671  
of the billing year, of the circumstances causing the cessation of 41672  
discharge. 41673

(iii) The annual discharge fee established in division 41674  
(L)(5)(a)(i) of this section, except for the surcharge applicable 41675  
to certain industrial facilities pursuant to division (L)(5)(c) of 41676  
this section, shall be based upon the average daily discharge flow 41677  
in gallons per day calculated using first day of May through 41678  
thirty-first day of October flow data for the period two years 41679  
prior to the date on which the fee is due. In the case of NPDES 41680  
discharge permits for new sources, the fee shall be calculated 41681  
using the average daily design flow of the facility until actual 41682  
average daily discharge flow values are available for the time 41683  
period specified in division (L)(5)(a)(iii) of this section. The 41684

annual discharge fee may be prorated for a new source as described 41685  
in division (L)(5)(a)(ii) of this section. 41686

(b) An NPDES permit holder that is a public discharger shall 41687  
pay the fee specified in the following schedule: 41688

| Average daily             | Fee due by       |       |
|---------------------------|------------------|-------|
| discharge flow            | January 30,      |       |
|                           | 2012, and        |       |
|                           | January 30, 2013 |       |
| 5,000 to 49,999           | \$ 200           | 41693 |
| 50,000 to 100,000         | 500              | 41694 |
| 100,001 to 250,000        | 1,050            | 41695 |
| 250,001 to 1,000,000      | 2,600            | 41696 |
| 1,000,001 to 5,000,000    | 5,200            | 41697 |
| 5,000,001 to 10,000,000   | 10,350           | 41698 |
| 10,000,001 to 20,000,000  | 15,550           | 41699 |
| 20,000,001 to 50,000,000  | 25,900           | 41700 |
| 50,000,001 to 100,000,000 | 41,400           | 41701 |
| 100,000,001 or more       | 62,100           | 41702 |

Public dischargers owning or operating two or more publicly 41703  
owned treatment works serving the same political subdivision, as 41704  
"treatment works" is defined in section 6111.01 of the Revised 41705  
Code, and that serve exclusively political subdivisions having a 41706  
population of fewer than one hundred thousand shall pay an annual 41707  
discharge fee under division (L)(5)(b) of this section that is 41708  
based on the combined average daily discharge flow of the 41709  
treatment works. 41710

(c) An NPDES permit holder that is an industrial discharger, 41711  
other than a coal mining operator identified by P in the third 41712  
character of the permittee's NPDES permit number, shall pay the 41713  
fee specified in the following schedule: 41714

| Average daily  | Fee due by  |  |
|----------------|-------------|--|
| discharge flow | January 30, |  |



|                            |                  |       |
|----------------------------|------------------|-------|
|                            | 2012, and        | 41717 |
|                            | January 30, 2013 | 41718 |
| 5,000 to 49,999            | \$ 250           | 41719 |
| 50,000 to 250,000          | 1,200            | 41720 |
| 250,001 to 1,000,000       | 2,950            | 41721 |
| 1,000,001 to 5,000,000     | 5,850            | 41722 |
| 5,000,001 to 10,000,000    | 8,800            | 41723 |
| 10,000,001 to 20,000,000   | 11,700           | 41724 |
| 20,000,001 to 100,000,000  | 14,050           | 41725 |
| 100,000,001 to 250,000,000 | 16,400           | 41726 |
| 250,000,001 or more        | 18,700           | 41727 |

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2012, and not later than January 30, 2013. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, 2012, and not later than January 30, 2013. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water

discharge fee of one hundred dollars per square mile of area 41749  
permitted. The fee shall not exceed ten thousand dollars and shall 41750  
be payable on or before January 30, 2004, and the thirtieth day of 41751  
January of each year thereafter. Any person who fails to pay the 41752  
fee on the date specified in division (L)(6) of this section shall 41753  
pay an additional amount per year equal to ten per cent of the 41754  
annual fee that is unpaid. 41755

(7) The director shall transmit all moneys collected under 41756  
division (L) of this section to the treasurer of state for deposit 41757  
into the state treasury to the credit of the surface water 41758  
protection fund created in section 6111.038 of the Revised Code. 41759

(8) As used in division (L) of this section: 41760

(a) "NPDES" means the federally approved national pollutant 41761  
discharge elimination system program for issuing, modifying, 41762  
revoking, reissuing, terminating, monitoring, and enforcing 41763  
permits and imposing and enforcing pretreatment requirements under 41764  
Chapter 6111. of the Revised Code and rules adopted under it. 41765

(b) "Public discharger" means any holder of an NPDES permit 41766  
identified by P in the second character of the NPDES permit number 41767  
assigned by the director. 41768

(c) "Industrial discharger" means any holder of an NPDES 41769  
permit identified by I in the second character of the NPDES permit 41770  
number assigned by the director. 41771

(d) "Major discharger" means any holder of an NPDES permit 41772  
classified as major by the regional administrator of the United 41773  
States environmental protection agency in conjunction with the 41774  
director. 41775

(M) Through June 30, 2014, a person applying for a license or 41776  
license renewal to operate a public water system under section 41777  
6109.21 of the Revised Code shall pay the appropriate fee 41778  
established under this division at the time of application to the 41779

director. Any person who fails to pay the fee at that time shall 41780  
pay an additional amount that equals ten per cent of the required 41781  
fee. The director shall transmit all moneys collected under this 41782  
division to the treasurer of state for deposit into the drinking 41783  
water protection fund created in section 6109.30 of the Revised 41784  
Code. 41785

Except as provided in division (M)(4) of this section, fees 41786  
required under this division shall be calculated and paid in 41787  
accordance with the following schedule: 41788

(1) For the initial license required under ~~division (A)(1) of~~ 41789  
section 6109.21 of the Revised Code for any public water system 41790  
that is a community water system as defined in section 6109.01 of 41791  
the Revised Code, and for each license renewal required for such a 41792  
system prior to January 31, 2014, the fee is: 41793

| Number of service connections | Fee amount                  |       |
|-------------------------------|-----------------------------|-------|
| Not more than 49              | \$ 112                      | 41795 |
| 50 to 99                      | 176                         | 41796 |
| Number of service connections | Average cost per connection |       |
| 100 to 2,499                  | \$ 1.92                     | 41798 |
| 2,500 to 4,999                | 1.48                        | 41799 |
| 5,000 to 7,499                | 1.42                        | 41800 |
| 7,500 to 9,999                | 1.34                        | 41801 |
| 10,000 to 14,999              | 1.16                        | 41802 |
| 15,000 to 24,999              | 1.10                        | 41803 |
| 25,000 to 49,999              | 1.04                        | 41804 |
| 50,000 to 99,999              | .92                         | 41805 |
| 100,000 to 149,999            | .86                         | 41806 |
| 150,000 to 199,999            | .80                         | 41807 |
| 200,000 or more               | .76                         | 41808 |

A public water system may determine how it will pay the total 41809  
amount of the fee calculated under division (M)(1) of this 41810  
section, including the assessment of additional user fees that may 41811

be assessed on a volumetric basis. 41812

As used in division (M)(1) of this section, "service 41813  
connection" means the number of active or inactive pipes, 41814  
goosenecks, pigtails, and any other fittings connecting a water 41815  
main to any building outlet. 41816

(2) For the initial license required under ~~division (A)(2)~~ of 41817  
section 6109.21 of the Revised Code for any public water system 41818  
that is not a community water system and serves a nontransient 41819  
population, and for each license renewal required for such a 41820  
system prior to January 31, 2014, the fee is: 41821

| Population served | Fee amount |       |
|-------------------|------------|-------|
| Fewer than 150    | \$ 112     | 41823 |
| 150 to 299        | 176        | 41824 |
| 300 to 749        | 384        | 41825 |
| 750 to 1,499      | 628        | 41826 |
| 1,500 to 2,999    | 1,268      | 41827 |
| 3,000 to 7,499    | 2,816      | 41828 |
| 7,500 to 14,999   | 5,510      | 41829 |
| 15,000 to 22,499  | 9,048      | 41830 |
| 22,500 to 29,999  | 12,430     | 41831 |
| 30,000 or more    | 16,820     | 41832 |

As used in division (M)(2) of this section, "population 41833  
served" means the total number of individuals having access to the 41834  
water supply during a twenty-four-hour period for at least sixty 41835  
days during any calendar year. In the absence of a specific 41836  
population count, that number shall be calculated at the rate of 41837  
three individuals per service connection. 41838

(3) For the initial license required under ~~division (A)(3)~~ of 41839  
section 6109.21 of the Revised Code for any public water system 41840  
that is not a community water system and serves a transient 41841  
population, and for each license renewal required for such a 41842  
system prior to January 31, 2014, the fee is: 41843

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------|
| Number of wells or sources, other than surface water, supplying system                                                                                                                                                                                                                                                                                                                                                                                            | Fee amount | 41844                                                                |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$112      | 41845                                                                |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 112        | 41846                                                                |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 176        | 41847                                                                |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 278        | 41848                                                                |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 568        | 41849                                                                |
| System designated as using a surface water source                                                                                                                                                                                                                                                                                                                                                                                                                 | 792        | 41850<br>41851                                                       |
| As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.                                                                                                                                                                                                                           |            | 41852<br>41853<br>41854<br>41855                                     |
| (4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.                                                                                                                                                                                                                                             |            | 41856<br>41857<br>41858<br>41859                                     |
| (N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, 2014, and fifteen thousand dollars on and after July 1, 2014. The fee shall be paid at the time the application is submitted. |            | 41860<br>41861<br>41862<br>41863<br>41864<br>41865<br>41866<br>41867 |
| (2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have             |            | 41868<br>41869<br>41870<br>41871<br>41872<br>41873<br>41874          |

entered into agreements under that division, or who have applied 41875  
for agreements, of the amount of the fee. 41876

(3) Through June 30, 2014, the following fee, on a per survey 41877  
basis, shall be charged any person for services rendered by the 41878  
state in the evaluation of laboratories and laboratory personnel 41879  
for compliance with accepted analytical techniques and procedures 41880  
established pursuant to Chapter 6109. of the Revised Code for 41881  
determining the qualitative characteristics of water: 41882

|                    |         |       |
|--------------------|---------|-------|
| microbiological    |         | 41883 |
| MMO-MUG            | \$2,000 | 41884 |
| MF                 | 2,100   | 41885 |
| MMO-MUG and MF     | 2,550   | 41886 |
| organic chemical   | 5,400   | 41887 |
| trace metals       | 5,400   | 41888 |
| standard chemistry | 2,800   | 41889 |
| limited chemistry  | 1,550   | 41890 |

On and after July 1, 2014, the following fee, on a per survey 41891  
basis, shall be charged any such person: 41892

|                    |          |       |
|--------------------|----------|-------|
| microbiological    | \$ 1,650 | 41893 |
| organic chemicals  | 3,500    | 41894 |
| trace metals       | 3,500    | 41895 |
| standard chemistry | 1,800    | 41896 |
| limited chemistry  | 1,000    | 41897 |

The fee for those services shall be paid at the time the request 41898  
for the survey is made. Through June 30, 2014, an individual 41899  
laboratory shall not be assessed a fee under this division more 41900  
than once in any three-year period unless the person requests the 41901  
addition of analytical methods or analysts, in which case the 41902  
person shall pay eighteen hundred dollars for each additional 41903  
survey requested. 41904

As used in division (N)(3) of this section: 41905

- (a) "MF" means microfiltration. 41906
- (b) "MMO" means minimal medium ONPG. 41907
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 41908
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 41909

The director shall transmit all moneys collected under this 41910  
division to the treasurer of state for deposit into the drinking 41911  
water protection fund created in section 6109.30 of the Revised 41912  
Code. 41913

(O) Any person applying to the director ~~for~~ to take an 41914  
examination for certification as an operator of a water supply 41915  
system or wastewater system under Chapter 6109. or 6111. of the 41916  
Revised Code that is administered by the director, at the time the 41917  
application is submitted, shall pay ~~an application fee of~~ 41918  
~~forty five dollars through November 30, 2014, and twenty five~~ 41919  
~~dollars on and after December 1, 2014. Upon approval from the~~ 41920  
~~director that the applicant is eligible to take the examination~~ 41921  
~~therefor, the applicant shall pay~~ a fee in accordance with the 41922  
following schedule through November 30, 2014: 41923

|                    |                           |       |
|--------------------|---------------------------|-------|
| Class A operator   | <del>\$35</del> <u>80</u> | 41924 |
| Class I operator   | <del>60</del> <u>105</u>  | 41925 |
| Class II operator  | <del>75</del> <u>120</u>  | 41926 |
| Class III operator | <del>85</del> <u>130</u>  | 41927 |
| Class IV operator  | <del>100</del> <u>145</u> | 41928 |

On and after December 1, 2014, the applicant shall pay a fee 41929  
in accordance with the following schedule: 41930

|                    |                           |       |
|--------------------|---------------------------|-------|
| Class A operator   | <del>\$25</del> <u>50</u> | 41931 |
| Class I operator   | <del>\$45</del> <u>70</u> | 41932 |
| Class II operator  | <del>55</del> <u>80</u>   | 41933 |
| Class III operator | <del>65</del> <u>90</u>   | 41934 |
| Class IV operator  | <del>75</del> <u>100</u>  | 41935 |

Any person applying to the director for certification as an 41936

operator of a water supply system or wastewater system who has 41937  
passed an examination administered by an examination provider 41938  
approved by the director shall pay a certification fee of 41939  
forty-five dollars. 41940

A person shall pay a biennial certification renewal fee for 41941  
each applicable class of certification in accordance with the 41942  
following schedule: 41943

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$25 | 41944 |
| Class I operator   | 35   | 41945 |
| Class II operator  | 45   | 41946 |
| Class III operator | 55   | 41947 |
| Class IV operator  | 65   | 41948 |

If a certification renewal fee is received by the director 41949  
more than thirty days, but not more than one year after the 41950  
expiration date of the certification, the person shall pay a 41951  
certification renewal fee in accordance with the following 41952  
schedule: 41953

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$45 | 41954 |
| Class I operator   | 55   | 41955 |
| Class II operator  | 65   | 41956 |
| Class III operator | 75   | 41957 |
| Class IV operator  | 85   | 41958 |

A person who requests a replacement certificate shall pay a 41959  
fee of twenty-five dollars at the time the request is made. 41960

Any person applying to be a water supply system or wastewater 41961  
treatment system examination provider shall pay an application fee 41962  
of five hundred dollars. Any person approved by the director as a 41963  
water supply system or wastewater treatment system examination 41964  
provider shall pay an annual fee that is equal to ten per cent of 41965  
the fees that the provider assesses and collects for administering 41966  
water supply system or wastewater treatment system certification 41967  
examinations in this state for the calendar year. The fee shall be 41968



paid not later than forty-five days after the end of a calendar 41969  
year. 41970

The director shall transmit all moneys collected under this 41971  
division to the treasurer of state for deposit into the drinking 41972  
water protection fund created in section 6109.30 of the Revised 41973  
Code. 41974

(P) Any person submitting an application for an industrial 41975  
water pollution control certificate under section 6111.31 of the 41976  
Revised Code, as that section existed before its repeal by H.B. 95 41977  
of the 125th general assembly, shall pay a nonrefundable fee of 41978  
five hundred dollars at the time the application is submitted. The 41979  
director shall transmit all moneys collected under this division 41980  
to the treasurer of state for deposit into the surface water 41981  
protection fund created in section 6111.038 of the Revised Code. A 41982  
person paying a certificate fee under this division shall not pay 41983  
an application fee under division (S)(1) of this section. On and 41984  
after June 26, 2003, persons shall file such applications and pay 41985  
the fee as required under sections 5709.20 to 5709.27 of the 41986  
Revised Code, and proceeds from the fee shall be credited as 41987  
provided in section 5709.212 of the Revised Code. 41988

(Q) Except as otherwise provided in division (R) of this 41989  
section, a person issued a permit by the director for a new solid 41990  
waste disposal facility other than an incineration or composting 41991  
facility, a new infectious waste treatment facility other than an 41992  
incineration facility, or a modification of such an existing 41993  
facility that includes an increase in the total disposal or 41994  
treatment capacity of the facility pursuant to Chapter 3734. of 41995  
the Revised Code shall pay a fee of ten dollars per thousand cubic 41996  
yards of disposal or treatment capacity, or one thousand dollars, 41997  
whichever is greater, except that the total fee for any such 41998  
permit shall not exceed eighty thousand dollars. A person issued a 41999  
modification of a permit for a solid waste disposal facility or an 42000

infectious waste treatment facility that does not involve an 42001  
increase in the total disposal or treatment capacity of the 42002  
facility shall pay a fee of one thousand dollars. A person issued 42003  
a permit to install a new, or modify an existing, solid waste 42004  
transfer facility under that chapter shall pay a fee of two 42005  
thousand five hundred dollars. A person issued a permit to install 42006  
a new or to modify an existing solid waste incineration or 42007  
composting facility, or an existing infectious waste treatment 42008  
facility using incineration as its principal method of treatment, 42009  
under that chapter shall pay a fee of one thousand dollars. The 42010  
increases in the permit fees under this division resulting from 42011  
the amendments made by Amended Substitute House Bill 592 of the 42012  
117th general assembly do not apply to any person who submitted an 42013  
application for a permit to install a new, or modify an existing, 42014  
solid waste disposal facility under that chapter prior to 42015  
September 1, 1987; any such person shall pay the permit fee 42016  
established in this division as it existed prior to June 24, 1988. 42017  
In addition to the applicable permit fee under this division, a 42018  
person issued a permit to install or modify a solid waste facility 42019  
or an infectious waste treatment facility under that chapter who 42020  
fails to pay the permit fee to the director in compliance with 42021  
division (V) of this section shall pay an additional ten per cent 42022  
of the amount of the fee for each week that the permit fee is 42023  
late. 42024

Permit and late payment fees paid to the director under this 42025  
division shall be credited to the general revenue fund. 42026

(R)(1) A person issued a registration certificate for a scrap 42027  
tire collection facility under section 3734.75 of the Revised Code 42028  
shall pay a fee of two hundred dollars, except that if the 42029  
facility is owned or operated by a motor vehicle salvage dealer 42030  
licensed under Chapter 4738. of the Revised Code, the person shall 42031  
pay a fee of twenty-five dollars. 42032

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, 2014, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, 2014. Except as provided in division (S)(3) of this section, through June 30, 2014, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, 2014, such a person shall pay a nonrefundable fee of fifteen dollars at the time of application.

In addition to the application fee established under division (S)(1) of this section, any person applying for a national pollutant discharge elimination system general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage

fee shall not exceed three hundred dollars. In addition, any 42096  
person applying for a national pollutant discharge elimination 42097  
system general storm water industrial permit shall pay a 42098  
nonrefundable fee of one hundred fifty dollars at the time the 42099  
application is submitted. 42100

The director shall transmit all moneys collected under 42101  
division (S)(1) of this section pursuant to Chapter 6109. of the 42102  
Revised Code to the treasurer of state for deposit into the 42103  
drinking water protection fund created in section 6109.30 of the 42104  
Revised Code. 42105

The director shall transmit all moneys collected under 42106  
division (S)(1) of this section pursuant to Chapter 6111. of the 42107  
Revised Code and under division (S)(3) of this section to the 42108  
treasurer of state for deposit into the surface water protection 42109  
fund created in section 6111.038 of the Revised Code. 42110

If a registration certificate is issued under section 42111  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 42112  
the application fee paid shall be deducted from the amount of the 42113  
registration certificate fee due under division (R)(1), (2), or 42114  
(5) of this section, as applicable. 42115

If a person submits an electronic application for a 42116  
registration certificate, permit, variance, or plan approval for 42117  
which an application fee is established under division (S)(1) of 42118  
this section, the person shall pay the applicable application fee 42119  
as expeditiously as possible after the submission of the 42120  
electronic application. An application for a registration 42121  
certificate, permit, variance, or plan approval for which an 42122  
application fee is established under division (S)(1) of this 42123  
section shall not be reviewed or processed until the applicable 42124  
application fee, and any other fees established under this 42125  
division, are paid. 42126

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(3) A person applying for coverage under a national pollutant discharge elimination system general discharge permit for household sewage treatment systems shall pay the following fees:

(a) A nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter

6111. of the Revised Code to the treasurer of state for deposit 42158  
into the surface water protection fund created in section 6111.038 42159  
of the Revised Code. 42160

(2) Exempt the state and political subdivisions thereof, 42161  
including education facilities or medical facilities owned by the 42162  
state or a political subdivision, or any person exempted from 42163  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 42164  
any fee required by this section; 42165

(3) Provide for the waiver of any fee, or any part thereof, 42166  
otherwise required by this section whenever the director 42167  
determines that the imposition of the fee would constitute an 42168  
unreasonable cost of doing business for any applicant, class of 42169  
applicants, or other person subject to the fee; 42170

(4) Prescribe measures that the director considers necessary 42171  
to carry out this section. 42172

(U) When the director reasonably demonstrates that the direct 42173  
cost to the state associated with the issuance of a permit to 42174  
install, license, variance, plan approval, or certification 42175  
exceeds the fee for the issuance or review specified by this 42176  
section, the director may condition the issuance or review on the 42177  
payment by the person receiving the issuance or review of, in 42178  
addition to the fee specified by this section, the amount, or any 42179  
portion thereof, in excess of the fee specified under this 42180  
section. The director shall not so condition issuances for which 42181  
~~fees are a fee is~~ prescribed in ~~divisions (B)(7) and~~ division 42182  
(L)(1)(b) of this section. 42183

(V) Except as provided in divisions (L), (M), and (P) of this 42184  
section or unless otherwise prescribed by a rule of the director 42185  
adopted pursuant to Chapter 119. of the Revised Code, all fees 42186  
required by this section are payable within thirty days after the 42187  
issuance of an invoice for the fee by the director or the 42188

effective date of the issuance of the license, permit, variance, 42189  
plan approval, or certification. If payment is late, the person 42190  
responsible for payment of the fee shall pay an additional ten per 42191  
cent of the amount due for each month that it is late. 42192

(W) As used in this section, "fuel-burning equipment," 42193  
"fuel-burning equipment input capacity," "incinerator," 42194  
"incinerator input capacity," "process," "process weight rate," 42195  
"storage tank," "gasoline dispensing facility," "dry cleaning 42196  
facility," "design flow discharge," and "new source treatment 42197  
works" have the meanings ascribed to those terms by applicable 42198  
rules or standards adopted by the director under Chapter 3704. or 42199  
6111. of the Revised Code. 42200

(X) As used in divisions (B), ~~(C)~~, (D), (E), (F), (H), (I), 42201  
and (J) of this section, and in any other provision of this 42202  
section pertaining to fees paid pursuant to Chapter 3704. of the 42203  
Revised Code: 42204

(1) "Facility," "federal Clean Air Act," "person," and "Title 42205  
V permit" have the same meanings as in section 3704.01 of the 42206  
Revised Code. 42207

(2) "Title V permit program" means the following activities 42208  
as necessary to meet the requirements of Title V of the federal 42209  
Clean Air Act and 40 C.F.R. part 70, including at least: 42210

(a) Preparing and adopting, if applicable, generally 42211  
applicable rules or guidance regarding the permit program or its 42212  
implementation or enforcement; 42213

(b) Reviewing and acting on any application for a Title V 42214  
permit, permit revision, or permit renewal, including the 42215  
development of an applicable requirement as part of the processing 42216  
of a permit, permit revision, or permit renewal; 42217

(c) Administering the permit program, including the 42218  
supporting and tracking of permit applications, compliance 42219



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| certification, and related data entry;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 42220                                                                                  |
| (d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 42221<br>42222<br>42223                                                                |
| (e) Emission and ambient monitoring;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 42224                                                                                  |
| (f) Modeling, analyses, or demonstrations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 42225                                                                                  |
| (g) Preparing inventories and tracking emissions;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 42226                                                                                  |
| (h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.                                                                                                                                                                                                                                                          | 42227<br>42228<br>42229<br>42230<br>42231<br>42232<br>42233                            |
| (Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due. | 42234<br>42235<br>42236<br>42237<br>42238<br>42239<br>42240<br>42241<br>42242<br>42243 |
| (2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 42244<br>42245<br>42246                                                                |
| (b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 42247<br>42248<br>42249                                                                |

ton of exceptional quality sludge than the fee assessed under 42250  
division (Y)(1) of this section, subject to the following 42251  
exceptions: 42252

(i) Except as provided in division (Y)(2)(d) of this section, 42253  
a sewage sludge facility that treats or disposes of exceptional 42254  
quality sludge shall pay a minimum annual sewage sludge fee of one 42255  
hundred dollars. 42256

(ii) A sewage sludge facility that treats or disposes of 42257  
exceptional quality sludge shall not be required to pay the annual 42258  
sludge fee for treatment or disposal in this state of exceptional 42259  
quality sludge generated outside of this state and contained in 42260  
bags or other containers not greater than one hundred pounds in 42261  
capacity. 42262

A thirty-five per cent reduction for exceptional quality 42263  
sludge applies to the maximum annual fees established under 42264  
division (Y)(3) of this section. 42265

(c) A sewage sludge facility that transfers sewage sludge to 42266  
another sewage sludge facility in this state for further treatment 42267  
prior to disposal in this state shall not be required to pay the 42268  
annual sludge fee for the tons of sewage sludge that have been 42269  
transferred. In such a case, the sewage sludge facility that 42270  
disposes of the sewage sludge shall pay the annual sludge fee. 42271  
However, the facility transferring the sewage sludge shall pay the 42272  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42273  
of this section. 42274

In the case of a sewage sludge facility that treats sewage 42275  
sludge in this state and transfers it out of this state to another 42276  
entity for disposal, the sewage sludge facility in this state 42277  
shall be required to pay the annual sludge fee for the tons of 42278  
sewage sludge that have been transferred. 42279

(d) A sewage sludge facility that generates sewage sludge 42280

resulting from an average daily discharge flow of less than five 42281  
thousand gallons per day is not subject to the fees assessed under 42282  
division (Y) of this section. 42283

(3) No sewage sludge facility required to pay the annual 42284  
sludge fee shall be required to pay more than the maximum annual 42285  
fee for each disposal method that the sewage sludge facility uses. 42286  
The maximum annual fee does not include the additional amount that 42287  
may be charged under division (Y)(5) of this section for late 42288  
payment of the annual sludge fee. The maximum annual fee for the 42289  
following methods of disposal of sewage sludge is as follows: 42290

(a) Incineration: five thousand dollars; 42291

(b) Preexisting land reclamation project or disposal in a 42292  
landfill: five thousand dollars; 42293

(c) Land application, land reclamation, surface disposal, or 42294  
any other disposal method not specified in division (Y)(3)(a) or 42295  
(b) of this section: twenty thousand dollars. 42296

(4)(a) In the case of an entity that generates sewage sludge 42297  
or a sewage sludge facility that treats sewage sludge and 42298  
transfers the sewage sludge to an incineration facility for 42299  
disposal, the incineration facility, and not the entity generating 42300  
the sewage sludge or the sewage sludge facility treating the 42301  
sewage sludge, shall pay the annual sludge fee for the tons of 42302  
sewage sludge that are transferred. However, the entity or 42303  
facility generating or treating the sewage sludge shall pay the 42304  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42305  
of this section. 42306

(b) In the case of an entity that generates sewage sludge and 42307  
transfers the sewage sludge to a landfill for disposal or to a 42308  
sewage sludge facility for land reclamation or surface disposal, 42309  
the entity generating the sewage sludge, and not the landfill or 42310  
sewage sludge facility, shall pay the annual sludge fee for the 42311

tons of sewage sludge that are transferred. 42312

(5) Not later than the first day of April of the calendar 42313  
year following March 17, 2000, and each first day of April 42314  
thereafter, the director shall issue invoices to persons who are 42315  
required to pay the annual sludge fee. The invoice shall identify 42316  
the nature and amount of the annual sludge fee assessed and state 42317  
the first day of May as the deadline for receipt by the director 42318  
of objections regarding the amount of the fee and the first day of 42319  
July as the deadline for payment of the fee. 42320

Not later than the first day of May following receipt of an 42321  
invoice, a person required to pay the annual sludge fee may submit 42322  
objections to the director concerning the accuracy of information 42323  
regarding the number of dry tons of sewage sludge used to 42324  
calculate the amount of the annual sludge fee or regarding whether 42325  
the sewage sludge qualifies for the exceptional quality sludge 42326  
discount established in division (Y)(2)(b) of this section. The 42327  
director may consider the objections and adjust the amount of the 42328  
fee to ensure that it is accurate. 42329

If the director does not adjust the amount of the annual 42330  
sludge fee in response to a person's objections, the person may 42331  
appeal the director's determination in accordance with Chapter 42332  
119. of the Revised Code. 42333

Not later than the first day of June, the director shall 42334  
notify the objecting person regarding whether the director has 42335  
found the objections to be valid and the reasons for the finding. 42336  
If the director finds the objections to be valid and adjusts the 42337  
amount of the annual sludge fee accordingly, the director shall 42338  
issue with the notification a new invoice to the person 42339  
identifying the amount of the annual sludge fee assessed and 42340  
stating the first day of July as the deadline for payment. 42341

Not later than the first day of July, any person who is 42342

required to do so shall pay the annual sludge fee. Any person who 42343  
is required to pay the fee, but who fails to do so on or before 42344  
that date shall pay an additional amount that equals ten per cent 42345  
of the required annual sludge fee. 42346

(6) The director shall transmit all moneys collected under 42347  
division (Y) of this section to the treasurer of state for deposit 42348  
into the surface water protection fund created in section 6111.038 42349  
of the Revised Code. The moneys shall be used to defray the costs 42350  
of administering and enforcing provisions in Chapter 6111. of the 42351  
Revised Code and rules adopted under it that govern the use, 42352  
storage, treatment, or disposal of sewage sludge. 42353

(7) Beginning in fiscal year 2001, and every two years 42354  
thereafter, the director shall review the total amount of moneys 42355  
generated by the annual sludge fees to determine if that amount 42356  
exceeded six hundred thousand dollars in either of the two 42357  
preceding fiscal years. If the total amount of moneys in the fund 42358  
exceeded six hundred thousand dollars in either fiscal year, the 42359  
director, after review of the fee structure and consultation with 42360  
affected persons, shall issue an order reducing the amount of the 42361  
fees levied under division (Y) of this section so that the 42362  
estimated amount of moneys resulting from the fees will not exceed 42363  
six hundred thousand dollars in any fiscal year. 42364

If, upon review of the fees under division (Y)(7) of this 42365  
section and after the fees have been reduced, the director 42366  
determines that the total amount of moneys collected and 42367  
accumulated is less than six hundred thousand dollars, the 42368  
director, after review of the fee structure and consultation with 42369  
affected persons, may issue an order increasing the amount of the 42370  
fees levied under division (Y) of this section so that the 42371  
estimated amount of moneys resulting from the fees will be 42372  
approximately six hundred thousand dollars. Fees shall never be 42373  
increased to an amount exceeding the amount specified in division 42374

(Y)(7) of this section. 42375

Notwithstanding section 119.06 of the Revised Code, the 42376  
director may issue an order under division (Y)(7) of this section 42377  
without the necessity to hold an adjudicatory hearing in 42378  
connection with the order. The issuance of an order under this 42379  
division is not an act or action for purposes of section 3745.04 42380  
of the Revised Code. 42381

(8) As used in division (Y) of this section: 42382

(a) "Sewage sludge facility" means an entity that performs 42383  
treatment on or is responsible for the disposal of sewage sludge. 42384

(b) "Sewage sludge" means a solid, semi-solid, or liquid 42385  
residue generated during the treatment of domestic sewage in a 42386  
treatment works as defined in section 6111.01 of the Revised Code. 42387  
"Sewage sludge" includes, but is not limited to, scum or solids 42388  
removed in primary, secondary, or advanced wastewater treatment 42389  
processes. "Sewage sludge" does not include ash generated during 42390  
the firing of sewage sludge in a sewage sludge incinerator, grit 42391  
and screenings generated during preliminary treatment of domestic 42392  
sewage in a treatment works, animal manure, residue generated 42393  
during treatment of animal manure, or domestic septage. 42394

(c) "Exceptional quality sludge" means sewage sludge that 42395  
meets all of the following qualifications: 42396

(i) Satisfies the class A pathogen standards in 40 C.F.R. 42397  
503.32(a); 42398

(ii) Satisfies one of the vector attraction reduction 42399  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 42400

(iii) Does not exceed the ceiling concentration limitations 42401  
for metals listed in table one of 40 C.F.R. 503.13; 42402

(iv) Does not exceed the concentration limitations for metals 42403  
listed in table three of 40 C.F.R. 503.13. 42404

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a 42435  
property-specific land reclamation project that has been in 42436  
continuous operation for not less than five years pursuant to 42437  
approval of the activity by the director and includes the 42438  
implementation of a community outreach program concerning the 42439  
activity. 42440

**Sec. 3745.112.** During the month of August 1997, and 42441  
biennially thereafter, the director of environmental protection 42442  
shall enter into a contract for the performance of an independent 42443  
evaluation of the Title V permit program to be conducted under the 42444  
supervision of an independent certified public accountant. The 42445  
evaluation shall review the finances, operations, revenues, costs, 42446  
and expenditures of the Title V permit program under section 42447  
3704.036 of the Revised Code and the Title V clean air fund 42448  
created in section 3704.035 of the Revised Code. The findings of 42449  
each such evaluation shall be set forth in a written report that 42450  
shall include, without limitation, all of the following: 42451

(A) A review and analysis of all expenditures from the Title 42452  
V clean air fund for the Title V permit program; 42453

(B) A review and analysis of all costs incurred by the 42454  
environmental protection agency designated by the director to be 42455  
costs of the Title V permit program; 42456

(C) A review and analysis of all expenditures from the Title 42457  
V clean air fund for costs not designated by the director as costs 42458  
of the Title V permit program; 42459

(D) A review and analysis of the adequacy of the fees 42460  
assessed under division ~~(C)~~(B) of section 3745.11 for meeting the 42461  
costs of the Title V permit program during the period reviewed by 42462  
the evaluation. 42463

Upon completion of the written report of each evaluation 42464



required by this section, the director shall provide copies of the 42465  
report to the governor and the general assembly and shall make 42466  
copies of it available to the public. 42467

The reasonable and necessary expenses for conducting an 42468  
evaluation required under this section are hereby deemed to be 42469  
reasonable costs to administer the Title V permit program and 42470  
shall be paid from moneys credited to the Title V clean air fund 42471  
arising from the fees assessed under division ~~(C)~~(B) of section 42472  
3745.11 of the Revised Code. 42473

**Sec. 3748.04.** The ~~public director of health council~~, in 42474  
accordance with Chapter 119. of the Revised Code, shall adopt and 42475  
may amend or rescind rules doing all of the following: 42476

(A) Listing types of radioactive material for which licensure 42477  
by its handler is required and types of radiation-generating 42478  
equipment for which registration by its handler is required, and 42479  
establishing requirements governing them. Rules adopted under 42480  
division (A) of this section shall be compatible with applicable 42481  
federal regulations and shall establish all of the following, 42482  
without limitation: 42483

(1) Requirements governing both of the following: 42484

(a) The licensing and inspection of handlers of radioactive 42485  
material. Standards established in rules adopted under division 42486  
(A)(1)(a) of this section regarding byproduct material or any 42487  
activity that results in the production of that material, to the 42488  
extent practicable, shall be equivalent to or more stringent than 42489  
applicable standards established by the United States nuclear 42490  
regulatory commission. 42491

(b) The registration and inspection of handlers of 42492  
radiation-generating equipment. Standards established in rules 42493  
adopted under division (A)(1)(b) of this section, to the extent 42494

|                                                                    |       |
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| practicable, shall be equivalent to applicable standards           | 42495 |
| established by the food and drug administration in the United      | 42496 |
| States department of health and human services.                    | 42497 |
| (2) Identification of and requirements governing possession        | 42498 |
| and use of specifically licensed and generally licensed quantities | 42499 |
| of radioactive material as either sealed sources or unsealed       | 42500 |
| sources;                                                           | 42501 |
| (3) A procedure for the issuance of and the frequency of           | 42502 |
| renewal of the licenses of handlers of radioactive material, other | 42503 |
| than a license for a facility for the disposal of low-level        | 42504 |
| radioactive waste, and of the certificates of registration of      | 42505 |
| handlers of radiation-generating equipment;                        | 42506 |
| (4) Procedures for suspending and revoking the licenses of         | 42507 |
| handlers of radioactive material and the certificates of           | 42508 |
| registration of handlers of radiation-generating equipment;        | 42509 |
| (5) Criteria to be used by the director of health in amending      | 42510 |
| the license of a handler of radioactive material or the            | 42511 |
| certificate of registration of a handler of radiation-generating   | 42512 |
| equipment subsequent to its issuance;                              | 42513 |
| (6) Criteria for achieving and maintaining compliance with         | 42514 |
| this chapter and rules adopted under it by licensees and           | 42515 |
| registrants;                                                       | 42516 |
| (7) Criteria governing environmental monitoring of licensed        | 42517 |
| and registered activities to assess compliance with this chapter   | 42518 |
| and rules adopted under it;                                        | 42519 |
| (8) Fees for both of the following:                                | 42520 |
| (a) The licensing of handlers, other than facilities for the       | 42521 |
| disposal of low-level radioactive waste, of radioactive material;  | 42522 |
| (b) The registration of handlers, other than facilities that       | 42523 |
| are, or are operated by, medical practitioners or                  | 42524 |

medical-practitioner groups, of radiation-generating equipment. 42525

(9) A fee schedule for both of the following that includes 42526  
fees for reviews, conducted during an inspection, of shielding 42527  
plans or the adequacy of shielding: 42528

(a) The inspection of handlers of radioactive material; 42529

(b) The inspection of handlers, other than facilities that 42530  
are, or are operated by, medical practitioners or 42531  
medical-practitioner groups, of radiation-generating equipment. 42532

(B)(1) Identifying sources of radiation, circumstances of 42533  
possession, use, or disposal of sources of radiation, and levels 42534  
of radiation that constitute an unreasonable or unnecessary risk 42535  
to human health or the environment; 42536

(2) Establishing requirements for the achievement and 42537  
maintenance of compliance with standards for the receipt, 42538  
possession, use, storage, installation, transfer, servicing, and 42539  
disposal of sources of radiation to prevent levels of radiation 42540  
that constitute an unreasonable or unnecessary risk to human 42541  
health or the environment; 42542

(3) Requiring the maintenance of records on the receipt, use, 42543  
storage, transfer, and disposal of radioactive material and on the 42544  
radiological safety aspects of the use and maintenance of 42545  
radiation-generating equipment. 42546

In adopting rules under divisions (A) and (B) of this 42547  
section, the ~~council~~ director shall use standards no less 42548  
stringent than the "suggested state regulations for control of 42549  
radiation" prepared by the conference of radiation control program 42550  
directors, inc., and regulations adopted by the United States 42551  
nuclear regulatory commission, the United States environmental 42552  
protection agency, and the United States department of health and 42553  
human services and shall consider reports of the national council 42554  
on radiation protection and measurement and the relevant standards 42555

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |
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| of the American national standards institute.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 42556 |
| (C) Establishing fees, procedures, and requirements for certification as a radiation expert, including all of the following, without limitation:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 42557 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42558 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42559 |
| (1) Minimum training and experience requirements;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 42560 |
| (2) Procedures for applying for certification;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 42561 |
| (3) Procedures for review of applications and issuance of certificates;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 42562 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42563 |
| (4) Procedures for suspending and revoking certification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 42564 |
| (D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 42565 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42566 |
| (E) Establishing the responsibilities of a radiation expert;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 42567 |
| (F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 42568 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42569 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42570 |
| (G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it. | 42571 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42572 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42573 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42583 |
| (H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 42584 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 42585 |

upon the volume and radioactivity of the waste generated and the 42586  
costs of administering low-level radioactive waste management 42587  
activities under this chapter and rules adopted under it. All fees 42588  
collected under this division shall be deposited into the state 42589  
treasury to the credit of the general operations fund created in 42590  
section 3701.83 of the Revised Code. The fees shall be used solely 42591  
to administer and enforce this chapter and rules adopted under it. 42592  
Any fee required under this division that ~~has not been paid within~~ 42593  
~~ninety days~~ remains unpaid on the ninety-first day after the 42594  
original invoice date shall be assessed ~~at two times~~ an additional 42595  
amount equal to ten per cent of the original ~~invoiced~~ fee. ~~Any fee~~ 42596  
~~that has not been paid within one hundred eighty days after the~~ 42597  
~~invoice date shall be assessed at five times the original invoiced~~ 42598  
~~fee.~~ 42599

(I) Establishing requirements governing closure, 42600  
decontamination, decommissioning, reclamation, and long-term 42601  
surveillance and care of a facility licensed under this chapter 42602  
and rules adopted under it. Rules adopted under division (I) of 42603  
this section shall include, without limitation, all of the 42604  
following: 42605

(1) Standards and procedures to ensure that a licensee 42606  
prepares a decommissioning funding plan that provides an adequate 42607  
financial guaranty to permit the completion of all requirements 42608  
governing the closure, decontamination, decommissioning, and 42609  
reclamation of sites, structures, and equipment used in 42610  
conjunction with a licensed activity; 42611

(2) For licensed activities where radioactive material that 42612  
will require surveillance or care is likely to remain at the site 42613  
after the licensed activities cease, as indicated in the 42614  
application for the license submitted under section 3748.07 of the 42615  
Revised Code, standards and procedures to ensure that the licensee 42616  
prepares an additional decommissioning funding plan for long-term 42617

surveillance and care, before termination of the license, that 42618  
provides an additional adequate financial guaranty as necessary to 42619  
provide for that surveillance and care; 42620

(3) For the purposes of the decommissioning funding plans 42621  
required in rules adopted under divisions (I)(1) and (2) of this 42622  
section, the types of acceptable financial guaranties, which shall 42623  
include bonds issued by fidelity or surety companies authorized to 42624  
do business in the state, certificates of deposit, deposits of 42625  
government securities, irrevocable letters or lines of credit, 42626  
trust funds, escrow accounts, or other similar types of 42627  
arrangements, but shall not include any arrangement that 42628  
constitutes self-insurance; 42629

(4) A requirement that the decommissioning funding plans 42630  
required in rules adopted under divisions (I)(1) and (2) of this 42631  
section contain financial guaranties in amounts sufficient to 42632  
ensure compliance with any standards established by the United 42633  
States nuclear regulatory commission, or by the state if it has 42634  
become an agreement state pursuant to section 3748.03 of the 42635  
Revised Code, pertaining to closure, decontamination, 42636  
decommissioning, reclamation, and long-term surveillance and care 42637  
of licensed activities and sites of licensees. 42638

Standards established in rules adopted under division (I) of 42639  
this section regarding any activity that resulted in the 42640  
production of byproduct material, as defined in division (A)(2) of 42641  
section 3748.01 of the Revised Code, to the extent practicable, 42642  
shall be equivalent to or more stringent than standards 42643  
established by the United States nuclear regulatory commission for 42644  
sites at which ores were processed primarily for their source 42645  
material content and at which byproduct material, as defined in 42646  
division (A)(2) of section 3748.01 of the Revised Code, is 42647  
deposited. 42648

(J) Establishing criteria governing inspections of a facility 42649

for the disposal of low-level radioactive waste, including, 42650  
without limitation, the establishment of a resident inspector 42651  
program at such a facility; 42652

(K) Establishing requirements and procedures governing the 42653  
filing of complaints under section 3748.16 of the Revised Code, 42654  
including, without limitation, those governing intervention in a 42655  
hearing held under division (B)(3) of that section. 42656

**Sec. 3748.05.** (A) The director of health shall do all of the 42657  
following: 42658

(1) Administer and enforce this chapter and the rules adopted 42659  
under it; 42660

(2) Collect and make available information relating to 42661  
sources of radiation; 42662

(3) Ensure the review of plans and specifications, submitted 42663  
in accordance with rules adopted by the ~~public health council~~ 42664  
director, for the control of radiation that constitutes an 42665  
unreasonable or unnecessary risk to human health or the 42666  
environment; 42667

(4) Review reports of quality assurance audits performed by 42668  
certified radiation experts under this chapter and the rules 42669  
adopted under it; 42670

(5) Ensure that programs for the control of sources of 42671  
radiation are developed with due regard for compatibility with 42672  
federal programs for the regulation of byproduct, source, and 42673  
special nuclear materials; 42674

(6) In accordance with Chapter 119. of the Revised Code, 42675  
adopt, and subsequently may amend and rescind, rules providing for 42676  
the administrative assessment and collection of monetary penalties 42677  
for failure by any facility licensed under this chapter and rules 42678  
adopted under it to comply with this chapter and those rules. The 42679

director may require the submission of compliance schedules and 42680  
other related information. Any orders issued or payments or other 42681  
requirements imposed pursuant to rules adopted under division 42682  
(A)(6) of this section shall not affect any civil or criminal 42683  
enforcement proceeding brought under this chapter or any other 42684  
provision of state or local law. Moneys collected as 42685  
administrative penalties imposed pursuant to rules adopted under 42686  
division (A)(6) of this section shall be deposited in the state 42687  
treasury to the credit of the general operations fund created in 42688  
section 3701.83 of the Revised Code. The moneys shall be used 42689  
solely to administer and enforce this chapter and the rules 42690  
adopted under it. 42691

(7) Maintain files of both of the following: 42692

(a) All license and registration applications, issuances, 42693  
denials, amendments, renewals, suspensions, and revocations and 42694  
any administrative or judicial action pertaining to them; 42695

(b) All rules adopted under this chapter, or proposed to be 42696  
adopted, relating to the regulation of sources of radiation and 42697  
proceedings on them. 42698

(B) The director may do any or all of the following: 42699

(1) Advise, consult, and cooperate with other agencies of the 42700  
state, the federal government, other states, interstate agencies, 42701  
political subdivisions, industries, and other affected groups in 42702  
furtherance of the purposes of this chapter and the rules adopted 42703  
under it; 42704

(2) Accept and administer grants from the federal government 42705  
and from other sources, public or private, for carrying out any of 42706  
the director's functions under this chapter and the rules adopted 42707  
under it; 42708

(3) Encourage, participate in, or conduct studies, 42709  
investigations, training, research, and demonstrations relating to 42710



the detection and control of radiation that constitutes an 42711  
unreasonable or unnecessary risk to human health or the 42712  
environment, the measurement of radiation, the evaluation of 42713  
potential effects on health of cumulative or acute exposure to 42714  
radiation, the development and improvement of methods to limit and 42715  
reduce the generation of radioactive waste, and related problems 42716  
as the director considers necessary or advisable; 42717

(4) In accordance with Chapter 119. of the Revised Code, 42718  
adopt rules establishing criteria under which other agencies of 42719  
the state or private entities may perform inspections of x-ray 42720  
equipment at registered dental facilities at the request of the 42721  
facility or pursuant to contract with the department; 42722

(5) Exercise all incidental powers necessary to carry out the 42723  
purposes of this chapter and the rules adopted under it, 42724  
including, without limitation, the issuance of orders. 42725

**Sec. 3748.07.** (A) Every facility that proposes to handle 42726  
radioactive material or radiation-generating equipment for which 42727  
licensure or registration, respectively, by its handler is 42728  
required shall apply in writing to the director of health on forms 42729  
prescribed and provided by the director for licensure or 42730  
registration. Terms and conditions of licenses and certificates of 42731  
registration may be amended in accordance with rules adopted under 42732  
section 3748.04 of the Revised Code or orders issued by the 42733  
director pursuant to section 3748.05 of the Revised Code. 42734

(B)(1) An applicant proposing to handle radioactive material 42735  
shall pay for a license or renewal of a license the appropriate 42736  
fee specified in rules adopted under section 3748.04 of the 42737  
Revised Code and listed on an invoice provided by the director. 42738  
The applicant shall pay the fee on receipt of the invoice. 42739

(2)(a) Except as provided in division (B)(2)(b) of this 42740  
section, until fees are established in rules adopted under 42741

division (A)(8)(b) of section 3748.04 of the Revised Code, an 42742  
applicant proposing to handle radiation-generating equipment shall 42743  
pay for a certificate of registration or renewal of a certificate 42744  
a biennial registration fee of two hundred sixty-two dollars. 42745

Except as provided in division (B)(2)(b) of this section, on 42746  
and after the effective date of the rules in which fees are 42747  
established under division (A)(8)(b) of section 3748.04 of the 42748  
Revised Code, an applicant proposing to handle 42749  
radiation-generating equipment shall pay for a certificate of 42750  
registration or renewal of a certificate the appropriate fee 42751  
established in those rules. 42752

The applicant shall pay the fees described in division 42753  
(B)(2)(a) of this section at the time of applying for a 42754  
certificate of registration or renewal of a certificate. 42755

(b) An applicant that is, or is operated by, a medical 42756  
practitioner or medical-practitioner group and proposes to handle 42757  
radiation-generating equipment shall pay for a certificate of 42758  
registration or renewal of a certificate a biennial registration 42759  
fee of two hundred sixty-two dollars. The applicant shall pay the 42760  
fee at the time of applying for a certificate of registration or 42761  
renewal of the certificate. 42762

(C) All fees collected under this section shall be deposited 42763  
in the state treasury to the credit of the general operations fund 42764  
created in section 3701.83 of the Revised Code. The fees shall be 42765  
used solely to administer and enforce this chapter and rules 42766  
adopted under it. 42767

(D) Any fee required under this section that ~~has not been~~ 42768  
~~paid within ninety days~~ remains unpaid on the ninety-first day 42769  
after the original invoice date shall be assessed ~~at two times an~~ 42770  
additional amount equal to ten per cent of the original invoiceed 42771  
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 42772

~~after the invoice date shall be assessed at five times the~~ 42773  
~~original invoiced fee.~~ 42774

(E) The director shall grant a license or registration to any 42775  
applicant who has paid the required fee and is in compliance with 42776  
this chapter and rules adopted under it. 42777

(F) Except as provided in division (B)(2) of this section, 42778  
licenses and certificates of registration shall be effective for 42779  
the applicable period established in rules adopted under section 42780  
3748.04 of the Revised Code. Licenses and certificates of 42781  
registration shall be renewed in accordance with the renewal 42782  
procedure established in rules adopted under section 3748.04 of 42783  
the Revised Code. 42784

**Sec. 3748.10.** (A) As used in this section, "person" means any 42785  
legal entity defined as a person under section 1.59 of the Revised 42786  
Code, the state or any agency of the state, any political 42787  
subdivision or agency of a political subdivision, and the United 42788  
States or any agency or instrumentality of the United States other 42789  
than the United States department of energy or the United States 42790  
nuclear regulatory commission where state regulation of the 42791  
treatment, recycling, storage, or disposal of low-level 42792  
radioactive waste by either of those agencies is prohibited by 42793  
federal law. 42794

(B) No person shall treat, recycle, store, or dispose of any 42795  
low-level radioactive waste except at a facility that is licensed 42796  
for treatment, recycling, storage, or disposal of that waste by 42797  
the director of health under this chapter and rules adopted under 42798  
it or, until the state becomes an agreement state pursuant to 42799  
section 3748.03 of the Revised Code, by the United States nuclear 42800  
regulatory commission under the "Atomic Energy Act of 1954," 68 42801  
Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted 42802  
under it regardless of whether the waste has been reclassified as 42803

"below regulatory concern" by the United States nuclear regulatory 42804  
commission pursuant to any rule or standard adopted after January 42805  
1, 1990. 42806

(C) Division (B) of this section does not apply to either of 42807  
the following: 42808

(1) Any low-level radioactive waste that on or before January 42809  
1, 1990, was authorized under the "Atomic Energy Act of 1954," 68 42810  
Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted 42811  
under it to be treated, recycled, stored, or disposed of at a 42812  
facility that has not been licensed under that act and regulations 42813  
adopted under it; 42814

(2) Any low-level radioactive waste that has received an 42815  
exemption from the director of health under division (C)(2) of 42816  
this section. If the United States nuclear regulatory commission 42817  
declares its intent to institute a policy regarding the 42818  
reclassification of waste as "below regulatory concern," the 42819  
~~public health council~~ director, in consultation with the 42820  
environmental protection agency, shall adopt rules in accordance 42821  
with Chapter 119. of the Revised Code that govern the granting of 42822  
such exemptions and that do at least all of the following: 42823

(a) Establish an application procedure to be followed by the 42824  
generator of a low-level radioactive waste who wishes to obtain an 42825  
exemption for that waste under division (C)(2) of this section; 42826

(b) Require that in order to receive an exemption, a 42827  
low-level radioactive waste shall have been reclassified as "below 42828  
regulatory concern" by the United States nuclear regulatory 42829  
commission after August 19, 1992. The rules adopted under division 42830  
(C)(2)(b) of this section shall stipulate that such a 42831  
reclassification does not automatically qualify a low-level 42832  
radioactive waste for an exemption under division (C)(2) of this 42833  
section. 42834

(c) Require an applicant to demonstrate with clear and 42835  
convincing evidence that the low-level radioactive waste that is 42836  
the subject of the application does not present a higher 42837  
radioactive hazard than any low-level radioactive waste to which 42838  
division (C)(1) of this section applies and that treatment, 42839  
recycling, storage, or disposal of the waste at a facility that 42840  
has not been licensed by the director under this chapter and rules 42841  
adopted under it or, until the state becomes an agreement state 42842  
pursuant to section 3748.03 of the Revised Code, by the United 42843  
States nuclear regulatory commission under the "Atomic Energy Act 42844  
of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, and 42845  
regulations adopted under it, will not harm public health or 42846  
safety or the environment; 42847

(d) Establish public notification procedures to be followed 42848  
by the director for any public hearing held ~~by him~~ under division 42849  
(C)(2) of this section. 42850

The director shall review an application submitted ~~to him~~ 42851  
under division (C)(2) of this section and shall hold a public 42852  
hearing concerning the application before granting or denying the 42853  
exemption requested. The director may grant an exemption to the 42854  
low-level radioactive waste that is the subject of the application 42855  
~~if he determines~~ after determining that the generator has complied 42856  
with the rules adopted under division (C)(2)(a) of this section 42857  
and that the waste satisfies the requirements established in the 42858  
rules adopted under divisions (C)(2)(b) and (c) of this section. 42859  
The director shall maintain a list of all low-level radioactive 42860  
wastes to which ~~he~~ the director has granted such an exemption. 42861

Division (C)(2) of this section does not apply to any 42862  
low-level radioactive waste generated at a nuclear power station. 42863

**Sec. 3748.12.** The director of health shall certify radiation 42864  
experts pursuant to rules adopted under division (C) of section 42865

3748.04 of the Revised Code. The director shall issue a 42866  
certificate to each person certified under this section. An 42867  
individual certified by the director is qualified to develop, 42868  
provide periodic review of, and conduct audits of the quality 42869  
assurance program for sources of radiation for which such a 42870  
program is required under division (A) of section 3748.13 of the 42871  
Revised Code. 42872

The ~~public health council~~ director shall establish an 42873  
application fee for applying for certification and a biennial 42874  
certification renewal fee in rules adopted under division (C) of 42875  
section 3748.04 of the Revised Code. A certificate issued under 42876  
this section shall expire two years after the date of its 42877  
issuance. To maintain certification, a radiation expert shall 42878  
apply to the director for renewal of certification in accordance 42879  
with the standard renewal procedures established in Chapter 4745. 42880  
of the Revised Code. The certification renewal fee is not required 42881  
for initial certification, but shall be paid for every renewal of 42882  
certification. Fees collected under this section shall be 42883  
deposited into the state treasury to the credit of the general 42884  
operations fund created in section 3701.83 of the Revised Code. 42885  
The fees shall be used solely to administer and enforce this 42886  
chapter and rules adopted under it. Any fee required under this 42887  
section that ~~has not been paid within ninety days~~ remains unpaid 42888  
on the ninety-first day after the original invoice date shall be 42889  
assessed ~~at two times~~ an additional amount equal to ten per cent 42890  
of the original ~~invoiced~~ fee. ~~Any fee that has not been paid~~ 42891  
~~within one hundred eighty days after the invoice date shall be~~ 42892  
~~assessed at five times the original invoiced fee.~~ 42893

**Sec. 3748.13.** (A) The director of health shall inspect 42894  
sources of radiation for which licensure or registration by the 42895  
handler is required, and the sources' shielding and surroundings, 42896  
according to the schedule established in rules adopted under 42897

division (D) of section 3748.04 of the Revised Code. In accordance 42898  
with rules adopted under section 3748.04 of the Revised Code, the 42899  
director shall inspect all records and operating procedures of 42900  
handlers that install or service sources of radiation and all 42901  
sources of radiation for which licensure of radioactive material 42902  
or registration of radiation-generating equipment by the handler 42903  
is required. The director may make other inspections upon 42904  
receiving complaints or other evidence of a violation of this 42905  
chapter or rules adopted under it. 42906

The director shall require any hospital registered under 42907  
division (A) of section 3701.07 of the Revised Code to develop and 42908  
maintain a quality assurance program for all sources of 42909  
radiation-generating equipment. A certified radiation expert shall 42910  
conduct oversight and maintenance of the program and shall file a 42911  
report of audits of the program with the director on forms 42912  
prescribed by the director. The audit reports shall become part of 42913  
the inspection record. 42914

(B)(1) Except as provided in division (B)(2) of this section, 42915  
a facility shall pay inspection fees for radioactive material and 42916  
radiation-generating equipment according to the schedule and 42917  
categories established in rules adopted under division (A)(9) of 42918  
section 3748.04 of the Revised Code. 42919

(2) A facility that is, or is operated by, a medical 42920  
practitioner or medical-practitioner group shall pay inspection 42921  
fees for radiation-generating equipment according to the following 42922  
schedule and categories: 42923

|                                                            |           |       |
|------------------------------------------------------------|-----------|-------|
| First dental x-ray tube                                    | \$ 155.00 | 42924 |
| Each additional dental x-ray tube<br>at the same location  | \$ 77.00  | 42925 |
| First medical x-ray tube                                   | \$ 307.00 | 42926 |
| Each additional medical x-ray tube<br>at the same location | \$ 163.00 | 42927 |

|                                                                                                                     |           |       |
|---------------------------------------------------------------------------------------------------------------------|-----------|-------|
| Each unit of ionizing<br>radiation-generating equipment<br>capable of operating at or above<br>250 kilovoltage peak | \$ 610.00 | 42928 |
| First nonionizing<br>radiation-generating equipment of<br>any kind                                                  | \$ 307.00 | 42929 |
| Each additional nonionizing<br>radiation-generating equipment of<br>any kind at the same location                   | \$ 163.00 | 42930 |

(C)(1) Except as provided in division (C)(2) of this section, 42931  
the fee for the inspection of a facility that proposes to handle 42932  
radioactive material or radiation-generating equipment and is not 42933  
licensed or registered, and for which no license or registration 42934  
application is pending at the time of inspection, is four hundred 42935  
seventy-four dollars plus the applicable fee specified in rules 42936  
adopted under division (A)(9) of section 3748.04 of the Revised 42937  
Code. 42938

(2) For a facility that is, or is operated by, a medical 42939  
practitioner or medical-practitioner group and proposes to handle 42940  
radiation-generating equipment, the fee for an inspection if the 42941  
facility is not licensed or registered, and no license or 42942  
registration is pending at the time of inspection, is four hundred 42943  
seventy-four dollars plus the fee applicable under the schedule in 42944  
division (B)(2) of this section. 42945

(D)(1) Except as provided in division (D)(2) of this section, 42946  
for a facility that handles radioactive material or 42947  
radiation-generating equipment, the fee for an inspection to 42948  
determine whether violations cited in a previous inspection have 42949  
been corrected is the amount specified in rules adopted under 42950  
division (A)(9) of section 3748.04 of the Revised Code. 42951

(2) For a facility that is, or is operated by, a medical 42952



practitioner or medical-practitioner group and handles 42953  
radiation-generating equipment, the fee for an inspection to 42954  
determine whether violations cited in a previous inspection have 42955  
been corrected is fifty per cent of the applicable fee under the 42956  
schedule in division (B)(2) of this section. 42957

(E) The director may conduct a review of shielding plans or 42958  
the adequacy of shielding on the request of a licensee or 42959  
registrant or an applicant for licensure or registration or during 42960  
an inspection when the director considers a review to be 42961  
necessary. 42962

(1) Except as provided in division (E)(2) of this section, 42963  
the fee for the review is the applicable amount specified in rules 42964  
adopted under division (A)(9) of section 3748.04 of the Revised 42965  
Code. 42966

(2) For a facility that is, or is operated by, a medical 42967  
practitioner or medical-practitioner group and handles or proposes 42968  
to handle radiation-generating equipment, the fee for the review 42969  
is seven hundred sixty-two dollars for each room where a source of 42970  
radiation is used and is in addition to any other fee applicable 42971  
under the schedule in division (B)(2) of this section. 42972

(F) All fees shall be paid to the department of health no 42973  
later than thirty days after the invoice for the fee is mailed. 42974  
Fees shall be deposited in the general operations fund created in 42975  
section 3701.83 of the Revised Code. The fees shall be used solely 42976  
to administer and enforce this chapter and rules adopted under it. 42977

(G) Any fee required under this section that ~~has not been~~ 42978  
~~paid within ninety days~~ remains unpaid on the ninety-first day 42979  
after the original invoice date shall be assessed ~~at two times an~~ 42980  
additional amount equal to ten per cent of the original ~~invoiced~~ 42981  
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 42982  
~~after the invoice date shall be assessed at five times the~~ 42983

~~original invoiced fee.~~ 42984

(H) If the director determines that a board of health of a 42985  
city or general health district is qualified to conduct 42986  
inspections of radiation-generating equipment, the director may 42987  
delegate to the board, by contract, the authority to conduct such 42988  
inspections. In making a determination of the qualifications of a 42989  
board of health to conduct those inspections, the director shall 42990  
evaluate the credentials of the individuals who are to conduct the 42991  
inspections of radiation-generating equipment and the radiation 42992  
detection and measuring equipment available to them for that 42993  
purpose. If a contract is entered into, the board shall have the 42994  
same authority to make inspections of radiation-generating 42995  
equipment as the director has under this chapter and rules adopted 42996  
under it. The contract shall stipulate that only individuals 42997  
approved by the director as qualified shall be permitted to 42998  
inspect radiation-generating equipment under the contract's 42999  
provisions. The contract shall provide for such compensation for 43000  
services as is agreed to by the director and the board of health 43001  
of the contracting health district. The director may reevaluate 43002  
the credentials of the inspection personnel and their radiation 43003  
detecting and measuring equipment as often as the director 43004  
considers necessary and may terminate any contract with the board 43005  
of health of any health district that, in the director's opinion, 43006  
is not satisfactorily performing the terms of the contract. 43007

(I) The director may enter at all reasonable times upon any 43008  
public or private property to determine compliance with this 43009  
chapter and rules adopted under it. 43010

**Sec. 3748.15.** No facility shall violate or fail to comply 43011  
with any duty imposed by this chapter, fail to pay any 43012  
administrative penalty assessed in accordance with rules adopted 43013  
under division (A)(6) of section 3748.05 of the Revised Code, or 43014

violate or fail to comply with any valid order ~~of~~ issued or rule 43015  
adopted by the director of health ~~issued or rule of the public~~ 43016  
~~health council adopted~~ under this chapter. Each day a violation 43017  
continues is a separate offense. 43018

**Sec. 3748.20.** (A) The governor, with the advice and consent 43019  
of the senate, shall appoint a radiation advisory council, which 43020  
shall consist of the following members: 43021

(1) One individual who has recognized ability and credentials 43022  
in the field of medical radiation physics; 43023

(2) One individual who has recognized ability and credentials 43024  
in the field of health physics; 43025

(3) One individual holding the degree of doctor of medicine 43026  
or doctor of osteopathy and licensed to practice medicine or 43027  
surgery or osteopathic medicine and surgery, as applicable, under 43028  
Chapter 4731. of the Revised Code who has recognized ability and 43029  
credentials in the practice of radiology; 43030

(4) One individual who is licensed to practice dentistry 43031  
under Chapter 4715. of the Revised Code; 43032

(5) One individual holding the degree of doctor of medicine 43033  
and licensed to practice medicine or surgery under Chapter 4731. 43034  
of the Revised Code who has recognized ability and credentials in 43035  
the field of nuclear medicine; 43036

(6) One individual who has recognized ability and credentials 43037  
in the field of public health or environmental science; 43038

(7) One individual licensed as a podiatrist under Chapter 43039  
4731. of the Revised Code; 43040

(8) One individual licensed as a chiropractor under Chapter 43041  
4734. of the Revised Code; 43042

(9) One individual who is a qualified radiation safety 43043

officer or radiation protection manager from a facility in this 43044  
state that is licensed for the use of radiation materials; 43045

(10) One individual who has recognized ability and 43046  
credentials in the field of radon measurement, mitigation, or 43047  
health risk management; 43048

(11) One individual who is a member of a statewide consumer 43049  
or environmental advocacy organization; 43050

(12) One individual representing the public; 43051

(13) One individual who has recognized ability and experience 43052  
in the administration and enforcement of federal radiation 43053  
protection regulations, who shall be a nonvoting member. 43054

The governor shall make the initial appointments to the 43055  
council not later than December 7, 1995. Of the initial 43056  
appointments, four shall be for a term of office of three years, 43057  
four shall be for a term of office of four years, and four shall 43058  
be for a term of office of five years. Thereafter, terms of office 43059  
for the members of the council shall be five years with each term 43060  
ending on the same day of the same month as did the term that it 43061  
succeeds. Each member shall hold office from the date of the 43062  
member's appointment until the end of the term for which the 43063  
member was appointed. Members may be reappointed. Vacancies shall 43064  
be filled in the manner provided for original appointment. Any 43065  
member appointed to fill a vacancy occurring prior to the 43066  
expiration of the term for which the member's predecessor was 43067  
appointed shall hold office for the remainder of that term. A 43068  
member shall continue in office subsequent to the expiration of 43069  
the member's term or until a period of sixty days has elapsed, 43070  
whichever occurs first. 43071

The council shall hold four regular quarterly meetings each 43072  
year. Special meetings may be held at the request of the 43073  
chairperson of the council or the director of health. The 43074

chairperson shall be selected annually by members of the council 43075  
during the first meeting of the calendar year. Following each 43076  
meeting, the chairperson shall submit a report to the director 43077  
summarizing the activities, discussion, and recommendations of the 43078  
council. Seven voting members of the council constitute a quorum. 43079

Members of the radiation advisory council shall receive a per 43080  
diem compensation in an amount approved by the director and also 43081  
shall be reimbursed for actual expenses incurred in the 43082  
performance of their official duties. 43083

The department of health shall provide the council the 43084  
administrative support necessary to execute its duties. 43085

(B) The radiation advisory council shall do all of the 43086  
following: 43087

(1) Advise and consult with the ~~public health council~~ 43088  
director in the development of rules ~~proposed for adoption to be~~ 43089  
adopted under section 3748.04 of the Revised Code; 43090

(2) Advise and consult with the director concerning the 43091  
administration, implementation, and enforcement of this chapter, 43092  
including the implementation of the specific responsibilities 43093  
delineated in section 3748.05 of the Revised Code; 43094

(3) Advise and consult with the director in the development 43095  
of inspection criteria, procedures, and guidelines to be used in 43096  
the radiation control program established under this chapter and 43097  
rules adopted under it; 43098

(4) Prepare and submit to the director an annual report 43099  
evaluating the department's administration of the radiation 43100  
control program. 43101

(C) The council shall establish committees to focus on 43102  
specific components of the radiation control program established 43103  
under this chapter and rules adopted under it. Chairpersons of the 43104

committees shall be appointed by the chairperson of the council 43105  
and shall be members of the council. Other members of the 43106  
committees shall be appointed by the chairperson of the council 43107  
and may include individuals who are not members of the council. 43108

The membership and responsibilities of each committee 43109  
established under this division shall be subject to the approval 43110  
of the director. Members of the committees shall be reimbursed for 43111  
actual expenses incurred in the performance of their official 43112  
duties. 43113

Committee reports shall be presented to the council at each 43114  
regular meeting of the council. 43115

**Sec. 3749.02.** The ~~public~~ director of health council shall, 43116  
subject to Chapter 119. of the Revised Code, adopt rules of 43117  
general application throughout the state governing the issuance of 43118  
licenses, approval of plans, layout, construction, sanitation, 43119  
safety, and operation of public swimming pools, public spas, and 43120  
special use pools. Such rules shall not be applied to the 43121  
construction, erection, or manufacture of any building to which 43122  
section 3781.06 of the Revised Code is applicable when the 43123  
building or structure is either integral to or appurtenant to a 43124  
public swimming pool, a public spa, or a special use pool. 43125

**Sec. 3749.03.** (A) No person shall construct or install, or 43126  
renovate or otherwise substantially alter, a public swimming pool, 43127  
public spa, or ~~special-use~~ special use pool after September 10, 43128  
1987, until the plans for the pool or spa have been submitted to 43129  
and approved by the director of health. Within thirty days of 43130  
receipt of the plans, the director shall approve or disapprove 43131  
them. The plans and approval required under this division do not 43132  
apply to repairs or ordinary maintenance that does not 43133  
substantially affect the manner of water recirculation or basic 43134

design of the public swimming pool, public spa, or ~~special-use~~ 43135  
special use pool. 43136

Any person aggrieved by the director's disapproval of plans 43137  
under this division may, within thirty days following receipt of 43138  
the director's notice of disapproval, request a hearing on the 43139  
matter. The hearing shall be held in accordance with Chapter 119. 43140  
of the Revised Code and may be appealed in the manner provided in 43141  
that chapter. 43142

(B) Prior to the issuance of a license to operate a newly 43143  
constructed or altered public swimming pool, public spa, or 43144  
~~special-use~~ special use pool, the director or a licensor 43145  
authorized by the director shall verify that the construction or 43146  
alterations are consistent with the plans submitted and approved 43147  
under division (A) of this section. The director or licensor 43148  
authorized by the director shall have two working days from the 43149  
time notification is received that a public swimming pool, public 43150  
spa, or ~~special-use~~ special use pool is ready for an inspection to 43151  
verify the construction or alterations. 43152

(C) ~~The~~ (1) Except as provided in division (C)(2) of this 43153  
section, the fees for the approval of plans are as follows: 43154

~~(1)~~(a) Five per cent of the total cost of the equipment and 43155  
installation not to exceed two hundred seventy-five dollars for a 43156  
public swimming pool, public spa, or ~~special-use~~ special use pool, 43157  
or a combination thereof, that has less than two thousand square 43158  
feet of surface area; 43159

~~(2)~~(b) Five per cent of the total cost of the equipment and 43160  
installation not to exceed five hundred fifty dollars for a public 43161  
swimming pool, public spa, ~~special-use~~ special use pool, or a 43162  
combination thereof, that has two thousand or more square feet of 43163  
surface area. 43164

~~After December 31, 1992, the public health council~~ (2) The 43165

director may, by rule adopted in accordance with Chapter 119. of 43166  
the Revised Code, increase the fees established by this section. 43167

(D) All plan approval fees shall be paid into the state 43168  
treasury to the credit of the general operations fund created by 43169  
section 3701.83 of the Revised Code. The fees shall be 43170  
administered by the director and shall be used solely for the 43171  
administration and enforcement of this chapter and the rules 43172  
adopted thereunder. 43173

(E) Plan approvals issued under this section shall not 43174  
constitute an exemption from the land use and building 43175  
requirements of the political subdivision in which the public 43176  
swimming pool, public spa, or ~~special-use~~ special use pool is or 43177  
is to be located. 43178

**Sec. 3749.04.** (A) No person shall operate or maintain a 43179  
public swimming pool, public spa, or ~~special-use~~ special use pool 43180  
without a license issued by the licensor having jurisdiction. 43181

(B) Every person who intends to operate or maintain an 43182  
existing public swimming pool, public spa, or ~~special-use~~ special 43183  
use pool shall, during the month of April of each year, apply to 43184  
the licensor having jurisdiction for a license to operate the pool 43185  
or spa. Any person proposing to operate or maintain a new or 43186  
otherwise unlicensed public swimming pool, public spa, or 43187  
~~special-use~~ special use pool shall apply to the licensor having 43188  
jurisdiction at least thirty days prior to the intended start of 43189  
operation of the pool or spa. Within thirty days of receipt of an 43190  
application for licensure of a public swimming pool, public spa, 43191  
or ~~special-use~~ special use pool, the licensor shall process the 43192  
application and either issue a license or otherwise respond to the 43193  
applicant regarding the application. 43194

(C) Each license issued shall be effective from the date of 43195  
issuance until the last day of May of the following year. 43196



(D) Each licensor administering and enforcing sections 43197  
3749.01 to 3749.09 of the Revised Code and the rules adopted 43198  
thereunder may establish licensing and inspection fees in 43199  
accordance with section 3709.09 of the Revised Code, which shall 43200  
not exceed the cost of licensing and inspecting public swimming 43201  
pools, public spas, and ~~special-use~~ special use pools. 43202

(E) Except as provided in division (F) of this section and in 43203  
division (B) of section 3749.07 of the Revised Code, all license 43204  
fees collected by a licensor shall be deposited into a swimming 43205  
pool fund, which is hereby created in each health district. The 43206  
fees shall be used by the licensor solely for the purpose of 43207  
administering and enforcing this chapter and the rules adopted 43208  
under this chapter. 43209

(F) An annual license fee established under division (D) of 43210  
this section shall include any additional amount determined by 43211  
rule of the ~~public~~ director of health council, which the board of 43212  
health shall collect and transmit to the director ~~of health~~ 43213  
pursuant to section 3709.092 of the Revised Code. The amounts 43214  
collected under this division shall be administered by the 43215  
director of health and shall be used solely for the administration 43216  
and enforcement of this chapter and the rules adopted under this 43217  
chapter. 43218

**Sec. 3752.06.** (A) Unless the owner or operator of a reporting 43219  
facility has submitted to the director of environmental protection 43220  
in connection with the facility a notice of the temporary 43221  
discontinuation of all regulated operations at the facility in 43222  
compliance with division (A)(1) of section 3752.09 of the Revised 43223  
Code, has submitted an application for a waiver in compliance with 43224  
or been issued a waiver under division (A) of section 3752.10 of 43225  
the Revised Code, or, pursuant to division (B) of this section, 43226  
has been granted an extension of time for compliance with 43227

divisions (A)(4) to (6) of this section, and except as provided in 43228  
division (C) of this section, the owner or operator, not later 43229  
than ninety days after the cessation of all regulated operations 43230  
at the facility, shall do all of the following: 43231

(1) Submit to the director a copy of the most recent 43232  
emergency and hazardous chemical inventory form for the facility 43233  
submitted to the emergency response commission in accordance with 43234  
section 3750.08 of the Revised Code accompanied by a statement 43235  
indicating whether any asbestos-containing materials are present 43236  
at the facility; 43237  
43238

(2) Submit to the director a copy of the current hazardous 43239  
chemical list, or of each of the material safety data sheets, that 43240  
the owner or operator is required to have on file with the 43241  
commission under section 3750.07 of the Revised Code in connection 43242  
with the facility; 43243

(3) Submit to the director a list of every stationary tank, 43244  
vat, electrical transformer, and vessel of any type that contains 43245  
or is contaminated with regulated substances and that is to remain 43246  
at the facility; a precise description of the location of each; 43247  
and an identification of the regulated substances that are in or 43248  
contaminate each; 43249

(4) Drain or remove all regulated substances from each 43250  
stationary vat, tank, electrical transformer, and vessel, and from 43251  
all piping, that is to remain at the facility and do any or a 43252  
combination of the following: 43253

(a) Transfer the regulated substances to another facility 43254  
owned or operated by the owner or operator. If any regulated 43255  
substances are transferred to another facility of the owner or 43256  
operator located within this state, they shall be transferred to a 43257  
facility that is operating. If any regulated substances are 43258

transferred to another facility of the owner or operator located 43259  
outside this state, they shall be transferred in compliance with 43260  
the applicable laws governing the receiving facility of the state 43261  
in which the receiving facility is located. 43262

(b) Lawfully transfer ownership of the regulated substances 43263  
to another person through sale or otherwise; 43264

(c) Cause the regulated substances to be transported off the 43265  
premises of the facility and managed in compliance with the 43266  
applicable provisions of Chapter 3734. of the Revised Code and 43267  
rules adopted under that chapter; the "Toxic Substances Control 43268  
Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended, and 43269  
regulations adopted under it; or the "Resource Conservation and 43270  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 43271  
amended, and regulations adopted under it; or, if transported out 43272  
of state, to be managed in compliance with the waste management 43273  
laws of the state to which the regulated substances are 43274  
transported. 43275

In the case of any regulated substance that also is a 43276  
hazardous material identified or listed in regulations adopted 43277  
under the "Hazardous Materials Transportation Act," 88 Stat. 2156 43278  
(1975), 49 U.S.C.A. 1801, as amended, and that is to be 43279  
transported off the premises of the facility, the owner or 43280  
operator of the facility shall transport the regulated substance, 43281  
or cause it to be transported, in compliance with the applicable 43282  
rules adopted under ~~division (A) of section 4919.85, division (E)~~ 43283  
~~of section 4921.04, division (C) of section 4923.03, or division~~ 43284  
~~(C) of section 4923.20~~ Chapters 4905., 4921., and 4923. of the 43285  
Revised Code. 43286

(5) Remove from the facility all debris, nonstationary 43287  
equipment and furnishings, nonstationary containers, and motor 43288  
vehicles and rolling stock that contain or are contaminated with a 43289  
regulated substance and do any or a combination of the following: 43290

(a) Transfer the debris, equipment, furnishings, containers, 43291  
and motor vehicles and rolling stock to another facility owned or 43292  
operated by the owner or operator. If any such debris, equipment, 43293  
furnishings, containers, or motor vehicles and rolling stock is 43294  
transferred to another facility of the owner or operator located 43295  
in this state, it shall be transferred to a facility that is 43296  
operating. If any such debris, equipment, furnishings, containers, 43297  
or motor vehicles and rolling stock is transferred to another 43298  
facility of the owner or operator located outside this state, it 43299  
only shall be transferred in compliance with the applicable laws 43300  
governing the receiving facility of the state in which the 43301  
receiving facility is located. 43302

(b) Lawfully transfer ownership of the debris, equipment, 43303  
furnishings, containers, and motor vehicles and rolling stock to 43304  
another person through sale or otherwise; 43305

(c) Cause the debris, equipment, furnishings, and containers 43306  
to be transported off the premises of the facility and managed in 43307  
compliance with the applicable provisions of Chapter 3734. of the 43308  
Revised Code and rules adopted under that chapter; the "Toxic 43309  
Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, 43310  
as amended, and regulations adopted under it; or the "Resource 43311  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 43312  
6921, as amended, and regulations adopted under it; or, if 43313  
transported out of state, to be managed in compliance with the 43314  
waste management laws of the state to which the debris, equipment, 43315  
furnishings, and containers are transported. 43316

(6) Make a written certification to the director that the 43317  
actions required by divisions (A)(4) and (5) of this section have 43318  
been completed in compliance with those divisions and any 43319  
applicable rules adopted under section 3752.03 of the Revised 43320  
Code. The certification shall be made on a form prescribed by the 43321  
director and, in addition to the information required in division 43322

(A) of this section, shall include, without limitation, the 43323  
owner's or operator's name and the address of the owner's or 43324  
operator's principal office. 43325

(B) Upon the written request of the owner or operator of a 43326  
facility who is subject to division (A) of this section, the 43327  
director, at ~~his~~ the director's discretion, may extend the length 43328  
of time required for compliance with divisions (A)(4) to (6) of 43329  
this section for any period of time the director considers 43330  
reasonable and necessary if the director finds from the request 43331  
that either of the following applies: 43332

(1) The inability of the owner or operator to complete the 43333  
required actions within the time prescribed in that division is 43334  
due to circumstances that are temporary in nature and are beyond 43335  
the control of the owner or operator; 43336

(2) The owner or operator, exercising reasonable diligence, 43337  
is unable to complete the required actions within the time 43338  
prescribed in that division due to facility size, operational 43339  
complexity, or other such relevant factors. 43340

Upon making a decision on a request submitted under division 43341  
(B) of this section, the director shall mail notice of ~~his~~ the 43342  
decision to the owner or operator by certified mail, return 43343  
receipt requested, and, if the request was approved, notice of the 43344  
length of the extension. 43345

(C) An owner or operator of a reporting facility who is 43346  
subject to this section is not required to perform the removal 43347  
actions required by it or to make the certification required by 43348  
division (A)(6) of this section with respect to hazardous waste 43349  
stored, treated, or disposed of at the facility, or portion of the 43350  
facility, for which the owner holds a valid hazardous waste 43351  
facility installation and operation permit or renewal permit 43352  
issued under section 3734.05 of the Revised Code or has obtained a 43353

generator identification number pursuant to rules adopted under 43354  
section 3734.12 of the Revised Code. Instead, the owner shall 43355  
comply with the applicable closure and post-closure care 43356  
requirements established in rules adopted under section 3734.12 of 43357  
the Revised Code. 43358

(D) No person shall fail to comply with any provision of 43359  
division (A) of this section within the time required by that 43360  
division and any extension of that time granted under division (B) 43361  
of this section, as appropriate. 43362

**Sec. 3770.06.** (A) There is hereby created the state lottery 43363  
gross revenue fund, which shall be in the custody of the treasurer 43364  
of state but shall not be part of the state treasury. All gross 43365  
revenues received from sales of lottery tickets, fines, fees, and 43366  
related proceeds in connection with the statewide lottery and all 43367  
gross proceeds from statewide joint lottery games shall be 43368  
deposited into the fund. The treasurer of state shall invest any 43369  
portion of the fund not needed for immediate use in the same 43370  
manner as, and subject to all provisions of law with respect to 43371  
the investment of, state funds. The treasurer of state shall 43372  
disburse money from the fund on order of the director of the state 43373  
lottery commission or the director's designee. 43374

Except for gross proceeds from statewide joint lottery games, 43375  
all revenues of the state lottery gross revenue fund that are not 43376  
paid to holders of winning lottery tickets, that are not required 43377  
to meet short-term prize liabilities, that are not credited to 43378  
lottery sales agents in the form of bonuses, commissions, or 43379  
reimbursements, that are not paid to financial institutions to 43380  
reimburse those institutions for sales agent nonsufficient funds, 43381  
and that are collected from sales agents for remittance to 43382  
insurers under contract to provide sales agent bonding services 43383  
shall be transferred to the state lottery fund, which is hereby 43384

created in the state treasury. In addition, all revenues of the 43385  
state lottery gross revenue fund that represent the gross proceeds 43386  
from the statewide joint lottery games and that are not paid to 43387  
holders of winning lottery tickets, that are not required to meet 43388  
short-term prize liabilities, that are not credited to lottery 43389  
sales agents in the form of bonuses, commissions, or 43390  
reimbursements, and that are not necessary to cover operating 43391  
expenses associated with those games or to otherwise comply with 43392  
the agreements signed by the governor that the director enters 43393  
into under division (J) of section 3770.02 of the Revised Code or 43394  
the rules the commission adopts under division (B)(5) of section 43395  
3770.03 of the Revised Code shall be transferred to the state 43396  
lottery fund. All investment earnings of the fund shall be 43397  
credited to the fund. Moneys shall be disbursed from the fund 43398  
pursuant to vouchers approved by the director. Total disbursements 43399  
for monetary prize awards to holders of winning lottery tickets in 43400  
connection with the statewide lottery and purchases of goods and 43401  
services awarded as prizes to holders of winning lottery tickets 43402  
shall be of an amount equal to at least fifty per cent of the 43403  
total revenue accruing from the sale of lottery tickets. 43404

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 43405  
there is hereby established in the state treasury the lottery 43406  
profits education fund. Whenever, in the judgment of the director 43407  
of ~~budget and management~~ the state lottery commission, the amount 43408  
to the credit of the state lottery fund that does not represent 43409  
proceeds from statewide joint lottery games is in excess of that 43410  
needed to meet the maturing obligations of the commission and as 43411  
working capital for its further operations, the director of the 43412  
state lottery commission shall recommend the amount of the excess 43413  
to be transferred to the lottery profits education fund, and the 43414  
director of budget and management may transfer the excess to the 43415  
lottery profits education fund in connection with the statewide 43416  
lottery. In addition, whenever, in the judgment of the director of 43417

~~budget and management~~ the state lottery commission, the amount to 43418  
the credit of the state lottery fund that represents proceeds from 43419  
statewide joint lottery games equals the entire net proceeds of 43420  
those games as described in division (B)(5) of section 3770.03 of 43421  
the Revised Code and the rules adopted under that division, the 43422  
director of the state lottery commission shall recommend the 43423  
amount of the proceeds to be transferred to the lottery profits 43424  
education fund, and the director of budget and management may 43425  
transfer those proceeds to the lottery profits education fund. 43426  
~~There shall also be credited to the fund any repayments of moneys~~ 43427  
~~loaned from the educational excellence investment fund.~~ Investment 43428  
earnings of the lottery profits education fund shall be credited 43429  
to the fund. 43430

The lottery profits education fund shall be used solely for 43431  
the support of elementary, secondary, vocational, and special 43432  
education programs as determined in appropriations made by the 43433  
general assembly, or as provided in applicable bond proceedings 43434  
for the payment of debt service on obligations issued to pay costs 43435  
of capital facilities, including those for a system of common 43436  
schools throughout the state pursuant to section 2n of Article 43437  
VIII, Ohio Constitution. When determining the availability of 43438  
money in the lottery profits education fund, the director of 43439  
budget and management may consider all balances and estimated 43440  
revenues of the fund. 43441

(C) There is hereby established in the state treasury the 43442  
deferred prizes trust fund. With the approval of the director of 43443  
budget and management, an amount sufficient to fund annuity prizes 43444  
shall be transferred from the state lottery fund and credited to 43445  
the trust fund. The treasurer of state shall credit all earnings 43446  
arising from investments purchased under this division to the 43447  
trust fund. Within sixty days after the end of each fiscal year, 43448  
the treasurer of state shall certify to the director of budget and 43449



management whether the actuarial amount of the trust fund is 43450  
sufficient over the fund's life for continued funding of all 43451  
remaining deferred prize liabilities as of the last day of the 43452  
fiscal year just ended. Also, within that sixty days, the director 43453  
of budget and management shall certify the amount of investment 43454  
earnings necessary to have been credited to the trust fund during 43455  
the fiscal year just ending to provide for such continued funding 43456  
of deferred prizes. Any earnings credited in excess of the latter 43457  
certified amount shall be transferred to the lottery profits 43458  
education fund. 43459

To provide all or a part of the amounts necessary to fund 43460  
deferred prizes awarded by the commission in connection with the 43461  
statewide lottery, the treasurer of state, in consultation with 43462  
the commission, may invest moneys contained in the deferred prizes 43463  
trust fund which represents proceeds from the statewide lottery in 43464  
obligations of the type permitted for the investment of state 43465  
funds but whose maturities are thirty years or less. 43466  
Notwithstanding the requirements of any other section of the 43467  
Revised Code, to provide all or part of the amounts necessary to 43468  
fund deferred prizes awarded by the commission in connection with 43469  
statewide joint lottery games, the treasurer of state, in 43470  
consultation with the commission, may invest moneys in the trust 43471  
fund which represent proceeds derived from the statewide joint 43472  
lottery games in accordance with the rules the commission adopts 43473  
under division (B)(5) of section 3770.03 of the Revised Code. 43474  
Investments of the trust fund are not subject to the provisions of 43475  
division (A)(10) of section 135.143 of the Revised Code limiting 43476  
to twenty-five per cent the amount of the state's total average 43477  
portfolio that may be invested in debt interests and limiting to 43478  
one-half of one per cent the amount that may be invested in debt 43479  
interests of a single issuer. 43480

All purchases made under this division shall be effected on a 43481

delivery versus payment method and shall be in the custody of the 43482  
treasurer of state. 43483

The treasurer of state may retain an investment advisor, if 43484  
necessary. The commission shall pay any costs incurred by the 43485  
treasurer of state in retaining an investment advisor. 43486

(D) The auditor of state shall conduct annual audits of all 43487  
funds and any other audits as the auditor of state or the general 43488  
assembly considers necessary. The auditor of state may examine all 43489  
records, files, and other documents of the commission, and records 43490  
of lottery sales agents that pertain to their activities as 43491  
agents, for purposes of conducting authorized audits. 43492

The state lottery commission shall establish an internal 43493  
audit program before the beginning of each fiscal year, subject to 43494  
the approval of the auditor of state. At the end of each fiscal 43495  
year, the commission shall prepare and submit an annual report to 43496  
the auditor of state for the auditor of state's review and 43497  
approval, specifying the internal audit work completed by the end 43498  
of that fiscal year and reporting on compliance with the annual 43499  
internal audit program. The form and content of the report shall 43500  
be prescribed by the auditor of state under division (C) of 43501  
section 117.20 of the Revised Code. 43502

(E) Whenever, in the judgment of the director of budget and 43503  
management, an amount of net state lottery proceeds is necessary 43504  
to be applied to the payment of debt service on obligations, all 43505  
as defined in sections 151.01 and 151.03 of the Revised Code, the 43506  
director shall transfer that amount directly from the state 43507  
lottery fund or from the lottery profits education fund to the 43508  
bond service fund defined in those sections. The provisions of 43509  
this division are subject to any prior pledges or obligation of 43510  
those amounts to the payment of bond service charges as defined in 43511  
division (C) of section 3318.21 of the Revised Code, as referred 43512  
to in division (B) of this section. 43513

Sec. 3781.03. (A) The state fire marshal, the fire chief of a municipal corporation that has a fire department, or the fire chief of a township that has a fire department shall enforce the provisions of this chapter and Chapter 3791. of the Revised Code that relate to fire prevention.

(B) The superintendent of ~~labor~~ industrial compliance, or the building inspector or commissioner of buildings in a municipal corporation, county, or township in which the building department is certified by the board of building standards under section 3781.10 of the Revised Code shall enforce in the jurisdiction of each entity all the provisions in this chapter and Chapter 3791. of the Revised Code and any rules adopted pursuant to those chapters that relate to the construction, arrangement, and erection of all buildings or parts of buildings, as defined in section 3781.06 of the Revised Code, including the sanitary condition of those buildings in relation to heating and ventilation.

(C) The division of ~~labor~~ industrial compliance in the department of commerce, boards of health of health districts, certified departments of building inspection of municipal corporations, and county building departments that have authority to perform inspections pursuant to a contract under division (C)(1) of section 3703.01 of the Revised Code, subject to Chapter 3703. of the Revised Code, shall enforce this chapter and Chapter 3791. of the Revised Code and the rules adopted pursuant to those chapters that relate to plumbing. Building drains are considered plumbing for the purposes of enforcement of those chapters.

(D)(1) In accordance with Chapter 3703. of the Revised Code, the department of the city engineer, in cities having such departments, the boards of health of health districts, or the sewer purveyor, as appropriate, shall have complete authority to

supervise and regulate the entire sewerage and drainage system in 43545  
the jurisdiction in which it is exercising the authority described 43546  
in this division, including the building sewer and all laterals 43547  
draining into the street sewers. 43548

(2) In accordance with Chapter 3703. of the Revised Code, the 43549  
department of the city engineer, the boards of health of health 43550  
districts, or the sewer purveyor, as appropriate, shall control 43551  
and supervise the installation and construction of all drains and 43552  
sewers that become a part of the sewerage system and shall issue 43553  
all the necessary permits and licenses for the construction and 43554  
installation of all building sewers and of all other lateral 43555  
drains that empty into the main sewers. The department of the city 43556  
engineer, the boards of health of health districts, and the sewer 43557  
purveyor, as appropriate, shall keep a permanent record of the 43558  
installation and location of every drain and sewer of the drainage 43559  
and sewerage system of the jurisdiction in which it has exercised 43560  
the authority described in this division. 43561

(E) This section does not exempt any officer or department 43562  
from the obligation to enforce this chapter and Chapter 3791. of 43563  
the Revised Code. 43564

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 43565  
of resort, assembly, education, entertainment, lodging, dwelling, 43566  
trade, manufacture, repair, storage, traffic, or occupancy by the 43567  
public, any residential building, and all other buildings or parts 43568  
and appurtenances of those buildings erected within this state, 43569  
shall be so constructed, erected, equipped, and maintained that 43570  
they shall be safe and sanitary for their intended use and 43571  
occupancy. 43572

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 43573  
Revised Code shall be construed to limit the power of the ~~public~~ 43574  
~~health council~~ manufactured homes commission to adopt rules of 43575

uniform application governing manufactured home parks pursuant to 43576  
section ~~3733.02~~ 4781.26 of the Revised Code. 43577

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 43578  
Code do not apply to either of the following: 43579

(1) Buildings or structures that are incident to the use for 43580  
agricultural purposes of the land on which the buildings or 43581  
structures are located, provided those buildings or structures are 43582  
not used in the business of retail trade. For purposes of this 43583  
division, a building or structure is not considered used in the 43584  
business of retail trade if fifty per cent or more of the gross 43585  
income received from sales of products in the building or 43586  
structure by the owner or operator is from sales of products 43587  
produced or raised in a normal crop year on farms owned or 43588  
operated by the seller. 43589

(2) Existing single-family, two-family, and three-family 43590  
detached dwelling houses for which applications have been 43591  
submitted to the director of job and family services pursuant to 43592  
section 5104.03 of the Revised Code for the purposes of operating 43593  
type A family day-care homes as defined in section 5104.01 of the 43594  
Revised Code. 43595

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 43596  
Revised Code: 43597

(1) "Agricultural purposes" include agriculture, farming, 43598  
dairying, pasturage, apiculture, horticulture, floriculture, 43599  
viticulture, ornamental horticulture, olericulture, pomiculture, 43600  
and animal and poultry husbandry. 43601

(2) "Building" means any structure consisting of foundations, 43602  
walls, columns, girders, beams, floors, and roof, or a combination 43603  
of any number of these parts, with or without other parts or 43604  
appurtenances. 43605

(3) "Industrialized unit" means a building unit or assembly 43606

of closed construction fabricated in an off-site facility, that is 43607  
substantially self-sufficient as a unit or as part of a greater 43608  
structure, and that requires transportation to the site of 43609  
intended use. "Industrialized unit" includes units installed on 43610  
the site as independent units, as part of a group of units, or 43611  
incorporated with standard construction methods to form a 43612  
completed structural entity. "Industrialized unit" does not 43613  
include a manufactured home as defined by division (C)(4) of this 43614  
section or a mobile home as defined by division (O) of section 43615  
4501.01 of the Revised Code. 43616

(4) "Manufactured home" means a building unit or assembly of 43617  
closed construction that is fabricated in an off-site facility and 43618  
constructed in conformance with the federal construction and 43619  
safety standards established by the secretary of housing and urban 43620  
development pursuant to the "Manufactured Housing Construction and 43621  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 43622  
5403, and that has a permanent label or tag affixed to it, as 43623  
specified in 42 U.S.C.A. 5415, certifying compliance with all 43624  
applicable federal construction and safety standards. 43625

(5) "Permanent foundation" means permanent masonry, concrete, 43626  
or a footing or foundation approved by the manufactured homes 43627  
commission pursuant to Chapter 4781. of the Revised Code, to which 43628  
a manufactured or mobile home may be affixed. 43629

(6) "Permanently sited manufactured home" means a 43630  
manufactured home that meets all of the following criteria: 43631

(a) The structure is affixed to a permanent foundation and is 43632  
connected to appropriate facilities; 43633

(b) The structure, excluding any addition, has a width of at 43634  
least twenty-two feet at one point, a length of at least 43635  
twenty-two feet at one point, and a total living area, excluding 43636  
garages, porches, or attachments, of at least nine hundred square 43637

feet; 43638

(c) The structure has a minimum 3:12 residential roof pitch, 43639  
conventional residential siding, and a six-inch minimum eave 43640  
overhang, including appropriate guttering; 43641

(d) The structure was manufactured after January 1, 1995; 43642

(e) The structure is not located in a manufactured home park 43643  
as defined by section ~~3733.01~~ 4781.01 of the Revised Code. 43644

(7) "Safe," with respect to a building, means it is free from 43645  
danger or hazard to the life, safety, health, or welfare of 43646  
persons occupying or frequenting it, or of the public and from 43647  
danger of settlement, movement, disintegration, or collapse, 43648  
whether such danger arises from the methods or materials of its 43649  
construction or from equipment installed therein, for the purpose 43650  
of lighting, heating, the transmission or utilization of electric 43651  
current, or from its location or otherwise. 43652

(8) "Sanitary," with respect to a building, means it is free 43653  
from danger or hazard to the health of persons occupying or 43654  
frequenting it or to that of the public, if such danger arises 43655  
from the method or materials of its construction or from any 43656  
equipment installed therein, for the purpose of lighting, heating, 43657  
ventilating, or plumbing. 43658

(9) "Residential building" means a one-family, two-family, or 43659  
three-family dwelling house, and any accessory structure 43660  
incidental to that dwelling house. "Residential building" includes 43661  
a one-family, two-family, or three-family dwelling house that is 43662  
used as a model to promote the sale of a similar dwelling house. 43663  
"Residential building" does not include an industrialized unit as 43664  
defined by division (C)(3) of this section, a manufactured home as 43665  
defined by division (C)(4) of this section, or a mobile home as 43666  
defined by division (O) of section 4501.01 of the Revised Code. 43667

(10) "Nonresidential building" means any building that is not 43668

a residential building or a manufactured or mobile home. 43669

(11) "Accessory structure" means a structure that is attached 43670  
to a residential building and serves the principal use of the 43671  
residential building. "Accessory structure" includes, but is not 43672  
limited to, a garage, porch, or screened-in patio. 43673

**Sec. 3781.102.** (A) Any county or municipal building 43674  
department certified pursuant to division (E) of section 3781.10 43675  
of the Revised Code as of September 14, 1970, and that, as of that 43676  
date, was inspecting single-family, two-family, and three-family 43677  
residences, and any township building department certified 43678  
pursuant to division (E) of section 3781.10 of the Revised Code, 43679  
is hereby declared to be certified to inspect single-family, 43680  
two-family, and three-family residences containing industrialized 43681  
units, and shall inspect the buildings or classes of buildings 43682  
subject to division (E) of section 3781.10 of the Revised Code. 43683

(B) Each board of county commissioners may adopt, by 43684  
resolution, rules establishing standards and providing for the 43685  
licensing of electrical and heating, ventilating, and air 43686  
conditioning contractors who are not required to hold a valid and 43687  
unexpired license pursuant to Chapter 4740. of the Revised Code. 43688

Rules adopted by a board of county commissioners pursuant to 43689  
this division may be enforced within the unincorporated areas of 43690  
the county and within any municipal corporation where the 43691  
legislative authority of the municipal corporation has contracted 43692  
with the board for the enforcement of the county rules within the 43693  
municipal corporation pursuant to section 307.15 of the Revised 43694  
Code. The rules shall not conflict with rules adopted by the board 43695  
of building standards pursuant to section 3781.10 of the Revised 43696  
Code or by the department of commerce pursuant to Chapter 3703. of 43697  
the Revised Code. This division does not impair or restrict the 43698  
power of municipal corporations under Section 3 of Article XVIII, 43699



Ohio Constitution, to adopt rules concerning the erection, 43700  
construction, repair, alteration, and maintenance of buildings and 43701  
structures or of establishing standards and providing for the 43702  
licensing of specialty contractors pursuant to section 715.27 of 43703  
the Revised Code. 43704

A board of county commissioners, pursuant to this division, 43705  
may require all electrical contractors and heating, ventilating, 43706  
and air conditioning contractors, other than those who hold a 43707  
valid and unexpired license issued pursuant to Chapter 4740. of 43708  
the Revised Code, to successfully complete an examination, test, 43709  
or demonstration of technical skills, and may impose a fee and 43710  
additional requirements for a license to engage in their 43711  
respective occupations within the jurisdiction of the board's 43712  
rules under this division. 43713

(C) No board of county commissioners shall require any 43714  
specialty contractor who holds a valid and unexpired license 43715  
issued pursuant to Chapter 4740. of the Revised Code to 43716  
successfully complete an examination, test, or demonstration of 43717  
technical skills in order to engage in the type of contracting for 43718  
which the license is held, within the unincorporated areas of the 43719  
county and within any municipal corporation whose legislative 43720  
authority has contracted with the board for the enforcement of 43721  
county regulations within the municipal corporation, pursuant to 43722  
section 307.15 of the Revised Code. 43723

(D) A board may impose a fee for registration of a specialty 43724  
contractor who holds a valid and unexpired license issued pursuant 43725  
to Chapter 4740. of the Revised Code before that specialty 43726  
contractor may engage in the type of contracting for which the 43727  
license is held within the unincorporated areas of the county and 43728  
within any municipal corporation whose legislative authority has 43729  
contracted with the board for the enforcement of county 43730  
regulations within the municipal corporation, pursuant to section 43731

307.15 of the Revised Code, provided that the fee is the same for 43732  
all specialty contractors who wish to engage in that type of 43733  
contracting. If a board imposes such a fee, the board immediately 43734  
shall permit a specialty contractor who presents proof of holding 43735  
a valid and unexpired license and pays the required fee to engage 43736  
in the type of contracting for which the license is held within 43737  
the unincorporated areas of the county and within any municipal 43738  
corporation whose legislative authority has contracted with the 43739  
board for the enforcement of county regulations within the 43740  
municipal corporation, pursuant to section 307.15 of the Revised 43741  
Code. 43742

(E) The political subdivision associated with each municipal, 43743  
township, and county building department the board of building 43744  
standards certifies pursuant to division (E) of section 3781.10 of 43745  
the Revised Code may prescribe fees to be paid by persons, 43746  
political subdivisions, or any department, agency, board, 43747  
commission, or institution of the state, for the acceptance and 43748  
approval of plans and specifications, and for the making of 43749  
inspections, pursuant to sections 3781.03 and 3791.04 of the 43750  
Revised Code. 43751

(F) Each political subdivision that prescribes fees pursuant 43752  
to division (E) of this section shall collect, on behalf of the 43753  
board of building standards, fees equal to the following: 43754

(1) Three per cent of the fees the political subdivision 43755  
collects in connection with nonresidential buildings; 43756

(2) One per cent of the fees the political subdivision 43757  
collects in connection with residential buildings. 43758

(G)(1) The board shall adopt rules, in accordance with 43759  
Chapter 119. of the Revised Code, specifying the manner in which 43760  
the fee assessed pursuant to division (F) of this section shall be 43761  
collected and remitted monthly to the board. The board shall pay 43762

the fees into the state treasury to the credit of the ~~labor~~ 43763  
industrial compliance operating fund created in section 121.084 of 43764  
the Revised Code. 43765

(2) All money credited to the ~~labor~~ industrial compliance 43766  
operating fund under this division shall be used exclusively for 43767  
the following: 43768

(a) Operating costs of the board; 43769

(b) Providing services, including educational programs, for 43770  
the building departments that are certified by the board pursuant 43771  
to division (E) of section 3781.10 of the Revised Code; 43772

(c) Paying the expenses of the residential construction 43773  
advisory committee, including the expenses of committee members as 43774  
provided in section 4740.14 of the Revised Code. 43775

(H) A board of county commissioners that adopts rules 43776  
providing for the licensing of electrical and heating, 43777  
ventilating, and air conditioning contractors, pursuant to 43778  
division (B) of this section, may accept, for purposes of 43779  
satisfying the requirements of rules adopted under that division, 43780  
a valid and unexpired license issued pursuant to Chapter 4740. of 43781  
the Revised Code that is held by an electrical or heating, 43782  
ventilating, and air conditioning contractor, for the 43783  
construction, replacement, maintenance, or repair of one-family, 43784  
two-family, or three-family dwelling houses or accessory 43785  
structures incidental to those dwelling houses. 43786

(I) A board of county commissioners shall not register a 43787  
specialty contractor who is required to hold a license under 43788  
Chapter 4740. of the Revised Code but does not hold a valid 43789  
license issued under that chapter. 43790

(J) As used in this section, "specialty contractor" means a 43791  
heating, ventilating, and air conditioning contractor, 43792  
refrigeration contractor, electrical contractor, plumbing 43793

contractor, or hydronics contractor, as those contractors are 43794  
described in Chapter 4740. of the Revised Code. 43795

**Sec. 3781.11.** (A) The rules of the board of building 43796  
standards shall: 43797

(1) For nonresidential buildings, provide uniform minimum 43798  
standards and requirements, and for residential buildings, provide 43799  
standards and requirements that are uniform throughout the state, 43800  
for construction and construction materials, including 43801  
construction of industrialized units, to make residential and 43802  
nonresidential buildings safe and sanitary as defined in section 43803  
3781.06 of the Revised Code; 43804

(2) Formulate such standards and requirements, so far as may 43805  
be practicable, in terms of performance objectives, so as to make 43806  
adequate performance for the use intended the test of 43807  
acceptability; 43808

(3) Permit, to the fullest extent feasible, the use of 43809  
materials and technical methods, devices, and improvements, 43810  
including the use of industrialized units which tend to reduce the 43811  
cost of construction and erection without affecting minimum 43812  
requirements for the health, safety, and security of the occupants 43813  
or users of buildings or industrialized units and without 43814  
preferential treatment of types or classes of materials or 43815  
products or methods of construction; 43816

(4) Encourage, so far as may be practicable, the 43817  
standardization of construction practices, methods, equipment, 43818  
material, and techniques, including methods employed to produce 43819  
industrialized units; 43820

(5) Not require any alteration or repair of any part of a 43821  
school building owned by a chartered nonpublic school or a city, 43822  
local, exempted village, or joint vocational school district and 43823

operated in conjunction with any primary or secondary school 43824  
program that is not being altered or repaired if all of the 43825  
following apply: 43826

(a) The school building meets all of the applicable building 43827  
code requirements in existence at the time of the construction of 43828  
the building. 43829

(b) The school building otherwise satisfies the requirements 43830  
of section 3781.06 of the Revised Code. 43831

(c) The part of the school building altered or repaired 43832  
conforms to all rules of the board existing on the date of the 43833  
repair or alteration. 43834

(6) Not require any alteration or repair to any part of a 43835  
workshop or factory that is not otherwise being altered, repaired, 43836  
or added to if all of the following apply: 43837

(a) The workshop or factory otherwise satisfies the 43838  
requirements of section 3781.06 of the Revised Code. 43839

(b) The part of the workshop or factory altered, repaired, or 43840  
added conforms to all rules of the board existing on the date of 43841  
plan approval of the repair, alteration, or addition. 43842

(B) The rules of the board shall supersede and govern any 43843  
order, standard, or rule of the division of ~~labor~~ industrial 43844  
compliance in the department of commerce, division of the state 43845  
fire marshal, the department of health, and of counties and 43846  
townships, in all cases where such orders, standards, or rules are 43847  
in conflict with the rules of the board, except that rules adopted 43848  
and orders issued by the state fire marshal pursuant to Chapter 43849  
3743. of the Revised Code prevail in the event of a conflict. 43850

(C) The construction, alteration, erection, and repair of 43851  
buildings including industrialized units, and the materials and 43852  
devices of any kind used in connection with them and the heating 43853

and ventilating of them and the plumbing and electric wiring in 43854  
them shall conform to the statutes of this state or the rules 43855  
adopted and promulgated by the board, and to provisions of local 43856  
ordinances not inconsistent therewith. Any building, structure, or 43857  
part thereof, constructed, erected, altered, manufactured, or 43858  
repaired not in accordance with the statutes of this state or with 43859  
the rules of the board, and any building, structure, or part 43860  
thereof in which there is installed, altered, or repaired any 43861  
fixture, device, and material, or plumbing, heating, or 43862  
ventilating system, or electric wiring not in accordance with such 43863  
statutes or rules is a public nuisance. 43864

(D) As used in this section: 43865

(1) "Nonpublic school" means a chartered school for which 43866  
minimum standards are prescribed by the state board of education 43867  
pursuant to division (D) of section 3301.07 of the Revised Code. 43868

(2) "Workshop or factory" includes manufacturing, mechanical, 43869  
electrical, mercantile, art, and laundering establishments, 43870  
printing, telegraph, and telephone offices, railroad depots, and 43871  
memorial buildings, but does not include hotels and tenement and 43872  
apartment houses. 43873

**Sec. 3781.112.** (A) As used in this section, "secured 43874  
facility" means any of the following: 43875

(1) A maternity ~~boardinghouse or lying in hospital unit,~~ 43876  
~~newborn care nursery, or maternity home~~ licensed under ~~section~~ 43877  
~~3711.02 Chapter 3711.~~ of the Revised Code; 43878

(2) A pediatric intensive care unit subject to rules adopted 43879  
by the director of health pursuant to section 3702.11 of the 43880  
Revised Code; 43881

(3) A children's hospital, as defined in section ~~3702.51~~ 43882  
3727.01 of the Revised Code; 43883

(4) A hospital that is licensed under section 5119.20 of the Revised Code to receive mentally ill persons; 43884  
43885

(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. 43886  
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(B) A secured facility may take reasonable steps in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, to deny egress to confine and protect patients or residents of the secured facility who are not capable of self-preservation. A secured facility that wishes to deny egress to those patients or residents may use delayed-egress doors and electronically coded doors to deny egress, on the condition that those doors are installed and used in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code. A secured facility also may install controlled-egress locks, in compliance with rules the board of building standards adopts under division (A) section 3781.10 of the Revised Code and in compliance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, in areas of the secured facility where patients or residents who have physical or mental conditions that would endanger the patients or residents, the staff attending the patients or residents, or the general public if those patients or residents are not restricted in their freedom of movement. A secured facility that uses 43893  
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delayed-egress doors and electronically coded doors, 43916  
controlled-egress locks, or both, shall do both of the following: 43917

(1) Provide continuous, twenty-four-hour custodial care to 43918  
the patients or residents of the facility; 43919

(2) Establish a system to evacuate patients or residents in 43920  
the event of fire or other emergency. 43921

**Sec. 3783.05.** The board of building standards, in accordance 43922  
with Chapters 119., 3781., and 3791. of the Revised Code, shall 43923  
adopt, amend, or repeal such rules as may be reasonably necessary 43924  
to administer this chapter. All fees collected by the board 43925  
pursuant to this chapter shall be paid into the state treasury to 43926  
the credit of the ~~labor~~ industrial compliance operating fund 43927  
created in section 121.084 of the Revised Code. 43928

**Sec. 3791.02.** No owner, or person having the control as an 43929  
officer or member of a board or committee or otherwise of any 43930  
opera house, hall, theater, church, schoolhouse, college, academy, 43931  
seminary, infirmary, sanitarium, children's home, hospital, 43932  
medical institute, asylum, memorial building, armory, assembly 43933  
hall, or other building for the assemblage or betterment of people 43934  
shall fail to obey any order of the state fire marshal, boards of 43935  
health of city and general health districts, the building 43936  
inspector or commissioner in cities having a building inspection 43937  
department, or the superintendent of ~~labor~~ industrial compliance 43938  
in the department of commerce under Chapters 3781. and 3791. of 43939  
the Revised Code or rules or regulations adopted pursuant thereto. 43940

Whoever violates this section shall be fined not more than 43941  
one thousand dollars. 43942

**Sec. 3791.04.** (A)(1) Before beginning the construction, 43943  
erection, or manufacture of any building to which section 3781.06 43944



of the Revised Code applies, including all industrialized units, 43945  
the owner of that building, in addition to any other submission 43946  
required by law, shall submit plans or drawings, specifications, 43947  
and data prepared for the construction, erection, equipment, 43948  
alteration, or addition that indicate the portions that have been 43949  
approved pursuant to section 3781.12 of the Revised Code and for 43950  
which no further approval is required, to the municipal, township, 43951  
or county building department having jurisdiction unless one of 43952  
the following applies: 43953

(a) If no municipal, township, or county building department 43954  
certified for nonresidential buildings pursuant to division (E) of 43955  
section 3781.10 of the Revised Code has jurisdiction, the owner 43956  
shall make the submissions described in division (A)(1) of this 43957  
section to the superintendent of ~~labor~~ industrial compliance. 43958

(b) If no certified municipal, township, or county building 43959  
department certified for residential buildings pursuant to 43960  
division (E) of section 3781.10 of the Revised Code has 43961  
jurisdiction, the owner is not required to make the submissions 43962  
described in division (A)(1) of this section. 43963

(2)(a) The seal of an architect registered under Chapter 43964  
4703. of the Revised Code or an engineer registered under Chapter 43965  
4733. of the Revised Code is required for any plans, drawings, 43966  
specifications, or data submitted for approval, unless the plans, 43967  
drawings, specifications, or data are permitted to be prepared by 43968  
persons other than registered architects pursuant to division (C) 43969  
or (D) of section 4703.18 of the Revised Code, or by persons other 43970  
than registered engineers pursuant to division (C) or (D) of 43971  
section 4733.18 of the Revised Code. 43972

(b) No seal is required for any plans, drawings, 43973  
specifications, or data submitted for approval for any residential 43974  
buildings, as defined in section 3781.06 of the Revised Code, or 43975  
erected as industrialized one-, two-, or three-family units or 43976

structures within the meaning of "industrialized unit" as defined 43977  
in section 3781.06 of the Revised Code. 43978

(c) No seal is required for approval of the installation of 43979  
replacement equipment or systems that are similar in type or 43980  
capacity to the equipment or systems being replaced. No seal is 43981  
required for approval for any new construction, improvement, 43982  
alteration, repair, painting, decorating, or other modification of 43983  
any buildings or structures subject to sections 3781.06 to 3781.18 43984  
and 3791.04 of the Revised Code if the proposed work does not 43985  
involve technical design analysis, as defined by rule adopted by 43986  
the board of building standards. 43987

(B) No owner shall proceed with the construction, erection, 43988  
alteration, or equipment of any building until the plans or 43989  
drawings, specifications, and data have been approved as this 43990  
section requires, or the industrialized unit inspected at the 43991  
point of origin. No plans or specifications shall be approved or 43992  
inspection approval given unless the building represented would, 43993  
if constructed, repaired, erected, or equipped, comply with 43994  
Chapters 3781. and 3791. of the Revised Code and any rule made 43995  
under those chapters. 43996

(C) The approval of plans or drawings and specifications or 43997  
data pursuant to this section is invalid if construction, 43998  
erection, alteration, or other work upon the building has not 43999  
commenced within twelve months of the approval of the plans or 44000  
drawings and specifications. One extension shall be granted for an 44001  
additional twelve-month period if the owner requests at least ten 44002  
days in advance of the expiration of the permit and upon payment 44003  
of a fee not to exceed one hundred dollars. If in the course of 44004  
construction, work is delayed or suspended for more than six 44005  
months, the approval of plans or drawings and specifications or 44006  
data is invalid. Two extensions shall be granted for six months 44007  
each if the owner requests at least ten days in advance of the 44008

expiration of the permit and upon payment of a fee for each 44009  
extension of not more than one hundred dollars. Before any work 44010  
may continue on the construction, erection, alteration, or 44011  
equipment of any building for which the approval is invalid, the 44012  
owner of the building shall resubmit the plans or drawings and 44013  
specifications for approval pursuant to this section. 44014

(D) Subject to section 3791.042 of the Revised Code, the 44015  
board of building standards or the legislative authority of a 44016  
municipal corporation, township, or county, by rule, may regulate 44017  
the requirements for the submission of plans and specifications to 44018  
the respective enforcing departments and for processing by those 44019  
departments. The board of building standards or the legislative 44020  
authority of a municipal corporation, township, or county may 44021  
adopt rules to provide for the approval, subject to section 44022  
3791.042 of the Revised Code, by the department having 44023  
jurisdiction of the plans for construction of a foundation or any 44024  
other part of a building or structure before the complete plans 44025  
and specifications for the entire building or structure are 44026  
submitted. When any plans are approved by the department having 44027  
jurisdiction, the structure and every particular represented by 44028  
and disclosed in those plans shall, in the absence of fraud or a 44029  
serious safety or sanitation hazard, be conclusively presumed to 44030  
comply with Chapters 3781. and 3791. of the Revised Code and any 44031  
rule issued pursuant to those chapters, if constructed, altered, 44032  
or repaired in accordance with those plans and any rule in effect 44033  
at the time of approval. 44034

(E) The approval of plans and specifications, including 44035  
inspection of industrialized units, under this section is a 44036  
"license" and the failure to approve plans or specifications as 44037  
submitted or to inspect the unit at the point of origin within 44038  
thirty days after the plans or specifications are filed or the 44039  
request to inspect the industrialized unit is made, the 44040

disapproval of plans and specifications, or the refusal to approve 44041  
an industrialized unit following inspection at the point of origin 44042  
is "an adjudication order denying the issuance of a license" 44043  
requiring an "adjudication hearing" as provided by sections 119.07 44044  
to 119.13 of the Revised Code and as modified by sections 3781.031 44045  
and 3781.19 of the Revised Code. An adjudication order denying the 44046  
issuance of a license shall specify the reasons for that denial. 44047

(F) The board of building standards shall not require the 44048  
submission of site preparation plans or plot plans to the division 44049  
of ~~labor~~ industrial compliance when industrialized units are used 44050  
exclusively as one-, two-, or three-family dwellings. 44051

(G) Notwithstanding any procedures the board establishes, if 44052  
the agency having jurisdiction objects to any portion of the plans 44053  
or specifications, the owner or the owner's representative may 44054  
request the agency to issue conditional approval to proceed with 44055  
construction up to the point of the objection. Approval shall be 44056  
issued only when the objection results from conflicting 44057  
interpretations of the rules of the board of building standards 44058  
rather than the application of specific technical requirements of 44059  
the rules. Approval shall not be issued where the correction of 44060  
the objection would cause extensive changes in the building design 44061  
or construction. The giving of conditional approval is a 44062  
"conditional license" to proceed with construction up to the point 44063  
where the construction or materials objected to by the agency are 44064  
to be incorporated into the building. No construction shall 44065  
proceed beyond that point without the prior approval of the agency 44066  
or another agency that conducts an adjudication hearing relative 44067  
to the objection. The agency having jurisdiction shall specify its 44068  
objections to the plans or specifications, which is an 44069  
"adjudication order denying the issuance of a license" and may be 44070  
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 44071  
and as modified by sections 3781.031 and 3781.19 of the Revised 44072

Code. 44073

(H) A certified municipal, township, or county building 44074  
department having jurisdiction, or the superintendent, as 44075  
appropriate, shall review any plans, drawings, specifications, or 44076  
data described in this section that are submitted to it or to the 44077  
superintendent. 44078

(I) No owner or persons having control as an officer, or as a 44079  
member of a board or committee, or otherwise, of a building to 44080  
which section 3781.06 of the Revised Code is applicable, and no 44081  
architect, designer, engineer, builder, contractor, subcontractor, 44082  
or any officer or employee of a municipal, township, or county 44083  
building department shall violate this section. 44084

(J) Whoever violates this section shall be fined not more 44085  
than five hundred dollars. 44086

**Sec. 3791.05.** No owner, lessee, agent, factor, architect, or 44087  
contractor engaged in and having supervision or charge of the 44088  
building, erection, or construction of a block, building, or 44089  
structure, shall neglect or refuse to place or have placed upon 44090  
the joists of each story thereof, as soon as joists are in 44091  
position, counter floors of such quality and strength as to render 44092  
perfectly safe the going to and from thereon of all mechanics, 44093  
laborers, and other persons engaged upon the work of construction 44094  
or supervision, or in placing materials for such construction. 44095

Whoever violates this section shall be fined not less than 44096  
twenty-five nor more than two hundred dollars. 44097

Each day that such person neglects or refuses to have such 44098  
counter floors so placed, after notice is given by a building 44099  
inspector, a chief inspector, or deputy inspector of the city 44100  
building inspection department in cities where such department is 44101  
organized, or by the superintendent of ~~labor~~ industrial compliance 44102

of the state, in cities where such departments are not organized, 44103  
or from a person whose life or personal safety may be endangered 44104  
by such neglect or refusal, is a separate offense. 44105

**Sec. 3791.07.** (A) The board of building standards may 44106  
establish such reasonable inspection fee schedules as it 44107  
determines necessary or desirable relating to the inspection of 44108  
all plans and specifications submitted for approval to the 44109  
division of ~~labor~~ industrial compliance, and all industrialized 44110  
units inspected at the point of origin and at the construction 44111  
site of the building. The inspection fee schedule established 44112  
shall bear some reasonable relationship to the cost of 44113  
administering and enforcing the provisions of Chapters 3781. and 44114  
3791. of the Revised Code. 44115

(B) In addition to the fee assessed in division (A) of this 44116  
section, the board shall assess a fee of not more than five 44117  
dollars for each application for acceptance and approval of plans 44118  
and specifications and for making inspections pursuant to section 44119  
3791.04 of the Revised Code. The board shall adopt rules, in 44120  
accordance with Chapter 119. of the Revised Code, specifying the 44121  
manner by which the superintendent of ~~labor~~ industrial compliance 44122  
shall collect and remit to the board the fees assessed under this 44123  
division and requiring that remittance of the fees be made at 44124  
least quarterly. 44125

(C) Any person who fails to pay an inspection fee required 44126  
for any inspection conducted by the department of commerce 44127  
pursuant to Chapters 3781. and 3791. of the Revised Code, except 44128  
for fees charged for the inspection of plans and specifications, 44129  
within forty-five days after the inspection is conducted, shall 44130  
pay a late payment fee equal to twenty-five per cent of the 44131  
inspection fee. 44132

(D) The board shall pay the fees assessed under this section 44133

into the state treasury to the credit of the ~~labor~~ industrial 44134  
compliance operating fund created in section 121.084 of the 44135  
Revised Code. 44136

**Sec. 3791.11.** (A) As used in this section and sections 44137  
3791.12 and 3791.13 of the Revised Code: 44138

(1) "Service station" means any facility designed and 44139  
constructed primarily for use in the retail sale of gasoline, 44140  
other petroleum products, and related accessories; except that 44141  
"service station" does not include any such facility that has been 44142  
converted for use for another bona fide business purpose, on and 44143  
after the date of commencement of such other use. 44144

(2) "Abandoned service station" means any service station 44145  
that has not been used for the retail sale of gasoline, other 44146  
petroleum products, and related accessories for a continuous 44147  
period of six months, whenever failure to reasonably secure 44148  
station buildings from ready access by unauthorized persons and to 44149  
reasonably maintain the station's premises has resulted in 44150  
conditions that endanger the public health, welfare, safety, or 44151  
morals; provided, that such conditions include, but are not 44152  
limited to, the presence of defective or deteriorated electrical 44153  
wiring, heating apparatus, and gas connections, or of unprotected 44154  
gasoline storage tanks, piping, and valves, or any combination of 44155  
the foregoing; and provided further that the casual and 44156  
intermittent use of a service station for the retail sale of any 44157  
item described in division (A)(1) of this section during such 44158  
six-month period shall not be held to prevent the station from 44159  
being determined an abandoned service station if it meets the 44160  
other qualifications of this division. 44161

(B) No person shall construct, renew operation of, or 44162  
continue operation of a service station unless, prior to the 44163  
commencement of construction or renewed operation and during the 44164

period of continued operation, a valid bond is on file as provided 44165  
in division (C) ~~or (D)~~ of this section. The bond shall be obtained 44166  
by the owner of the property if ~~he~~ the owner is also the owner of 44167  
the service station. If the owner of the property is not the owner 44168  
of the service station, then the bond shall be obtained by the 44169  
lessee of the property; except that such lessee shall be other 44170  
than any person who leases and operates the service station 44171  
pursuant to a contract with a supplier of gasoline and petroleum 44172  
products. The bond shall identify and list the name and address of 44173  
the property owner and any lessee other than a person who leases 44174  
and operates the service station pursuant to a contract with a 44175  
supplier of gasoline and petroleum products. 44176

(C) The bond required by division (B) of this section shall 44177  
be filed annually with the executive authority of the municipal 44178  
corporation in which the service station is, or is to be, located, 44179  
or with the clerk of the board of county commissioners if the 44180  
service station is not, or is not to be, located within a 44181  
municipal corporation. The bond shall either be a cash bond or 44182  
have sufficient sureties approved by the executive authority or 44183  
clerk with whom it is filed. The bond shall be for a term of one 44184  
year and shall be renewed annually. The bond shall be in the 44185  
amount of three thousand dollars for each service station to 44186  
provide for the repair or removal of the service station and its 44187  
appurtenances and restoration of the property. The bond shall be 44188  
conditioned upon the repair or removal of the service station and 44189  
restoration of the property if the service station is determined 44190  
to be an abandoned service station as provided in section 3791.12 44191  
of the Revised Code. If the service station is determined to be an 44192  
abandoned service station, and division (D) or (F) of section 44193  
3791.12 of the Revised Code applies, the bond shall be forfeited 44194  
and the proceeds applied to the costs of repair or removal and 44195  
restoration as provided in section 3791.13 of the Revised Code. If 44196  
the amount of the bond exceeds the costs of repair or removal and 44197



restoration, the excess shall be returned to the depositor. 44198

~~(D) Whenever a property owner or lessee, other than a person 44199  
leasing and operating a service station pursuant to a contract 44200  
with a supplier of gasoline and other petroleum products, owns, 44201  
leases, or is constructing two or more service stations in this 44202  
state, such owner or lessee may deposit with the treasurer of 44203  
state, in lieu of the bond required by division (C) of this 44204  
section, money or a surety bond approved by the treasurer in the 44205  
amount of one hundred fifty thousand dollars, or bonds of the 44206  
United States, this state, or of a political subdivision of this 44207  
state, having a market value, as determined by the treasurer, of 44208  
one hundred fifty thousand dollars. The bond or deposit shall 44209  
cover all service stations owned in the state, being constructed, 44210  
leased, or operated by the depositor and shall be conditioned upon 44211  
the repair or removal of any such station and its appurtenances 44212  
and restoration of the property, if the station is determined to 44213  
be an abandoned service station as provided in section 3791.12 of 44214  
the Revised Code. If any such service station is determined to be 44215  
an abandoned service station, and division (D) or (F) of section 44216  
3791.12 of the Revised Code applies, the portion of the bond or 44217  
deposit required to pay the costs of repair or removal and 44218  
restoration shall be forfeited and paid to the executive authority 44219  
of the municipal corporation or to the board of county 44220  
commissioners of the county, upon request therefor. If the surety 44221  
refuses to pay the costs of repair or removal and restoration to 44222  
the treasurer, the treasurer shall forthwith file an action on the 44223  
bond in the amount certified by the executive authority or board 44224  
as the costs of repair or removal and restoration, and shall pay 44225  
to the executive authority or board the proceeds of any judgment. 44226  
A bond or deposit shall remain valid as long as it is sufficient 44227  
to cover one hundred thousand dollars of liability. If the bond or 44228  
deposit is reduced to a lesser amount, it shall be invalid unless 44229  
sufficient additional bond or deposit is provided to restore the 44230~~

~~amount of liability covered to one hundred fifty thousand dollars.~~ 44231

**Sec. 3791.12.** (A) The executive authority of each municipal 44232  
corporation and the board of county commissioners of each county 44233  
shall designate a suitable person to make inspections, within 44234  
their respective territorial jurisdictions, of any service 44235  
stations that are, or appear to be, no longer in use for the 44236  
purposes described in division (A)(1) of section 3791.11 of the 44237  
Revised Code, or for any other bona fide business purpose. 44238  
Inspections of service stations under this section shall be made 44239  
at the order of the executive authority or board, or upon the 44240  
complaint of any person claiming to be adversely affected by the 44241  
condition of a service station. Any inspector designated under 44242  
this section shall have the right to enter upon and inspect any 44243  
service station that is, or appears to be, no longer in use as 44244  
described in this section. No inspector, while in the lawful 44245  
pursuit of ~~his~~ official duties for such purpose, shall be subject 44246  
to arrest for trespass while so engaged or for such cause 44247  
thereafter. 44248

(B) Whenever an inspector, upon inspecting a service station 44249  
as provided in this section, has reasonable cause to believe that 44250  
it qualifies as an abandoned service station, ~~he~~ the inspector 44251  
shall prepare a written report of the condition of the station's 44252  
buildings and premises. The report shall be filed immediately with 44253  
the executive authority or board. Upon receipt of the report, the 44254  
executive authority or board shall fix a place and time, not less 44255  
than thirty days nor more than sixty days after receipt of the 44256  
report, for a hearing to determine whether the service station is 44257  
an abandoned service station. The executive authority or board 44258  
shall send written notice of the place and date of the hearing, 44259  
together with a copy of the inspector's report and information 44260  
that the service station may be ordered repaired or removed if 44261  
determined to be abandoned, to all persons listed in the bond 44262

filed under division (C) ~~or (D)~~ of section 3791.11 of the Revised 44263  
Code, and to all persons listed in the records of the county 44264  
recorder or county clerk of courts as holding a lien on the 44265  
affected property. Such notice shall be sent by certified mail to 44266  
the address shown on such records. 44267

(C) In hearing the matter and deciding the issue, the 44268  
executive authority or board shall consider the testimony of any 44269  
persons appearing pursuant to the notice, or their authorized 44270  
representatives, the testimony of any witnesses appearing on 44271  
behalf of such persons, the inspector's report or testimony, or 44272  
both, and any other evidence pertinent to the matter. If the 44273  
executive authority or board thereupon determines that the service 44274  
station is an abandoned service station in such condition as to 44275  
constitute a danger to the public health, welfare, safety, or 44276  
morals, it shall order the satisfactory repair, or removal, of the 44277  
service station and its appurtenances, and restoration of the 44278  
property, within such period of time, not less than thirty days, 44279  
as the executive authority or board thereupon determines 44280  
reasonable. Notice of the findings and order shall be sent to all 44281  
persons required to be notified by division (B) of this section in 44282  
the same manner as provided in that division. 44283

(D) If an abandoned service station is not satisfactorily 44284  
repaired or removed within the period of time provided in an order 44285  
made under division (C) of this section, the municipal corporation 44286  
or county may enter the land and complete the repair, if repair 44287  
was ordered, or remove the service station and its appurtenances, 44288  
if removal was ordered, and restore the property. 44289

(E) Any person aggrieved by an order of an executive 44290  
authority or board made under division (C) of this section, may 44291  
appeal as provided in Chapter 2506. of the Revised Code within 44292  
thirty days of the mailing of notice of the order. 44293

(F) In the event that no persons notified as provided in 44294

division (B) of this section, or their authorized representatives, 44295  
appear at the hearing, respond to an order of the executive 44296  
authority or board, or appeal within thirty days of the mailing of 44297  
notice of the order as provided in division (E) of this section, 44298  
the municipal corporation or county may proceed as provided in 44299  
division (D) of this section. 44300

**Sec. 3793.04.** The department of alcohol and drug addiction 44301  
services shall develop, administer, and revise as necessary a 44302  
comprehensive statewide alcohol and drug addiction services plan 44303  
for the implementation of this chapter. The plan shall emphasize 44304  
abstinence from the use of alcohol and drugs of abuse as the 44305  
primary goal of alcohol and drug addiction services. The council 44306  
on alcohol ~~and~~, drug, and gambling addiction services shall advise 44307  
the department in the development and implementation of the plan. 44308

The plan shall provide for the allocation and distribution of 44309  
funds appropriated to the department by the general assembly for 44310  
services furnished by alcohol and drug addiction programs under 44311  
contract with boards of alcohol, drug addiction, and mental health 44312  
services. The department shall exclude from the allocation and 44313  
distribution any funds that are transferred to the department of 44314  
job and family services to pay the nonfederal share of alcohol and 44315  
drug addiction services covered by the medicaid program. 44316

The plan shall specify the methodology that the department 44317  
will use for determining how the funds will be allocated and 44318  
distributed. A portion of the funds shall be allocated on the 44319  
basis of the ratio of the population of each alcohol, drug 44320  
addiction, and mental health service district to the total 44321  
population of the state as determined from the most recent federal 44322  
census or the most recent official estimate made by the United 44323  
States census bureau. 44324

The plan shall ensure that alcohol and drug addiction 44325

services of a high quality are accessible to, and responsive to 44326  
the needs of, all persons, especially those who are members of 44327  
underserved groups, including, but not limited to, African 44328  
Americans, Hispanics, native Americans, Asians, juvenile and adult 44329  
offenders, women, veterans, and persons with special services 44330  
needs due to age or disability. The plan shall include a program 44331  
to promote and protect the rights of those who receive services. 44332

To aid in formulating the plan and in evaluating the 44333  
effectiveness and results of alcohol and drug addiction services, 44334  
the department, in consultation with the department of mental 44335  
health, shall establish and maintain an information system or 44336  
systems. The department of alcohol and drug addiction services 44337  
shall specify the information that must be provided by boards of 44338  
alcohol, drug addiction, and mental health services and by alcohol 44339  
and drug addiction programs for inclusion in the system. The 44340  
department shall not collect any personal information from the 44341  
boards except as required or permitted by state or federal law for 44342  
purposes related to payment, health care operations, program and 44343  
service evaluation, reporting activities, research, system 44344  
administration, and oversight. 44345

In consultation with boards, programs, and persons receiving 44346  
services, the department shall establish guidelines for the use of 44347  
funds allocated and distributed under this section and for the 44348  
boards' development of plans for services required by sections 44349  
340.033 and 3793.05 of the Revised Code. 44350

In any fiscal year, the department shall spend, or allocate 44351  
to boards, for methadone maintenance programs or any similar 44352  
programs not more than eight per cent of the total amount 44353  
appropriated to the department for the fiscal year. 44354

Sec. 3793.041. The department of alcohol and drug addiction 44355  
services shall develop, administer, and revise as necessary a 44356

comprehensive statewide gambling addiction services plan. The 44357  
council on alcohol, drug, and gambling addiction services shall 44358  
advise the department in the development and implementation of the 44359  
plan. 44360

The plan shall provide for allocation and distribution of 44361  
funds from the problem casino gambling and addictions fund 44362  
described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, 44363  
and any funding to be distributed by the department for problem 44364  
gambling. 44365

The plan shall specify the methodology that the department 44366  
will use for determining how the funds will be allocated and 44367  
distributed. A portion of the funds shall be allocated on the 44368  
basis of the ratio of the population of each alcohol, drug 44369  
addiction, and mental health service district to the total 44370  
population of the state as determined from the most recent federal 44371  
census or the most recent official estimate made by the United 44372  
States census bureau. 44373

The plan shall ensure that gambling addiction services of a 44374  
high quality are accessible to, and responsive to the needs of, 44375  
all persons, especially those who are members of underserved 44376  
groups, including, but not limited to, African Americans, 44377  
Hispanics, native Americans, Asians, juvenile and adult offenders, 44378  
women, veterans, and persons with special services needs due to 44379  
age or disability. The plan shall include a program to promote and 44380  
protect the rights of those who receive services. 44381

To aid in formulating the plan and in evaluating the 44382  
effectiveness and results of gambling addiction services, the 44383  
department, in consultation with the department of mental health, 44384  
shall establish and maintain an information system or systems. The 44385  
department of alcohol and drug addiction services shall specify 44386  
the information that must be provided by boards of alcohol, drug 44387  
addiction, and mental health services and by gambling addiction 44388

programs for inclusion in the system. The department shall not 44389  
collect any personal information from the boards except as 44390  
required or permitted by state or federal law for purposes related 44391  
to payment, health care operations, program and service 44392  
evaluation, reporting activities, research, system administration, 44393  
and oversight. 44394

In consultation with boards, programs, and persons receiving 44395  
services, the department shall establish guidelines for the use of 44396  
funds allocated and distributed under this section. 44397

**Sec. 3793.09.** (A) There is hereby created the council on 44398  
alcohol ~~and~~, drug, and gambling addiction services which shall 44399  
consist of the public officials specified in division (B) of this 44400  
section, or their designees, and ~~thirteen~~ fourteen members 44401  
appointed by the governor with the advice and consent of the 44402  
senate. The members appointed by the governor shall be 44403  
representatives of the following: boards of alcohol, drug 44404  
addiction, and mental health services; the criminal and juvenile 44405  
justice systems; ~~and~~ alcohol and drug addiction programs; and 44406  
gambling addiction programs. At least four of the appointed 44407  
members shall be persons who have received or are receiving 44408  
alcohol or drug addiction services or are parents or other 44409  
relatives of such persons; of these at least two shall be women 44410  
and at least one shall be a member of a minority ~~group.~~ 44411

~~The governor shall make initial appointments to the council~~ 44412  
~~not later than thirty days after October 10, 1989. Of the initial~~ 44413  
~~appointments, six shall be for terms ending July 31, 1991, and~~ 44414  
~~seven shall be for terms ending July 31, 1992. Thereafter, terms~~ 44415  
group. At least one appointed member shall be an individual who 44416  
has received or is receiving gambling addiction services. 44417

Terms of office shall be two years, with each term ending on 44418  
the same day of the same month as the term it succeeds. Each 44419

member shall hold office from the date of the member's appointment 44420  
until the end of the term for which the member was appointed. 44421  
Members may be reappointed. Vacancies shall be filled in the same 44422  
manner as original appointments. Any member appointed to fill a 44423  
vacancy occurring prior to the expiration of the term for which 44424  
the member's predecessor was appointed shall hold office as a 44425  
member for the remainder of the term. A member shall continue in 44426  
office subsequent to the expiration of the member's term until the 44427  
member's successor takes office or until a period of sixty days 44428  
has elapsed, whichever occurs first. 44429

(B) The directors of health, public safety, mental health, 44430  
rehabilitation and correction, and youth services; the 44431  
superintendents of public instruction and liquor control; the 44432  
attorney general; the adjutant general; ~~and~~ the executive director 44433  
of the division of criminal justice services in the department of 44434  
public safety; the executive director of the casino control 44435  
commission; the executive director of the lottery commission; and 44436  
the executive director of the state racing commission shall be 44437  
voting members of the council, except that any of these officials 44438  
may designate an individual to serve in the official's place as a 44439  
voting member of the council. The director of alcohol and drug 44440  
addiction services shall serve as a nonvoting member of the 44441  
council. 44442

(C) The governor shall annually appoint a chairperson from 44443  
among the members of the council. The council shall meet quarterly 44444  
and at other times the chairperson considers necessary. In 44445  
addition to other duties specified in this chapter, the council 44446  
shall review the development of the comprehensive statewide plan 44447  
for alcohol and drug addiction services, the comprehensive 44448  
statewide plan for gambling addiction services, revisions of ~~the~~ 44449  
~~plan~~ those plans, and other actions taken to implement the 44450  
purposes of this chapter by the department of alcohol and drug 44451



addiction services and shall act as an advisory council to the 44452  
director of alcohol and drug addiction services. 44453

(D) Members of the council shall serve without compensation, 44454  
but shall be paid actual and necessary expenses incurred in the 44455  
performance of their duties. 44456

**Sec. 3798.01.** As used in this chapter: 44457

(A) "Approved health information exchange" means a health 44458  
information exchange that has been approved or reapproved by the 44459  
director of job and family services pursuant to the approval or 44460  
reapproval process, as applicable, the director establishes in 44461  
rules adopted under division (A) of section 3798.15 of the Revised 44462  
Code or that has been certified by the office of the national 44463  
coordinator for health information technology in the United States 44464  
department of health and human services. 44465

(B) "Covered entity," "disclosure," "health care provider," 44466  
"health information," "individually identifiable health 44467  
information," "protected health information," and "use" have the 44468  
same meanings as in 45 C.F.R. 160.103. 44469

(C) "Designated record set" has the same meaning as in 45 44470  
C.F.R. 164.501. 44471

(D) "Direct exchange" means the activity of electronic 44472  
transmission of health information through a direct connection 44473  
between the electronic record systems of health care providers 44474  
without the use of a health information exchange. 44475

(E) "Health care component" and "hybrid entity" have the same 44476  
meanings as in 45 C.F.R. 164.103. 44477

(F) "Health information exchange" means any person or 44478  
governmental entity that provides in this state a technical 44479  
infrastructure to connect computer systems or other electronic 44480  
devices used by covered entities to facilitate the secure 44481

transmission of health information. "Health information exchange" 44482  
excludes health care providers engaged in direct exchange, 44483  
including direct exchange through the use of a health information 44484  
service provider. 44485

(G) "HIPAA privacy rule" means the standards for privacy of 44486  
individually identifiable health information in 45 C.F.R. part 160 44487  
and in 45 C.F.R. part 164, subparts A and E. 44488

(H) "Interoperability" means the capacity of two or more 44489  
information systems to exchange information in an accurate, 44490  
effective, secure, and consistent manner. 44491

(I) "Minor" means an unemancipated person under eighteen 44492  
years of age or a mentally or physically disabled person under 44493  
twenty-one years of age who meets criteria specified in rules 44494  
adopted by the director of job and family services under section 44495  
3798.13 of the Revised Code. 44496

(J) "More stringent" has the same meaning as in 45 C.F.R. 44497  
160.202. 44498

(K) "Office of health transformation" means the office of 44499  
health transformation created by executive order 2011-02K or a 44500  
successor governmental entity responsible for health system 44501  
oversight in this state. 44502

(L) "Personal representative" means a person who has 44503  
authority under applicable law to make decisions related to health 44504  
care on behalf of an adult or emancipated minor, or the parent, 44505  
legal guardian, or other person acting in loco parentis who is 44506  
authorized under law to make health care decisions on behalf of an 44507  
unemancipated minor. "Personal representative" does not include 44508  
the parent or legal guardian of, or another person acting in loco 44509  
parentis to, a minor who consents to the minor's own receipt of 44510  
health care or a minor who makes medical decisions on the minor's 44511  
own behalf pursuant to law, court approval, or because the minor's 44512

parent, legal guardian, or other person acting in loco parentis 44513  
has assented to an agreement of confidentiality between the 44514  
provider and the minor. 44515

(M) "Political subdivision" means a municipal corporation, 44516  
township, county, school district, or other body corporate and 44517  
politic responsible for governmental activities in a geographic 44518  
area smaller than that of the state. 44519

(N) "State agency" means any one or more of the following: 44520

(1) The department of aging; 44521

(2) The department of alcohol and drug addiction services; 44522

(3) The department of developmental disabilities; 44523

(4) The department of education; 44524

(5) The department of health; 44525

(6) The department of insurance; 44526

(7) The department of job and family services; 44527

(8) The department of mental health; 44528

(9) The department of rehabilitation and correction; 44529

(10) The department of youth services; 44530

(11) The bureau of workers' compensation; 44531

(12) The rehabilitation services commission; 44532

(13) The office of the attorney general; 44533

(14) A health care licensing board created under Title XLVII 44534  
of the Revised Code that possesses individually identifiable 44535  
health information. 44536

**Sec. 3798.02.** It is the intent of the general assembly in 44537  
enacting this chapter to make the laws of this state governing the 44538  
use and disclosure of protected health information by covered 44539

entities consistent with, but generally not more stringent than, 44540  
the HIPAA privacy rule for the purpose of eliminating barriers to 44541  
the adoption and use of electronic health records and health 44542  
information exchanges. Therefore, it is also the general 44543  
assembly's intent in enacting this chapter to supersede any 44544  
judicial or administrative ruling issued in this state that is 44545  
inconsistent with the provisions of this chapter. 44546

Sec. 3798.03. (A) Subject to division (B) of this section, a 44547  
covered entity shall do both of the following: 44548

(1) If an individual's protected health information is 44549  
maintained by the covered entity in a designated record set, 44550  
provide the individual or the individual's personal representative 44551  
with access to that information in a manner consistent with 45 44552  
C.F.R. 164.524; 44553

(2) Implement and maintain appropriate administrative, 44554  
technical, and physical safeguards to protect the privacy of 44555  
protected health information in a manner consistent with 45 C.F.R. 44556  
164.530(c). 44557

(B) If a covered entity is a hybrid entity, this section 44558  
applies only to the health care component of the covered entity. 44559

Sec. 3798.04. A covered entity shall not do either of the 44560  
following: 44561

(A) Use or disclose protected health information without an 44562  
authorization that is valid under 45 C.F.R. 164.508 and, if 44563  
applicable, 42 C.F.R. part 2, except when the use or disclosure is 44564  
required or permitted without such authorization by Subchapter C 44565  
of Subtitle A of Title 45 of the Code of Federal Regulations and, 44566  
if applicable, 42 C.F.R. part 2; 44567

(B) Use or disclose protected health information in a manner 44568

that is not consistent with 45 C.F.R. 164.502. 44569

Sec. 3798.06. Except in the circumstances described in 44570  
division (A) of section 3798.04 of the Revised Code when a covered 44571  
entity is permitted to disclose protected health information 44572  
without an authorization that is valid under 45 C.F.R. 164.508, a 44573  
covered entity shall not disclose protected health information to 44574  
a health information exchange without an authorization described 44575  
in division (A) of section 3798.04 of the Revised Code unless all 44576  
of the following are true: 44577

(A) The disclosure is to an approved health information 44578  
exchange. 44579

(B) The covered entity is a party to a valid participation 44580  
agreement with the approved health information exchange that meets 44581  
the requirements of rules adopted under section 3798.16 of the 44582  
Revised Code. 44583

(C) The disclosure is consistent with all procedures 44584  
established by the approved health information exchange. 44585

(D) Prior to the disclosure, the covered entity furnishes to 44586  
the individual or individual's personal representative a written 44587  
notice that complies with rules adopted under division (A)(3) of 44588  
section 3798.16 of the Revised Code. 44589

Sec. 3798.07. (A) In addition to being subject to the general 44590  
prohibition in section 3798.06 of the Revised Code on disclosure 44591  
of protected health information to a health information exchange 44592  
without a valid authorization, a covered entity shall also be 44593  
subject to the following conditions when it discloses protected 44594  
health information to a health information exchange: 44595

(1) The covered entity shall restrict disclosure consistent 44596  
with all applicable federal laws governing the disclosure; 44597

(2) If the protected health information concerns a minor, the covered entity shall restrict disclosure in a manner that complies with laws of this state pertaining to the circumstances under which a minor may consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code unless the minor authorizes the disclosure. 44598  
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(3) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative to restrict disclosure of all of the individual's protected health information. 44606  
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(4) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative concerning specific categories of protected health information to the extent that rules adopted pursuant to section 3798.16 of the Revised Code require the covered entity to comply with such a request. 44610  
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(B) The conditions in division (A) of this section on a covered entity's disclosure of protected health information to a health information exchange do not render unenforceable or restrict in any manner any of the following: 44616  
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(1) A provision of the Revised Code that on the effective date of this section requires a person or governmental entity to disclose protected health information to a state agency, political subdivision, or other governmental entity; 44620  
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(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code; 44624  
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(3) The confidential status of quality assurance program activities and quality assurance records as described in section 44627  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
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| <u>5122.32 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 44629 |
| <u>(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 44630 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44631 |
| <u>(5) Any of the following items that govern the confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency; govern the process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research; govern the process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code; or govern the process for determining whether a minor has been emancipated:</u> | 44632 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44633 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44641 |
| <u>(a) A section of the Revised Code that is not in this chapter;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 44642 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44643 |
| <u>(b) A rule as defined in section 119.01 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 44644 |
| <u>(c) An internal management rule as defined in section 111.15 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 44645 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44646 |
| <u>(d) Guidance issued by an agency;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 44647 |
| <u>(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44648 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44649 |
| <u>(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 44650 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44651 |
| <u>(g) An ordinance or resolution adopted by a political subdivision;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 44652 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44653 |
| <u>(h) A professional code of ethics;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 44654 |
| <u>(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of</u>                                                                                                                                                                                                                                                                                                                                                                   | 44655 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 44658 |

the Revised Code. 44659

Sec. 3798.08. (A) A covered entity that uses or discloses 44660  
protected health information in a manner that complies with 44661  
sections 3798.03 and 3798.07 of the Revised Code and is not in 44662  
violation of section 3798.04 or 3798.06 of the Revised Code is not 44663  
liable in a civil action and is not subject to criminal 44664  
prosecution or professional disciplinary action arising out of or 44665  
relating to the access or disclosure. 44666

(B) An approved health information exchange is not liable in 44667  
a civil action and not subject to criminal prosecution arising out 44668  
of or relating to a covered entity's disclosure of protected 44669  
health information to the approved health information exchange, or 44670  
use of protected health information accessed from the approved 44671  
health information exchange, if the disclosure or use complies 44672  
with sections 3798.03 and 3798.07 of the Revised Code and is not 44673  
in violation of section 3798.04 or 3798.06 of the Revised Code. 44674

Sec. 3798.10. (A) Not later than six months after the 44675  
effective date of this section, the director of job and family 44676  
services, in consultation with the office of health 44677  
transformation, shall prescribe by rules adopted in accordance 44678  
with Chapter 119. of the Revised Code a standard authorization 44679  
form for the use and disclosure of protected health information by 44680  
covered entities in this state. The form shall meet all 44681  
requirements specified in 45 C.F.R. 164.508 and, where applicable, 44682  
42 C.F.R. part 2. 44683

(B) If a form the director prescribes under division (A) of 44684  
this section is properly executed by an individual or the 44685  
individual's personal representative, it shall be accepted by any 44686  
person or governmental entity in this state as valid authorization 44687  
for the use or disclosure of the individual's protected health 44688



information to the persons or governmental entities specified in 44689  
the form. 44690

(C) This section does not preclude a person or governmental 44691  
entity from accepting as valid authorization for the use or 44692  
disclosure of protected health information a form other than the 44693  
form prescribed under division (A) of this section if the other 44694  
form meets all requirements specified in 45 C.F.R. 164.508 and, if 44695  
applicable, 42 C.F.R. part 2. 44696

Sec. 3798.12. As used in this section, "agency" has the same 44697  
meaning as in section 111.15 of the Revised Code. 44698

(A) Except as provided in division (B) of this section, any 44699  
of the following pertaining to the confidentiality, privacy, 44700  
security, or privileged status of protected health information 44701  
transacted, maintained in, or accessed through a health 44702  
information exchange is unenforceable if it conflicts with this 44703  
chapter: 44704

(1) A section of the Revised Code that is not in this 44705  
chapter; 44706

(2) A rule as defined in section 119.01 of the Revised Code; 44707

(3) An internal management rule as defined in section 111.15 44708  
of the Revised Code; 44709

(4) Guidance issued by an agency; 44710

(5) Orders or regulations of a board of health of a city 44711  
health district made under section 3709.20 of the Revised Code; 44712

(6) Orders or regulations of a board of health of a general 44713  
health district made under section 3709.21 of the Revised Code; 44714

(7) An ordinance or resolution adopted by a political 44715  
subdivision; 44716

(8) A professional code of ethics. 44717

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|---------------------------------------------------------------------------|-------|
| <u>(B) Division (A) of this section does not render</u>                   | 44718 |
| <u>unenforceable or restrict in any manner any of the following:</u>      | 44719 |
| <u>(1) A provision of the Revised Code that on the effective</u>          | 44720 |
| <u>date of this section requires a person or governmental entity to</u>   | 44721 |
| <u>disclose protected health information to a state agency, political</u> | 44722 |
| <u>subdivision, or other governmental entity;</u>                         | 44723 |
| <u>(2) The confidential status of proceedings and records within</u>      | 44724 |
| <u>the scope of a peer review committee of a health care entity as</u>    | 44725 |
| <u>described in section 2305.252 of the Revised Code;</u>                 | 44726 |
| <u>(3) The confidential status of quality assurance program</u>           | 44727 |
| <u>activities and quality assurance records as described in section</u>   | 44728 |
| <u>5122.32 of the Revised Code;</u>                                       | 44729 |
| <u>(4) The testimonial privilege established by division (B) of</u>       | 44730 |
| <u>section 2317.02 of the Revised Code;</u>                               | 44731 |
| <u>(5) An item described in divisions (A)(1) to (8) of this</u>           | 44732 |
| <u>section that governs any of the following:</u>                         | 44733 |
| <u>(a) The confidentiality, privacy, security, or privileged</u>          | 44734 |
| <u>status of protected health information in the possession or</u>        | 44735 |
| <u>custody of an agency;</u>                                              | 44736 |
| <u>(b) The process for obtaining from a patient consent to the</u>        | 44737 |
| <u>provision of health care or consent for participation in medical</u>   | 44738 |
| <u>or other scientific research;</u>                                      | 44739 |
| <u>(c) The process for determining whether an adult has a</u>             | 44740 |
| <u>physical or mental impairment or an adult's capacity to make</u>       | 44741 |
| <u>health care decisions for purposes of Chapter 5126. of the Revised</u> | 44742 |
| <u>Code;</u>                                                              | 44743 |
| <u>(d) The process for determining whether a minor has been</u>           | 44744 |
| <u>emancipated.</u>                                                       | 44745 |
| <u>(6) When a minor is authorized to consent to the minor's own</u>       | 44746 |
| <u>receipt of health care or make medical decisions on the minor's</u>    | 44747 |

own behalf, including the circumstances described in sections 44748  
2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of 44749  
the Revised Code. 44750

Sec. 3798.13. The director of job and family services shall 44751  
adopt rules for purposes of specifying the criteria a person who 44752  
is mentally or physically disabled and who is under twenty-one 44753  
years of age must meet to be considered a minor for purposes of 44754  
sections 3798.07 and 3798.12 of the Revised Code. 44755

Sec. 3798.14. (A) The director of job and family services, in 44756  
consultation with the office of health transformation, shall adopt 44757  
rules in accordance with Chapter 119. of the Revised Code for the 44758  
purpose of establishing standards the director must use to approve 44759  
health information exchanges operating in this state. The rules 44760  
shall not be adopted until the earlier of sixty days following the 44761  
adoption of a federal certification process for health information 44762  
exchanges by the office of the national coordinator for health 44763  
information technology in the United States department of health 44764  
and human services or January 1, 2013. Subject to division (B) of 44765  
this section, the rules may include standards and procedures to be 44766  
followed by a health information exchange regarding the following: 44767

(1) Access to and use and disclosure of protected health 44768  
information maintained by or on an approved health information 44769  
exchange; 44770

(2) Demonstration of adequate financial resources to sustain 44771  
continued operations in compliance with the rules adopted under 44772  
this section; 44773

(3) Participation in outreach activities for individuals and 44774  
covered entities; 44775

(4) Conduct of operations in a transparent manner to promote 44776  
consumer confidence; 44777

(5) Implementation of security breach notification procedures. 44778  
44779

(B) The rules the director adopts pursuant to division (A) of this section shall be consistent with certification standards for health information exchanges established in federal statutes and regulations, including nationally recognized standards for interoperability. 44780  
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Sec. 3798.15. (A) The director of job and family services, in consultation with the office of health transformation, shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing processes for all of the following: 44785  
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44787

(1) A health information exchange to obtain approval to operate as an approved health information exchange in this state and, at times specified by the director, obtain reapproval of such status; 44790  
44791  
44792  
44793

(2) The director to investigate and resolve concerns and complaints submitted to the director regarding an approved health information exchange; 44794  
44795  
44796

(3) A health information exchange to apply for reconsideration of a decision the director makes under a process established under division (A)(1) or (2) of this section; 44797  
44798  
44799

(4) Covered entities and approved health information exchanges to enter into participation agreements and enforce the terms of such agreements. 44800  
44801  
44802

(B) Any decision the director makes in relation to a request for reconsideration made in accordance with rules adopted under division (A)(3) of this section is not subject to appeal under Chapter 119. of the Revised Code. 44803  
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Sec. 3798.16. (A) The director of job and family services, in 44807  
consultation with the office of health transformation, shall adopt 44808  
rules in accordance with Chapter 119. of the Revised Code for the 44809  
purpose of specifying the content of agreements governing covered 44810  
entities' participation in approved health information exchanges. 44811  
At a minimum, the rules shall require the content of such 44812  
participation agreements to include all of the following: 44813

(1) Procedures for a covered entity to disclose an 44814  
individual's protected health information to an approved health 44815  
information exchange; 44816

(2) Procedures for a covered entity to access an individual's 44817  
protected health information from an approved health information 44818  
exchange; 44819

(3) Subject to division (B) of this section, a written notice 44820  
to be provided by a covered entity to an individual or the 44821  
individual's personal representative prior to the covered entity's 44822  
disclosure of the individual's protected health information to an 44823  
approved health information exchange; 44824

(4) Documentation the covered entity must use to verify that 44825  
a notice described in division (A)(3) of this section has been 44826  
provided by the covered entity to an individual or the 44827  
individual's personal representative prior to the disclosure of 44828  
the individual's protected health information to an approved 44829  
health information exchange; 44830

(5) Procedures, which must take into consideration the 44831  
technical capabilities of software available to health information 44832  
exchanges, for an individual or the individual's personal 44833  
representative to submit to the covered entity a written request 44834  
to place restrictions on the covered entity's disclosure of 44835  
protected health information to the approved health information 44836  
exchange; 44837

|                                                                                                                                                                                                                                                                                                               |       |
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| <u>(6) The standards a covered entity must use to determine whether, and to what extent, to comply with a written request described in division (A)(5) of this section;</u>                                                                                                                                   | 44838 |
|                                                                                                                                                                                                                                                                                                               | 44839 |
|                                                                                                                                                                                                                                                                                                               | 44840 |
| <u>(7) The purposes for which a covered entity may access and use protected health information from the approved health information exchange.</u>                                                                                                                                                             | 44841 |
|                                                                                                                                                                                                                                                                                                               | 44842 |
|                                                                                                                                                                                                                                                                                                               | 44843 |
| <u>(B) With respect to the written notice described in division (A)(3) of this section, the rules may specify that the notice can be incorporated into the covered entity's notice of privacy practices required by 45 C.F.R. 164.520 and shall specify that the notice include the following statements:</u> | 44844 |
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|                                                                                                                                                                                                                                                                                                               | 44847 |
|                                                                                                                                                                                                                                                                                                               | 44848 |
| <u>(1) The individual's protected health information will be disclosed to the approved health information exchange to facilitate the provision of health care to the individual.</u>                                                                                                                          | 44849 |
|                                                                                                                                                                                                                                                                                                               | 44850 |
|                                                                                                                                                                                                                                                                                                               | 44851 |
| <u>(2) The approved health information exchange maintains appropriate safeguards to protect the privacy and security of protected health information.</u>                                                                                                                                                     | 44852 |
|                                                                                                                                                                                                                                                                                                               | 44853 |
|                                                                                                                                                                                                                                                                                                               | 44854 |
| <u>(3) Only authorized individuals may access and use protected health information from the approved health information exchange.</u>                                                                                                                                                                         | 44855 |
|                                                                                                                                                                                                                                                                                                               | 44856 |
| <u>(4) The individual or the individual's personal representative has the right to request in writing that the covered entity do either or both of the following:</u>                                                                                                                                         | 44857 |
|                                                                                                                                                                                                                                                                                                               | 44858 |
|                                                                                                                                                                                                                                                                                                               | 44859 |
| <u>(a) Not disclose any of the individual's protected health information to the approved health information exchange;</u>                                                                                                                                                                                     | 44860 |
|                                                                                                                                                                                                                                                                                                               | 44861 |
| <u>(b) Not disclose specific categories of the individual's protected health information to the approved health information exchange.</u>                                                                                                                                                                     | 44862 |
|                                                                                                                                                                                                                                                                                                               | 44863 |
|                                                                                                                                                                                                                                                                                                               | 44864 |
| <u>(5) Any restrictions on the disclosure of protected health information an individual requests as described in either division (B)(4)(a) or (b) of this section may result in a health care</u>                                                                                                             | 44865 |
|                                                                                                                                                                                                                                                                                                               | 44866 |
|                                                                                                                                                                                                                                                                                                               | 44867 |

provider not having access to information that is necessary for 44868  
the provider to render appropriate care to the individual. 44869

(6) Any restrictions on the disclosure of protected health 44870  
information an individual requests as described in division 44871  
(B)(4)(a) of this section must be honored by the covered entity. 44872

(7) Any restrictions on the disclosure of protected health 44873  
information an individual requests as described in division 44874  
(B)(4)(b) of this section must be honored if the restriction is 44875  
consistent with rules adopted under this chapter. 44876

**Sec. 3905.36.** (A) Every insured association, company, 44877  
corporation, or other person that enters, directly or indirectly, 44878  
into any independent procurement or direct placement agreement 44879  
with any insurance company, association, individual, firm, 44880  
underwriter, or Lloyd's, not authorized to do business in this 44881  
state, whereby the insured shall procure, continue, or renew 44882  
contracts of insurance with such unauthorized insurance company, 44883  
association, individual, firm, underwriter, or Lloyd's, for which 44884  
insurance there is a gross premium, shall file the details of the 44885  
transaction annually, on or before the thirty-first day of March, 44886  
and shall at the same time pay to the treasurer of state, or the 44887  
treasurer's designee, a tax of five per cent of such gross 44888  
premium, after a deduction for return premium, if any, as 44889  
calculated in the prescribed format or in compliance with any 44890  
requirements of the compact entered into by the superintendent 44891  
pursuant to division (D) of section 3905.33 of the Revised Code. 44892  
An insurer may submit the required details of the transaction and 44893  
remit the tax payment on behalf of an insured. 44894

All taxes collected under this section shall be paid into the 44895  
general revenue fund. If the tax is not paid when due, the tax 44896  
shall be increased by a penalty of twenty-five per cent. An 44897  
interest charge computed as set forth in section 5725.221 of the 44898

Revised Code shall be made on the entire sum of the tax plus 44899  
penalty, which interest shall be computed from the date the tax is 44900  
due until it is paid. For purposes of this section, payment is 44901  
considered made when it is received by the treasurer or the 44902  
treasurer's designee, irrespective of any United States postal 44903  
service marking or other stamp or mark indicating the date on 44904  
which the payment may have been mailed. 44905

The superintendent of insurance, in the superintendent's sole 44906  
discretion, may waive the twenty-five per cent penalty and 44907  
interest charge thereon for a first-time, inadvertent nonpayment 44908  
of the tax when due if the nonpayment is reported immediately upon 44909  
discovery and the outstanding tax is thereafter immediately paid 44910  
to the superintendent. 44911

(B) Each person licensed under section 3905.30 of the Revised 44912  
Code shall pay to the treasurer of state or the treasurer's 44913  
designee, on or before the thirty-first day of March of each year, 44914  
five per cent of the balance of the gross premiums charged for 44915  
insurance placed or procured under the license after a deduction 44916  
for return premiums in the prescribed format or in compliance with 44917  
any requirements of the compact entered into by the superintendent 44918  
pursuant to division (D) of section 3905.33 of the Revised Code. 44919  
The tax shall be collected from the insured by the surplus lines 44920  
broker who placed or procured the policy of insurance at the time 44921  
the policy is delivered to the insured. No license issued under 44922  
section 3905.30 of the Revised Code shall be renewed until payment 44923  
is made. If the tax is not paid when due, the tax shall be 44924  
increased by a penalty of twenty-five per cent. An interest charge 44925  
computed as set forth in section 5725.221 of the Revised Code 44926  
shall be made on the entire sum of the tax plus penalty, which 44927  
interest shall be computed from the date the tax is due until it 44928  
is paid. For purposes of this section, payment is considered made 44929  
when it is received by the treasurer or the treasurer's designee, 44930



irrespective of any United States postal service marking or other stamp or mark indicating the date on which the payment may have been mailed.

The superintendent, in the superintendent's sole discretion, may waive the twenty-five per cent penalty and interest charge thereon for a first-time, inadvertent nonpayment of the tax when due if the nonpayment is reported immediately upon discovery and the outstanding tax is thereafter immediately paid to the superintendent.

(C) This section does not apply to:

(1) An insured otherwise exempt from the payment of premium or franchise taxes under state or federal law;

(2) Attorneys-at-law acting on behalf of their clients in the adjustment of claims or losses;

(3) Transactions involving policies issued by a captive insurer. For this purpose, a "captive insurer" means any of the following:

(a) An insurer owned by one or more individuals or organizations, whose exclusive purpose is to insure risks of one or more of the parent organizations or individual owners and risks of one or more affiliates of the parent organizations or individual owners;

(b) In the case of groups and associations, insurers owned by the group or association whose exclusive purpose is to insure risks of members of the group or association and affiliates of the members;

(c) Other types of insurers, licensed and operated in accordance with the captive insurance laws of their jurisdictions of domicile and operated in a manner so as to self-insure risks of their owners and insureds.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| (4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 44961<br>44962                                                                                                                                        |
| (5) Insurance with an initial policy period of more than three years and that is procured to cover known events related to environmental remediation that occurred prior to the effective date of that insurance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 44963<br>44964<br>44965<br>44966                                                                                                                      |
| (6) Insurance procured on behalf of an entity that manufactures, packages, and sells, as more than fifty per cent of the entity's business, pharmaceutical products for human use where the production, packaging, and sale of such products are subject to regulation by an agency of the United States;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 44967<br>44968<br>44969<br>44970<br>44971                                                                                                             |
| (7) A political subdivision or any combination or consortium of two or more political subdivisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 44972<br>44973                                                                                                                                        |
| (D) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 44974                                                                                                                                                 |
| (1) "Political subdivision" means any county; municipal corporation; township; township police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; a district organized under section 2151.65 of the Revised Code; a combined district organized under sections 2151.65 and 2152.41 of the Revised Code; a joint-county alcohol, drug addiction, and mental health service district; a drainage improvement district created under section 6131.52 of the Revised Code; a union cemetery district; a county school financing district; a city, local, exempted village, cooperative education, or joint vocational school district; or a regional student education district created under section 3313.83 of the Revised Code, any public division, district, commission, authority, department, board, officer, or | 44975<br>44976<br>44977<br>44978<br>44979<br>44980<br>44981<br>44982<br>44983<br>44984<br>44985<br>44986<br>44987<br>44988<br>44989<br>44990<br>44991 |

institution of any one or more of those political subdivisions, 44992  
that is entirely or substantially supported by public tax moneys. 44993

(2) "Municipal corporation" means all municipal corporations, 44994  
including those that have adopted a charter under Article XVIII, 44995  
Ohio Constitution. 44996

**Sec. 4104.01.** As used in sections 4104.01 to 4104.20 and 44997  
section 4104.99 of the Revised Code: 44998

(A) "Board of building standards" or "board" means the board 44999  
established by section 3781.07 of the Revised Code. 45000

(B) "Superintendent" means the superintendent of ~~labor~~ 45001  
industrial compliance created by section 121.04 of the Revised 45002  
Code. 45003

(C) "Boiler" means a closed vessel in which water is heated, 45004  
steam is generated, steam is superheated, or any combination 45005  
thereof, under pressure or vacuum for use externally to itself by 45006  
the direct application of heat from the combustion of fuels, or 45007  
from electricity or nuclear energy. "Boiler" includes fired units 45008  
for heating or vaporizing liquids other than water where these 45009  
units are separate from processing systems and are complete within 45010  
themselves. 45011

(D) "Power boiler" means a boiler in which steam or other 45012  
vapor (to be used externally to itself) is generated at a pressure 45013  
of more than fifteen psig. 45014

(E) "High pressure, high temperature water boiler" means a 45015  
water heating boiler operating at pressures exceeding one hundred 45016  
sixty psig or temperatures exceeding two hundred fifty degrees 45017  
Fahrenheit. 45018

(F) "Low pressure boiler" means a steam boiler operating at 45019  
pressures not exceeding fifteen psig, or a hot water heating 45020  
boiler operating at pressures not exceeding one hundred sixty psig 45021

or temperatures not exceeding two hundred fifty degrees 45022  
Fahrenheit. 45023

(G) "Pressure vessel" means a container for the containment 45024  
of pressure, either internal or external. This pressure may be 45025  
obtained from an external source or by the application of heat 45026  
from a direct or indirect source or any combination thereof. 45027

(H) "Process boiler" means a boiler to which all of the 45028  
following apply: 45029

(1) The steam in the boiler is either generated or 45030  
superheated, or both, under pressure or vacuum for use external to 45031  
itself. 45032

(2) The source of heat for the boiler is in part or in whole 45033  
from a process other than the boiler itself. 45034

(3) The boiler is part of a continuous processing unit, such 45035  
as used in chemical manufacture or petroleum refining, other than 45036  
a steam-generated process unit. 45037

(I) "Stationary steam engine" means an engine or turbine in 45038  
which the mechanical force arising from the elasticity and 45039  
expansion action of steam or from its property of rapid 45040  
condensation or from a combination of the two is made available as 45041  
a motive power. 45042

**Sec. 4104.02.** The board of building standards shall: 45043

(A) Formulate rules for the construction, installation, 45044  
repair, conservation of energy, and operation of boilers and the 45045  
construction and repair of pressure vessels and for ascertaining 45046  
the safe working pressures to be carried on such boilers and 45047  
pressure vessels and the qualification of inspectors of boilers 45048  
and pressure vessels; 45049

(B) Prescribe tests, if it is considered necessary, to 45050  
ascertain the qualities of materials used in the construction of 45051

boilers and pressure vessels; 45052

(C) Adopt rules regulating the construction and sizes of 45053  
safety valves for boilers and pressure vessels of different sizes 45054  
and pressures, for the construction, use, and location of fusible 45055  
plugs, appliances for indicating the pressure of steam and level 45056  
of water in the boiler or pressure vessels, and such other 45057  
appliances as the board considers necessary to safety in operating 45058  
boilers; 45059

(D) Establish reasonable fees for the performance of reviews, 45060  
surveys, or audits of manufacturer's facilities by the division of 45061  
~~labor~~ industrial compliance for certification by the American 45062  
society of mechanical engineers and the national board of boiler 45063  
and pressure vessel inspectors; 45064

(E) The definitions and rules adopted by the board for the 45065  
construction, installation, repair, conservation of energy, and 45066  
operation of boilers and the construction and repair of pressure 45067  
vessels and for ascertaining the safe working pressures to be used 45068  
on such boilers and pressure vessels shall be based upon and 45069  
follow generally accepted engineering standards, formulae, and 45070  
practices established and pertaining to boilers and pressure 45071  
vessel construction, operation, and safety, and the board may, for 45072  
this purpose, adopt existing published standards as well as 45073  
amendments thereto subsequently published by the same authority. 45074

When a person desires to manufacture a special type of boiler 45075  
or pressure vessel, the design of which is not covered by the 45076  
rules of the board, the person shall submit drawings and 45077  
specifications of such boiler or pressure vessel to the board for 45078  
investigation, after which the board may permit its installation. 45079

The provisions of sections 119.03 and 119.11 of the Revised 45080  
Code in particular, and the applicable provisions of Chapter 119. 45081  
of the Revised Code in general, shall govern the proceedings of 45082

the board of building standards in adopting, amending, or 45083  
rescinding rules pursuant to this section. 45084

**Sec. 4104.06.** (A) The inspection of boilers and their 45085  
appurtenances and pressure vessels shall be made by the inspectors 45086  
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 45087  
superintendent of ~~labor~~ industrial compliance shall administer and 45088  
enforce such sections and rules adopted by the board of building 45089  
standards pursuant to section 4104.02 of the Revised Code. 45090

(B) The superintendent shall adopt, amend, and repeal rules 45091  
exclusively for the issuance, renewal, suspension, and revocation 45092  
of certificates of competency and certificates of operation, for 45093  
conducting hearings in accordance with Chapter 119. of the Revised 45094  
Code related to these actions, and for the inspection of boilers 45095  
and their appurtenances, and pressure vessels. 45096

(C) Notwithstanding division (B) of this section, the 45097  
superintendent shall not adopt rules relating to construction, 45098  
maintenance, or repair of boilers and their appurtenances, or 45099  
repair of pressure vessels. 45100

(D) The superintendent and each general inspector may enter 45101  
any premises and any building or room at all reasonable hours to 45102  
perform an examination or inspection. 45103

**Sec. 4104.07.** (A) An application for examination as an 45104  
inspector of boilers and pressure vessels shall be in writing, 45105  
accompanied by a fee of one hundred fifty dollars, upon a blank to 45106  
be furnished by the superintendent of ~~labor~~ industrial compliance. 45107  
Any moneys collected under this section shall be paid into the 45108  
state treasury to the credit of the ~~labor~~ industrial compliance 45109  
operating fund created in section 121.084 of the Revised Code. 45110

(B) The superintendent shall determine if an applicant meets 45111  
all the requirements for examination in accordance with rules 45112

adopted by the board of building standards under section 4104.02 45113  
of the Revised Code. An application shall be rejected which 45114  
contains any willful falsification, or untruthful statements. 45115

(C) An applicant shall be examined by the superintendent, by 45116  
a written examination, prescribed by the board, dealing with the 45117  
construction, installation, operation, maintenance, and repair of 45118  
boilers and pressure vessels and their appurtenances, and the 45119  
applicant shall be accepted or rejected on the merits of the 45120  
applicant's application and examination. 45121

(D) Upon a favorable report by the superintendent of the 45122  
result of an examination, the superintendent shall immediately 45123  
issue to the successful applicant a certificate of competency to 45124  
that effect. 45125

**Sec. 4104.08.** (A) The director of commerce may appoint from 45126  
the holders of certificates of competency provided for in section 45127  
4104.07 of the Revised Code, general inspectors of boilers and 45128  
pressure vessels. 45129

(B) Any company authorized to insure boilers and pressure 45130  
vessels against explosion in this state may designate from holders 45131  
of certificates of competency issued by the superintendent of 45132  
~~labor~~ industrial compliance, or holders of certificates of 45133  
competency or commissions issued by other states or nations whose 45134  
examinations for certificates or commissions have been approved by 45135  
the board of building standards, persons to inspect and stamp 45136  
boilers and pressure vessels covered by the company's policies, 45137  
and the superintendent shall issue to such persons commissions 45138  
authorizing them to act as special inspectors. Special inspectors 45139  
shall be compensated by the company designating them. 45140

(C) The director shall establish an annual fee to be charged 45141  
by the superintendent for each certificate of competency or 45142  
commission the superintendent issues. 45143

(D) The superintendent shall issue to each general or special 45144  
inspector a commission to the effect that the holder thereof is 45145  
authorized to inspect boilers and pressure vessels in this state. 45146

(E) No person shall be authorized to act as a general 45147  
inspector or a special inspector who is directly or indirectly 45148  
interested in the manufacture or sale of boilers or pressure 45149  
vessels. 45150

**Sec. 4104.09.** The certificate of competency issued under 45151  
section 4104.07 of the Revised Code or the commission provided for 45152  
in section 4104.08 of the Revised Code may be revoked by the 45153  
superintendent of ~~labor~~ industrial compliance for the incompetence 45154  
or untrustworthiness of the holder thereof, or for willful 45155  
falsification of any matter or statement contained in the holder's 45156  
application or in a report of any inspection in accordance with 45157  
Chapter 119. of the Revised Code. If a certificate or commission 45158  
is lost or destroyed, a new certificate or commission shall be 45159  
issued in its place without another examination. 45160

45161

**Sec. 4104.10.** All unfired pressure vessels, except unfired 45162  
pressure vessels exempt under section 4104.04 of the Revised Code, 45163  
shall be thoroughly inspected during fabrication and upon 45164  
completion and shall not be operated until a copy of the 45165  
manufacturers' data report, properly executed and signed by the 45166  
inspector is filed in the office of the superintendent of ~~labor~~ 45167  
industrial compliance. All unfired pressure vessels shall conform 45168  
in every detail with applicable rules adopted by the board of 45169  
building standards pursuant to section 4104.02 of the Revised 45170  
Code. 45171

**Sec. 4104.101.** (A) No person shall install or make major 45172  
repairs or modifications to any boiler without first registering 45173



to do so with the division of ~~labor~~ industrial compliance. 45174

(B) No person shall make any installation or major repair or 45175  
modification of any boiler without first obtaining a permit to do 45176  
so from the division. The permit application form shall provide 45177  
the name and address of the owner, location of the boiler, and 45178  
type of repair or modification that will be made. The application 45179  
permit fee shall be one hundred dollars. 45180

(C) The superintendent of ~~labor~~ industrial compliance shall 45181  
require annual registration of all contractors who install, make 45182  
major repairs to, or modify any boiler. The board of building 45183  
standards shall establish a reasonable fee to cover the cost of 45184  
processing registrations. 45185

**Sec. 4104.12.** All boilers, except boilers mentioned in 45186  
section 4104.04 of the Revised Code, shall be inspected when 45187  
installed and shall not be operated until an appropriate 45188  
certificate of operation has been issued by the superintendent of 45189  
~~labor~~ industrial compliance. The certificate of operation required 45190  
by this section shall not be issued for any boiler which has not 45191  
been thoroughly inspected during construction and upon completion, 45192  
by either a general or special inspector, and which does not 45193  
conform in every detail with the rules adopted by the board of 45194  
building standards and unless, upon completion, such boiler is 45195  
distinctly stamped under such rules by such inspector. 45196

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 45197  
issued prior to October 15, 1965, are valid and effective for the 45198  
period set forth in such certificates unless sooner withdrawn by 45199  
the superintendent of ~~labor~~ industrial compliance. The owner or 45200  
user of any such boiler shall obtain an appropriate certificate of 45201  
operation for such boiler, and shall not operate such boiler, or 45202  
permit it to be operated unless a certificate of operation has 45203

been obtained in accordance with section 4104.17 of the Revised Code. 45204  
45205

(B) If, upon making the internal and external inspection 45206  
required under sections 4104.11, 4104.12, and 4104.13 of the 45207  
Revised Code, the inspector finds the boiler to be in safe working 45208  
order, with the fittings necessary to safety, and properly set up, 45209  
upon the inspector's report to the superintendent, the 45210  
superintendent shall issue to the owner or user thereof, or renew, 45211  
upon application and upon compliance with sections 4104.17 and 45212  
4104.18 of the Revised Code, a certificate of operation which 45213  
shall state the maximum pressure at which the boiler may be 45214  
operated, as ascertained by the rules of the board of building 45215  
standards. Such certificates shall also state the name of the 45216  
owner or user, the location, size, and number of each boiler, and 45217  
the date of issuance, and shall be so placed as to be easily read 45218  
in the engine room or boiler room of the plant where the boiler is 45219  
located, except that the certificate of operation for a portable 45220  
boiler shall be kept on the premises and shall be accessible at 45221  
all times. 45222

(C) If an inspector at any inspection finds that the boiler 45223  
or pressure vessel is not in safe working condition, or is not 45224  
provided with the fittings necessary to safety, or if the fittings 45225  
are improperly arranged, the inspector shall immediately notify 45226  
the owner or user and person in charge of the boiler and shall 45227  
report the same to the superintendent who may revoke, suspend, or 45228  
deny the certificate of operation and not renew the same until the 45229  
boiler or pressure vessel and its fittings are put in condition to 45230  
insure safety of operation, and the owner or user shall not 45231  
operate the boiler or pressure vessel, or permit it to be operated 45232  
until such certificate has been granted or restored. 45233

(D) If the superintendent or a general boiler inspector finds 45234  
that a pressure vessel or boiler or a part thereof poses an 45235

explosion hazard that reasonably can be regarded as posing an 45236  
imminent danger of death or serious physical harm to persons, the 45237  
superintendent or the general boiler inspector shall seal the 45238  
pressure vessel or boiler and order, in writing, the operator or 45239  
owner of the pressure vessel or boiler to immediately cease the 45240  
pressure vessel's or boiler's operation. The order shall be 45241  
effective until the nonconformities are eliminated, corrected, or 45242  
otherwise remedied, or for a period of seventy-two hours from the 45243  
time of issuance, whichever occurs first. During the 45244  
seventy-two-hour period, the superintendent may request that the 45245  
prosecuting attorney or city attorney of Franklin county or of the 45246  
county in which the pressure vessel or boiler is located obtain an 45247  
injunction restraining the operator or owner of the pressure 45248  
vessel or boiler from continuing its operation after the 45249  
seventy-two-hour period expires until the nonconformities are 45250  
eliminated, corrected, or otherwise remedied. 45251

(E) Each boiler which has been inspected shall be assigned a 45252  
number by the superintendent, which number shall be stamped on a 45253  
nonferrous metal tag affixed to the boiler or its fittings by seal 45254  
or otherwise. No person except an inspector shall deface or remove 45255  
any such number or tag. 45256

(F) If the owner or user of any pressure vessel or boiler 45257  
disagrees with the inspector as to the necessity for shutting down 45258  
a pressure vessel or boiler or for making repairs or alterations 45259  
in it, or taking any other measures for safety that are requested 45260  
by an inspector, the owner or user may appeal from the decision of 45261  
the inspector to the superintendent, who may, after such other 45262  
inspection by a general inspector or special inspector as the 45263  
superintendent deems necessary, decide the issue. 45264

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 45265  
nor an inspection or report by any inspector, shall relieve the 45266  
owner or user of a pressure vessel or boiler of the duty of using 45267

due care in the inspection, operation, and repair of the pressure 45268  
vessel or boiler or of any liability for damages for failure to 45269  
inspect, repair, or operate the pressure vessel or boiler safely. 45270

**Sec. 4104.16.** The owner or user of any boiler required by 45271  
sections 4104.01 to 4104.20 of the Revised Code, to be inspected, 45272  
shall immediately notify the superintendent of ~~labor~~ industrial 45273  
compliance in case a defect affecting the safety of the boiler is 45274  
discovered. 45275

The owner or user of any stationary boiler required by such 45276  
sections to be inspected, who moves the same, shall report to the 45277  
superintendent the new location of the boiler. Such boiler shall 45278  
be inspected before it is again operated. 45279

**Sec. 4104.17.** Certificates of operation issued for boilers 45280  
subject to inspection under Chapter 4104. of the Revised Code 45281  
shall be issued and renewed in accordance with and at dates 45282  
prescribed by rules and regulations adopted by the superintendent 45283  
of ~~labor~~ industrial compliance. 45284

**Sec. 4104.18.** (A) The owner or user of a boiler required 45285  
under section 4104.12 of the Revised Code to be inspected upon 45286  
installation, and the owner or user of a boiler for which a 45287  
certificate of inspection has been issued which is replaced with 45288  
an appropriate certificate of operation, shall pay to the 45289  
superintendent of ~~labor~~ industrial compliance a fee in the amount 45290  
of fifty dollars for boilers subject to annual inspections under 45291  
section 4104.11 of the Revised Code, one hundred dollars for 45292  
boilers subject to biennial inspection under section 4104.13 of 45293  
the Revised Code, one hundred fifty dollars for boilers subject to 45294  
triennial inspection under section 4104.11 of the Revised Code, or 45295  
two hundred fifty dollars for boilers subject to quinquennial 45296  
inspection under section 4104.13 of the Revised Code. 45297

(B) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector.

(C) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars.

(D) The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), and (C) of this section. Any moneys collected under this section shall be paid into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code.

(E) Any person who fails to pay an invoiced renewal fee or an invoiced inspection fee required for any inspection conducted by the division of ~~labor~~ industrial compliance pursuant to this chapter within forty-five days of the invoice date shall pay a late payment fee equal to twenty-five per cent of the invoiced fee.

(F) In addition to the fees assessed in divisions (A) and (B) of this section, the board of building standards shall assess the owner or user a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under division (A) of this section and for each inspection conducted under division (B) of this section. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying

the manner by which the superintendent shall collect and remit to 45330  
the board the fees assessed under this division and requiring that 45331  
remittance of the fees be made at least quarterly. 45332

**Sec. 4104.19.** (A) Any person seeking a license to operate as 45333  
a steam engineer, high pressure boiler operator, or low pressure 45334  
boiler operator shall file a written application with the 45335  
superintendent of ~~labor~~ industrial compliance on a form prescribed 45336  
by the superintendent with the appropriate application fee as set 45337  
forth in section 4104.18 of the Revised Code. The application 45338  
shall contain information satisfactory to the superintendent to 45339  
demonstrate that the applicant meets the requirements of division 45340  
(B) of this section. The application shall be filed with the 45341  
superintendent not more than sixty days and not less than thirty 45342  
days before the license examination is offered. 45343

(B) To qualify to take the examination required to obtain a 45344  
steam engineer, high pressure boiler operator, or low pressure 45345  
boiler operator license, a person shall meet both of the following 45346  
requirements: 45347

(1) Be at least eighteen years of age; 45348

(2) Have one year of experience in the operation of steam 45349  
engines, high pressure boilers, or low pressure boilers as 45350  
applicable to the type of license being sought, or a combination 45351  
of experience and education for the type of license sought as 45352  
determined to be acceptable by the superintendent. 45353

(C) No applicant shall qualify to take an examination or to 45354  
renew a license if the applicant has violated this chapter or if 45355  
the applicant has obtained or renewed a license issued under this 45356  
chapter by fraud, misrepresentation, or deception. 45357

(D) The superintendent shall issue a license to each 45358  
applicant who receives a passing score on the examination, as 45359

determined by the superintendent, for the license for which the applicant applied. 45360  
45361

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator: 45362  
45363  
45364  
45365

(1) Prepare, administer, score, and maintain the confidentiality of the examination; 45366  
45367

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section; 45368  
45369

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent; 45370  
45371

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure. 45372  
45373  
45374

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal. 45375  
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(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. 45383  
45384  
45385  
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45387

**Sec. 4104.21.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the superintendent of ~~labor~~ 45388  
45389

industrial compliance shall comply with sections 3123.41 to 45390  
3123.50 of the Revised Code and any applicable rules adopted under 45391  
section 3123.63 of the Revised Code with respect to a certificate 45392  
or license issued pursuant to this chapter. 45393

**Sec. 4104.33.** There is hereby created the historical boilers 45394  
licensing board consisting of seven members, three of whom shall 45395  
be appointed by the governor with the advice and consent of the 45396  
senate. The governor shall make initial appointments to the board 45397  
within ninety days after October 24, 2002. Of the initial members 45398  
appointed by the governor, one shall be for a term ending three 45399  
years after October 24, 2002, one shall be for a term ending four 45400  
years after October 24, 2002, and one shall be for a term ending 45401  
five years after October 24, 2002. Thereafter, terms of office 45402  
shall be for five years, each term ending on the same day of the 45403  
same month of the year as did the term that it succeeds. Of the 45404  
three members the governor appoints, one member shall be an 45405  
employee of the division of boiler inspection in the department of 45406  
commerce; one member shall be an independent mechanical engineer 45407  
who is not involved in selling or inspecting historical boilers; 45408  
and one shall be an active member of an association that 45409  
represents managers of fairs or festivals. 45410

Two members of the board shall be appointed by the president 45411  
of the senate and two members of the board shall be appointed by 45412  
the speaker of the house of representatives. The president and 45413  
speaker shall make initial appointments to the board within ninety 45414  
days after October 24, 2002. Of the initial members appointed by 45415  
the president, one shall be for a term ending four years after 45416  
October 24, 2002 and one shall be for a term ending five years 45417  
after October 24, 2002. Of the initial members appointed by the 45418  
speaker, one shall be for a term ending three years after October 45419  
24, 2002 and one shall be for a term ending five years after 45420



October 24, 2002. Thereafter, terms of office shall be for five 45421  
years, each term ending on the same day of the same month of the 45422  
year as did the term that it succeeds. Of the four members 45423  
appointed by the president and speaker, each shall own a 45424  
historical boiler and also have at least ten years of experience 45425  
in the operation of historical boilers, and each of these four 45426  
members shall reside in a different region of the state. 45427

Each member shall hold office from the date of the member's 45428  
appointment until the end of the term for which the member was 45429  
appointed. Members may be reappointed. Vacancies shall be filled 45430  
in the manner provided for initial appointments. Any member 45431  
appointed to fill a vacancy occurring prior to the expiration date 45432  
of the term for which the member's predecessor was appointed shall 45433  
hold office as a member for the remainder of that term. A member 45434  
shall continue in office subsequent to the expiration date of the 45435  
member's term until the successor takes office or until a period 45436  
of sixty days has elapsed, whichever occurs first. 45437

The members of the board, annually, shall elect, by majority 45438  
vote, a chairperson from among their members. The board shall meet 45439  
at least once annually and at other times at the call of the 45440  
chairperson. Board members shall receive their actual and 45441  
necessary expenses incurred in the discharge of their duties as 45442  
board members. 45443

The superintendent of ~~labor~~ industrial compliance shall 45444  
furnish office space, staff, and supplies to the board as the 45445  
superintendent determines are necessary for the board to carry out 45446  
its official duties under sections 4104.33 to 4104.37 of the 45447  
Revised Code. 45448

**Sec. 4104.42.** (A) The owner of any power piping or process 45449  
piping system shall ensure that all of the following are performed 45450  
in compliance with applicable sections of the B31 standards 45451

contained in the code for pressure piping, published by the 45452  
American society of mechanical engineers: 45453

(1) The design, fabrication, assembly, installation, testing, 45454  
examination, and inspection of power and process piping systems; 45455

(2) Qualification of personnel and qualification of welding 45456  
and brazing procedures; 45457

(3) The implementation of an inspection program. 45458

(B) The owner of a power piping or process piping system 45459  
shall do both of the following: 45460

(1) Maintain for five years complete records documenting the 45461  
design, examination, and testing of the piping system that include 45462  
all of the following: 45463

(a) The specific edition of the code for pressure piping used 45464  
in the design; 45465

(b) The design assumptions; 45466

(c) The calculations, piping material specifications, and 45467  
construction documents for the piping; 45468

(d) The records of piping alterations; 45469

(e) The piping examination and inspection records. 45470

(2) Disclose the types and quantities of flammable, 45471  
combustible, or hazardous materials proposed to be used in the 45472  
facility to the building and fire code enforcement authorities who 45473  
have inspection authority to enable those authorities to determine 45474  
compliance with the rules the board of building standards adopts 45475  
pursuant to section 3781.10 of the Revised Code and the rules the 45476  
state fire marshal adopts pursuant to section 3737.82 of the 45477  
Revised Code. 45478

(C) No person or state agency shall require that the records 45479  
described in division (B)(1) of this section be submitted to the 45480

division of ~~labor~~ industrial compliance in the department of 45481  
commerce or to a certified building department for approval. 45482

(D) Nothing in this section limits the application of 45483  
Chapters 4703. and 4733. of the Revised Code. 45484

**Sec. 4104.43.** (A)(1) The board of building standards shall 45485  
adopt rules establishing requirements for the design, 45486  
installation, inspection of and design review procedure for 45487  
building services piping. 45488

(2) The board of building standards shall adopt rules 45489  
establishing requirements for the design, installation, inspection 45490  
of and design review procedure for nonflammable medical gas, 45491  
medical oxygen, and medical vacuum piping systems. 45492

(B) A municipal, township, or county building department 45493  
certified under division (E) of section 3781.10 of the Revised 45494  
Code shall enforce the rules the board adopts pursuant to division 45495  
(A)(2) of this section if that building department requests and 45496  
obtains special certification to enforce those rules. 45497

(C) In a health district where no municipal, township, or 45498  
county building department is specially certified under division 45499  
(B) of this section, an employee of the health district shall 45500  
enforce the rules adopted pursuant to division (A)(2) of this 45501  
section if both of the following conditions are satisfied: 45502

(1) The health district employee requests and obtains special 45503  
certification by the board to enforce those rules. 45504

(2) The health district notifies the superintendent of the 45505  
division of ~~labor~~ industrial compliance in the department of 45506  
commerce that the health district's specially certified employee 45507  
shall enforce those rules. 45508

(D) In a jurisdiction where enforcement authority as 45509  
described in divisions (B) and (C) of this section does not exist, 45510

the superintendent of ~~labor~~ industrial compliance shall enforce 45511  
the rules the board adopts pursuant to division (A)(2) of this 45512  
section. 45513

**Sec. 4104.44.** All welding and brazing of metallic piping 45514  
systems shall be performed in accordance with section IX of the 45515  
boiler and pressure vessel code, published by the American society 45516  
of mechanical engineers. The owner shall maintain, at the job 45517  
site, the certified performance qualification records of all 45518  
welders and brazers employed at the facility. The owner shall 45519  
submit copies of all certified welding and brazing procedure 45520  
specifications, procedure qualification records, and performance 45521  
qualification records for building services piping for review to 45522  
the superintendent of ~~labor~~ industrial compliance in the 45523  
department of commerce in accordance with rules the superintendent 45524  
adopts. The submission shall be accompanied by the fee the 45525  
superintendent establishes. 45526

**Sec. 4104.48.** (A) No person shall violate sections 4104.41 to 45527  
4104.48 of the Revised Code, fail to perform any duty lawfully 45528  
enjoined in connection with those sections, or fail to comply with 45529  
any order issued by the superintendent of ~~labor~~ industrial 45530  
compliance or any judgment or decree issued by any court in 45531  
connection with the enforcement of sections 4104.41 to 4104.48 of 45532  
the Revised Code. 45533

(B) Every day during which a person violates sections 4104.41 45534  
to 4104.48 of the Revised Code, fails to perform any duty lawfully 45535  
enjoined in connection with those sections, or fails to comply 45536  
with any order issued by the superintendent or any judgment or 45537  
decree issued by any court in connection with the enforcement of 45538  
sections 4104.41 to 4104.48 of the Revised Code constitutes a 45539  
separate offense. 45540

- Sec. 4105.01. As used in this chapter: 45541
- (A) "Elevator" means a hoisting and lowering apparatus 45542  
equipped with a car, cage, or platform which moves on or between 45543  
permanent rails or guides and serves two or more fixed landings in 45544  
a building or structure to which section 3781.06 of the Revised 45545  
Code applies. "Elevator" includes dumb-waiters other than 45546  
hand-powered dumb-waiters, escalators, ~~peoplelifts~~ manlifts, 45547  
moving walks, of the endless belt type, other lifting or lowering 45548  
apparatus permanently installed on or between rails or guides, and 45549  
all equipment, machinery, and construction related to any 45550  
elevator; but does not include construction hoists and other 45551  
similar temporary lifting or lowering apparatuses, ski lifts, 45552  
traveling, portable amusement rides or devices that are not 45553  
affixed to a permanent foundation, or nonportable amusement rides 45554  
or devices that are affixed to a permanent foundation. 45555
- (B) "Passenger elevator" means an elevator that is designed 45556  
to carry persons to its contract capacity. 45557
- (C) "Freight elevator" means an elevator normally used for 45558  
carrying freight and on which only the operator and employees in 45559  
the pursuit of their duties, by the permission of the employer, 45560  
are allowed to ride. 45561
- (D) "Gravity elevator" means an elevator utilizing gravity to 45562  
move. 45563
- (E) "General inspector" means a state inspector examined and 45564  
hired to inspect elevators and lifting apparatus for that state. 45565
- (F) "Special inspector" means an inspector examined and 45566  
commissioned by the superintendent of ~~labor~~ industrial compliance 45567  
to inspect elevators and lifting apparatus in the state. 45568
- (G) "Inspector" means either a general or special inspector. 45569

Sec. 4105.02. No person may act, either as a general 45570  
inspector or as a special inspector, of elevators, unless the 45571  
person holds a certificate of competency from the division of 45572  
~~labor~~ industrial compliance. 45573

Application for examination as an inspector of elevators 45574  
shall be in writing, accompanied by a fee to be established as 45575  
provided in section 4105.17 of the Revised Code, and upon a blank 45576  
to be furnished by the division, stating the school education of 45577  
the applicant, a list of the applicant's employers, the 45578  
applicant's period of employment, and the position held with each. 45579  
An applicant shall also submit a letter from one or more of the 45580  
applicant's previous employers certifying as to the applicant's 45581  
character and experience. 45582

Applications shall be rejected which contain any willful 45583  
falsification or untruthful statements. An applicant, if the 45584  
division considers the applicant's history and experience 45585  
sufficient, shall be examined by the superintendent of ~~labor~~ 45586  
industrial compliance by a written examination dealing with the 45587  
construction, installation, operation, maintenance, and repair of 45588  
elevators and their appurtenances, and the applicant shall be 45589  
accepted or rejected on the merits of the applicant's application 45590  
and examination. 45591

The superintendent shall issue a certificate of competency in 45592  
the inspection of elevators to any applicant found competent upon 45593  
examination. A rejected applicant shall be entitled, after the 45594  
expiration of ninety days and upon payment of an examination fee 45595  
to be established as provided in section 4105.17 of the Revised 45596  
Code, to another examination. Should an applicant fail to pass the 45597  
prescribed examination on second trial, the applicant will not be 45598  
permitted to be an applicant for another examination for a period 45599  
of one year after the second examination. 45600

**Sec. 4105.03.** The superintendent of ~~labor~~ industrial compliance, with the consent of the director of commerce, shall hire an assistant who has at least ten years of experience in the construction, installation, maintenance, and repair of elevators and their appurtenances.

The superintendent, with the consent of the director, and in compliance with Chapter 124. of the Revised Code, may appoint and hire general inspectors of elevators from the holders of certificates of competency.

**Sec. 4105.04.** From the holders of certificates of competency in the inspection of elevators, any company that is authorized to insure elevators in the state, may designate persons to inspect elevators covered by such company's policies, and the department of public safety of any city and the clerk of any village may designate persons to inspect elevators in such city or village. Such persons shall, upon the payment of a fee to be established as provided in section 4105.17 of the Revised Code, have issued to them annually by the division of ~~labor~~ industrial compliance, commissions to serve as special inspectors of elevators in the state.

**Sec. 4105.05.** A commission to serve as a special inspector may be suspended or revoked by the superintendent of ~~labor~~ industrial compliance, for the incompetence or untrustworthiness of the holder thereof, or for the falsification of any matter or statement contained in the holder's application or in a report of any inspection.

**Sec. 4105.06.** If a certificate or commission issued under sections 4105.02 and 4105.04 of the Revised Code is lost or destroyed a new one shall be issued in its place by the division

of ~~labor~~ industrial compliance without another examination, upon 45630  
the payment of a fee to be established as provided in section 45631  
4105.07 of the Revised Code. 45632

**Sec. 4105.09.** The owner or user of any elevator shall 45633  
register, with the division of ~~labor~~ industrial compliance, every 45634  
elevator operated by the owner or user, giving the type, capacity, 45635  
and description, name of manufacturer, and purpose for which each 45636  
is used. Such registration shall be made on a form to be furnished 45637  
by the division. 45638

**Sec. 4105.11.** The inspection of elevators shall be made by 45639  
the inspectors authorized in sections 4105.03 and 4105.04 of the 45640  
Revised Code, under the supervision of the superintendent of ~~labor~~ 45641  
industrial compliance, and the superintendent shall enforce this 45642  
chapter and any rules adopted pursuant thereto. 45643

Every inspector shall forward to the superintendent a full 45644  
and complete report of each inspection made of any elevator and 45645  
shall, on the day the inspection is completed, leave a copy of 45646  
such report with the owner or operator of the elevator, or the 45647  
owner's or operator's agent or representative. Such report shall 45648  
indicate the exact condition of the elevator and shall list any 45649  
and all of the provisions of this chapter and any rules adopted 45650  
pursuant thereto, with which the elevator does not comply. Before 45651  
attempting to enforce, by any remedy, civil or criminal, the 45652  
provisions with which the inspected elevator does not comply, the 45653  
chief shall issue an adjudication order within the meaning of 45654  
Chapter 119. of the Revised Code. 45655

The approval of construction plans, or an application of 45656  
specifications under section 4105.16 of the Revised Code is a 45657  
license, and the failure to approve such plans or specifications 45658  
by the chief within sixty days after they are filed is an 45659



adjudication order denying the issuance of a license. 45660

Every adjudication order shall specify what appliances, site 45661  
preparations, additions, repairs, or alterations to any elevators, 45662  
plans, materials, assemblages, or procedures are necessary for the 45663  
same to comply with this chapter, or any rules adopted pursuant 45664  
thereto. Such adjudication order shall be issued pursuant to 45665  
Chapter 119. of the Revised Code and shall be effective without 45666  
prior hearing, within thirty days after the receipt of such order, 45667  
the owner of the elevator specified therein may appeal to the 45668  
board of building appeals under section 3781.19 of the Revised 45669  
Code. 45670

Notwithstanding the provisions of Chapter 119. of the Revised 45671  
Code relating to adjudication hearings, a stenographic or 45672  
mechanical record of the testimony and other evidence submitted 45673  
before the board of building appeals shall be taken at the expense 45674  
of the agency. A party adversely affected by an order issued 45675  
following such adjudication hearing may appeal to the court of 45676  
common pleas of the county in which the party is a resident or in 45677  
which the elevator affected by such order is located. The court in 45678  
such case shall not be confined to the record as certified to it 45679  
by the agency, but any party may produce additional evidence and 45680  
the court shall hear the matter upon such record and such 45681  
additional evidence as is introduced by any party. The court shall 45682  
not affirm the order of the agency unless the preponderance of the 45683  
evidence before it supports the reasonableness and lawfulness of 45684  
such order, and of any rules upon which the order of the agency is 45685  
based in its application to the facts involved in the appeal. 45686

Failure to comply with the requirements of any order issued 45687  
pursuant to this section or the continued operation of any 45688  
elevator after it has been sealed pursuant to section 4105.21 of 45689  
the Revised Code is hereby declared a public nuisance. 45690

**Sec. 4105.12.** (A) The superintendent of ~~labor~~ industrial compliance shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for the conduct of hearings related to these actions, and for the inspection of elevators.

(B) Notwithstanding division (A) of this section, the superintendent shall not adopt rules relating to construction, maintenance, and repair of elevators.

**Sec. 4105.13.** Every elevator shall be constructed, equipped, maintained, and operated, with respect to the supporting members, elevator car, shaftways, guides, cables, doors, and gates, safety stops and mechanism, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, in accordance with state laws and rules as are authorized in respect thereto. Where reasonable safety is obtained without complying to the literal requirements of such rules as in cases of practical difficulty or unnecessary hardship, the literal requirements of such rules shall not be required. The superintendent of ~~labor~~ industrial compliance may permit the installation of vertical wheelchair lifts in public buildings to provide for handicapped accessibility where such lifts do not meet the literal requirements of the rules adopted by the board of building standards pursuant to section 4105.011 of the Revised Code, provided that reasonable safety may be obtained.

**Sec. 4105.15.** No certificate of operation for any elevator shall be issued by the director of commerce until such elevator has been inspected as required by this chapter. Certificates of operation shall be renewed by the owner or user of the elevator in accordance with rules adopted by the superintendent of ~~labor~~

industrial compliance pursuant to section 4105.12 of the Revised Code. 45721  
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**Sec. 4105.16.** Before any new installation of an elevator of permanent nature is erected or before any existing elevator is removed to and installed in a different location, an application of specifications in duplicate shall be submitted to the division of ~~labor~~ industrial compliance giving such information concerning the construction, installation, and operation of said elevator as the division may require on forms to be furnished by the division, together with complete construction plans in duplicate. In all cases where any changes or repairs are made which alter its construction of classification, grade or rated lifting capacity, except when made pursuant to a report of an inspector, an application of specifications in duplicate shall be submitted to the division, containing such information, or approval, except in those municipal corporations which maintain their own elevator inspection departments, in which event such specifications shall be submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of such elevator shall be issued by the municipal corporation. Upon approval of such application and construction plans, the superintendent of ~~labor~~ industrial compliance shall issue a permit for the erection or repair of such elevator. No new elevator shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the division. 45723  
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The final inspection, before operation, of a permanent, new or repaired elevator shall be made by a general inspector or a special inspector designated by the superintendent. 45747  
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**Sec. 4105.17.** (A) The fee for each inspection, or attempted inspection that, due to no fault of a general inspector or the 45750  
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division of ~~labor~~ industrial compliance, is not successfully 45752  
completed, by a general inspector before the operation of a 45753  
permanent new elevator prior to the issuance of a certificate of 45754  
operation, before operation of an elevator being put back into 45755  
service after a repair or after an adjudication under section 45756  
4105.11 of the Revised Code, or as a result of the operation of 45757  
section 4105.08 of the Revised Code and is an elevator required to 45758  
be inspected under this chapter is one hundred twenty dollars plus 45759  
ten dollars for each floor where the elevator stops. The 45760  
superintendent of ~~labor~~ industrial compliance may assess an 45761  
additional fee of one hundred twenty dollars plus ten dollars for 45762  
each floor where an elevator stops for the reinspection of an 45763  
elevator when a previous attempt to inspect that elevator has been 45764  
unsuccessful through no fault of a general inspector or the 45765  
division of ~~labor~~ industrial compliance. 45766

(B) The fee for each inspection, or attempted inspection, 45767  
that due to no fault of the general inspector or the division, is 45768  
not successfully completed by a general inspector before operation 45769  
of a permanent new escalator or moving walk prior to the issuance 45770  
of a certificate of operation, before operation of an escalator or 45771  
moving walk being put back in service after a repair, or as a 45772  
result of the operation of section 4105.08 of the Revised Code is 45773  
three hundred dollars. The superintendent may assess an additional 45774  
fee of one hundred fifty dollars for the reinspection of an 45775  
escalator or moving walk when a previous attempt to inspect that 45776  
escalator or moving walk has been unsuccessful through no fault of 45777  
the general inspector or the division. 45778

(C) The fee for issuing or renewing a certificate of 45779  
operation under section 4105.15 of the Revised Code for an 45780  
elevator that is inspected every six months in accordance with 45781  
division (A) of section 4105.10 of the Revised Code is two hundred 45782  
twenty dollars plus twelve dollars for each floor where the 45783

elevator stops, except where the elevator has been inspected by a 45784  
special inspector in accordance with section 4105.07 of the 45785  
Revised Code. 45786

(D) The fee for issuing or renewing a certificate of 45787  
operation under section 4105.05 of the Revised Code for an 45788  
elevator that is inspected every twelve months in accordance with 45789  
division (A) of section 4105.10 of the Revised Code is fifty-five 45790  
dollars plus ten dollars for each floor where the elevator stops, 45791  
except where the elevator has been inspected by a special 45792  
inspector in accordance with section 4105.07 of the Revised Code. 45793

(E) The fee for issuing or renewing a certificate of 45794  
operation under section 4105.15 of the Revised Code for an 45795  
escalator or moving walk is three hundred dollars, except where 45796  
the escalator or moving walk has been inspected by a special 45797  
inspector in accordance section 4105.07 of the Revised Code. 45798

(F) All other fees to be charged for any examination given or 45799  
other service performed by the division pursuant to this chapter 45800  
shall be prescribed by the director of commerce. The fees shall be 45801  
reasonably related to the costs of such examination or other 45802  
service. 45803

(G) The director of commerce, subject to the approval of the 45804  
controlling board, may establish fees in excess of the fees 45805  
provided in divisions (A), (B), (C), (D), and (E) of this section. 45806  
Any moneys collected under this section shall be paid into the 45807  
state treasury to the credit of the ~~labor~~ industrial compliance 45808  
operating fund created in section 121.084 of the Revised Code. 45809

(H) Any person who fails to pay an inspection fee required 45810  
for any inspection conducted by the division pursuant to this 45811  
chapter within forty-five days after the inspection is conducted 45812  
shall pay a late payment fee equal to twenty-five per cent of the 45813  
inspection fee. 45814

(I) In addition to the fees assessed in divisions (A), (B), 45815  
(C), (D), and (E) of this section, the board of building standards 45816  
shall assess a fee of three dollars and twenty-five cents for each 45817  
certificate of operation or renewal thereof issued under divisions 45818  
(A), (B), (C), (D), or (E) of this section and for each permit 45819  
issued under section 4105.16 of the Revised Code. The board shall 45820  
adopt rules, in accordance with Chapter 119. of the Revised Code, 45821  
specifying the manner by which the superintendent shall collect 45822  
and remit to the board the fees assessed under this division and 45823  
requiring that remittance of the fees be made at least quarterly. 45824

(J) For purposes of this section: 45825

(1) "Escalator" means a power driven, inclined, continuous 45826  
stairway used for raising or lowering passengers. 45827

(2) "Moving walk" means a passenger carrying device on which 45828  
passengers stand or walk, with a passenger carrying surface that 45829  
is uninterrupted and remains parallel to its direction of motion. 45830

**Sec. 4105.191.** Any person owning or operating any elevator 45831  
subject to this chapter shall file a written report with the 45832  
superintendent of ~~labor~~ industrial compliance within seventy-two 45833  
hours after the occurrence of any accident involving such elevator 45834  
which results in death or bodily injury to any person. 45835

**Sec. 4105.20.** No person shall violate any law relative to the 45836  
operation, construction, maintenance, and repair of elevators. All 45837  
fines collected for violation of this section shall be forwarded 45838  
to the superintendent of ~~labor~~ industrial compliance, who shall 45839  
pay them into the state treasury to the credit of the ~~labor~~ 45840  
industrial compliance operating fund created in section 121.084 of 45841  
the Revised Code. 45842

**Sec. 4105.21.** The superintendent of ~~labor~~ industrial 45843

compliance shall enforce this chapter. If the superintendent or a 45844  
general inspector of elevators finds that an elevator or a part 45845  
thereof does not afford reasonable safety as required by section 45846  
4105.13 of the Revised Code, the superintendent or the general 45847  
inspector may seal such elevator and post a notice thereon 45848  
prohibiting further use of the elevator until the changes or 45849  
alterations set forth in the notice have been made to the 45850  
satisfaction of the superintendent or the inspector. The notice 45851  
shall contain a statement that operators or passengers are subject 45852  
to injury by its continued use, a description of the alteration or 45853  
other change necessary to be made in order to secure safety of 45854  
operation, date of such notice, name and signature of the 45855  
superintendent or inspector issuing the notice. 45856

**Sec. 4115.10.** (A) No person, firm, corporation, or public 45857  
authority that constructs a public improvement with its own 45858  
forces, the total overall project cost of which is fairly 45859  
estimated to be more than the amounts set forth in division (B) of 45860  
section 4115.03 of the Revised Code, adjusted biennially by the 45861  
director of commerce pursuant to section 4115.034 of the Revised 45862  
Code, as appropriate, shall violate the wage provisions of 45863  
sections 4115.03 to 4115.16 of the Revised Code, or suffer, 45864  
permit, or require any employee to work for less than the rate of 45865  
wages so fixed, or violate the provisions of section 4115.07 of 45866  
the Revised Code. Any employee upon any public improvement, except 45867  
an employee to whom or on behalf of whom restitution is made 45868  
pursuant to division (C) of section 4115.13 of the Revised Code, 45869  
who is paid less than the fixed rate of wages applicable thereto 45870  
may recover from such person, firm, corporation, or public 45871  
authority that constructs a public improvement with its own forces 45872  
the difference between the fixed rate of wages and the amount paid 45873  
to the employee and in addition thereto a sum equal to twenty-five 45874  
per cent of that difference. The person, firm, corporation, or 45875

public authority who fails to pay the rate of wages so fixed also 45876  
shall pay a penalty to the director of seventy-five per cent of 45877  
the difference between the fixed rate of wages and the amount paid 45878  
to the employees on the public improvement. The director shall 45879  
deposit all moneys received from penalties paid to the director 45880  
pursuant to this section into the ~~labor~~ industrial compliance 45881  
operating fund. The director shall use the fund for the 45882  
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 45883  
The employee may file suit for recovery within ninety days of the 45884  
director's determination of a violation of sections 4115.03 to 45885  
4115.16 of the Revised Code or is barred from further action under 45886  
this division. Where the employee prevails in a suit, the employer 45887  
shall pay the costs and reasonable attorney's fees allowed by the 45888  
court. 45889

(B) Any employee upon any public improvement who is paid less 45890  
than the prevailing rate of wages applicable thereto may file a 45891  
complaint in writing with the director upon a form furnished by 45892  
the director. The complaint shall include documented evidence to 45893  
demonstrate that the employee was paid less than the prevailing 45894  
wage in violation of this chapter. Upon receipt of a properly 45895  
completed written complaint of any employee paid less than the 45896  
prevailing rate of wages applicable, the director shall take an 45897  
assignment of a claim in trust for the assigning employee and 45898  
bring any legal action necessary to collect the claim. The 45899  
employer shall pay the costs and reasonable attorney's fees 45900  
allowed by the court if the employer is found in violation of 45901  
sections 4115.03 to 4115.16 of the Revised Code. 45902

(C) If after investigation pursuant to section 4115.13 of the 45903  
Revised Code, the director determines there is a violation of 45904  
sections 4115.03 to 4115.16 of the Revised Code and a period of 45905  
sixty days has elapsed from the date of the determination, and if: 45906

(1) No employee has brought suit pursuant to division (A) of 45907



this section; 45908

(2) No employee has requested that the director take an 45909  
assignment of a wage claim pursuant to division (B) of this 45910  
section. 45911

The director shall bring any legal action necessary to 45912  
collect any amounts owed to employees and the director. The 45913  
director shall pay over to the affected employees the amounts 45914  
collected to which the affected employees are entitled under 45915  
division (A) of this section. In any action in which the director 45916  
prevails, the employer shall pay the costs and reasonable 45917  
attorney's fees allowed by the court. 45918

(D) Where persons are employed and their rate of wages has 45919  
been determined as provided in section 4115.04 of the Revised 45920  
Code, no person, either for self or any other person, shall 45921  
request, demand, or receive, either before or after the person is 45922  
engaged, that the person so engaged pay back, return, donate, 45923  
contribute, or give any part or all of the person's wages, salary, 45924  
or thing of value, to any person, upon the statement, 45925  
representation, or understanding that failure to comply with such 45926  
request or demand will prevent the procuring or retaining of 45927  
employment, and no person shall, directly or indirectly, aid, 45928  
request, or authorize any other person to violate this section. 45929  
This division does not apply to any agent or representative of a 45930  
duly constituted labor organization acting in the collection of 45931  
dues or assessments of such organization. 45932

(E) The director shall enforce sections 4115.03 to 4115.16 of 45933  
the Revised Code. 45934

(F) For the purpose of supplementing existing resources and 45935  
to assist in enforcing division (E) of this section, the director 45936  
may contract with a person registered as a public accountant under 45937  
Chapter 4701. of the Revised Code to conduct an audit of a person, 45938

firm, corporation, or public authority. 45939

(G) No contractor or subcontractor shall be responsible for 45940  
the payment of the penalties provided in division (A) of this 45941  
section resulting from a violation of sections 4115.03 to 4115.16 45942  
of the Revised Code by its subcontractor, provided that the 45943  
contractor or subcontractor has made a good faith effort to ensure 45944  
that its subcontractor complied with the requirements of sections 45945  
4115.03 to 4115.16 of the Revised Code. 45946

**Sec. 4115.101.** There is hereby created the prevailing wage 45947  
custodial fund, which shall be in the custody of the treasurer of 45948  
state but shall not be part of the state treasury. The director of 45949  
commerce shall deposit to the fund all money paid by employers to 45950  
the director that are held in trust for employees to whom 45951  
prevailing wages are due and owing. The director shall make 45952  
disbursements from the fund in accordance with this chapter to 45953  
employees affected by violations of this chapter. If the director 45954  
determines that any funds in the prevailing wage custodial fund 45955  
are not returnable to employees as required under this section, 45956  
then the director shall certify to the treasurer of state the 45957  
amount of the funds that are not returnable. Upon the receipt of a 45958  
certification from the director in accordance with this section, 45959  
the treasurer of state shall transfer the certified amount of the 45960  
funds from the prevailing wage custodial fund to the ~~labor~~ 45961  
industrial compliance operating fund. 45962

**Sec. 4121.123.** (A) There is hereby created the workers' 45963  
compensation board of directors nominating committee consisting of 45964  
the following: 45965

(1) Three individuals who are members of affiliated employee 45966  
organizations of the Ohio chapter of the American federation of 45967  
labor-congress of industrial organizations, who are selected by 45968

the Ohio chapter of the American federation of labor-congress of 45969  
industrial organizations and who, on account of their previous 45970  
vocation, employment, or affiliations, can be classed as 45971  
representative of employees who are members of an employee 45972  
organization. Terms of office shall be for one year, with each 45973  
term ending on the same day of the same month as did the term that 45974  
it succeeds. 45975

(2) Two individuals who, on account of their previous 45976  
vocation, employment, or affiliations, can be classed as 45977  
representative of employees, one of whom shall be an injured 45978  
worker with a valid, open, and active workers' compensation claim 45979  
and at least one of these two representatives also shall represent 45980  
employees who are not members of an employee organization. The 45981  
president of the senate and the speaker of the house of 45982  
representatives each shall appoint annually one of these members. 45983  
The member who is an injured worker shall serve for a full term 45984  
even if the member's workers' compensation claim is invalidated, 45985  
closed, or inactivated during the member's term. 45986

(3) The chief executive officer, or the equivalent of the 45987  
chief executive officer, of the Ohio chamber of commerce, the Ohio 45988  
manufacturers' association, the Ohio self-insurers' association, 45989  
the Ohio council of retail merchants, the national federation of 45990  
independent business, and the Ohio farm bureau; 45991

(4) The director of development; 45992

(5) The president of the Ohio township association and the 45993  
president of the Ohio county commissioners association, or, ~~in~~ if 45994  
any of the following circumstances apply: 45995

(a) In the event of a vacancy in ~~the~~ either presidency, a 45996  
designee appointed by the governing body authorized to appoint the 45997  
president. A designee so appointed shall serve on the nominating 45998  
committee only until the vacancy in the presidency is filled. 45999

(b) In the event that the president of the Ohio township association is unavailable, a designee selected by the president; 46000  
46001

(c) In the event that the president of the Ohio county commissioners association is unavailable, a designee selected by the president. 46002  
46003  
46004

(B) Each member appointed under divisions (A)(1) and (2) of 46005  
this section shall hold office from the date of the member's 46006  
appointment until the end of the term for which the member was 46007  
appointed. Such members may be reappointed. Vacancies shall be 46008  
filled in the manner provided for original appointments. Any such 46009  
member appointed to fill a vacancy occurring prior to the 46010  
expiration date of the term for which the member's predecessor was 46011  
appointed shall hold office as a member for the remainder of that 46012  
term. Such a member shall continue in office subsequent to the 46013  
expiration date of the member's term until the member's successor 46014  
takes office or until a period of sixty days has elapsed, 46015  
whichever occurs first. 46016

(C) The nominating committee shall meet at the request of the 46017  
governor or as the nominating committee determines appropriate in 46018  
order to make recommendations to the governor for the appointment 46019  
of members of the bureau of workers' compensation board of 46020  
directors under section 4121.12 of the Revised Code. 46021

(D) The director of development shall serve as chairperson of 46022  
the nominating committee and have no voting rights on matters 46023  
coming before the nominating committee, except that the director 46024  
may vote in the event of a tie vote of the nominating committee. 46025  
Annually, the nominating committee shall select a secretary from 46026  
among its members. The nominating committee may adopt by-laws 46027  
governing its proceedings. 46028

(E) Members of the nominating committee shall be paid their 46029  
reasonable and necessary expenses pursuant to section 126.31 of 46030

the Revised Code while engaged in the performance of their duties 46031  
as members of the nominating committee. 46032

(F) The nominating committee shall: 46033

(1) Review and evaluate possible appointees for the board. In 46034  
reviewing and evaluating possible appointees for the board, the 46035  
nominating committee may accept comments from, cooperate with, and 46036  
request information from any person. 46037

(2) Make recommendations to the governor for the appointment 46038  
of members to the board as provided in division (C) of section 46039  
4121.12 of the Revised Code. 46040

(G) The nominating committee may make recommendations to the 46041  
general assembly concerning changes in legislation that will 46042  
assist the nominating committee in the performance of its duties. 46043

**Sec. 4121.30.** (A) All rules governing the operating procedure 46044  
of the bureau of workers' compensation and the industrial 46045  
commission shall be adopted in accordance with Chapter 119. of the 46046  
Revised Code, except that determinations of the bureau, district 46047  
hearing officers, staff hearing officers, and the commission, with 46048  
respect to an individual employee's claim to participate in the 46049  
state insurance fund are governed only by Chapter 4123. of the 46050  
Revised Code. 46051

The administrator of workers' compensation and commission 46052  
shall proceed jointly, in accordance with Chapter 119. of the 46053  
Revised Code, including a joint hearing, to adopt joint rules 46054  
governing the operating procedures of the bureau and commission. 46055  
~~The bureau shall publish the joint rules in a single publication.~~ 46056

(B) Upon submission to the bureau or the commission of a 46057  
petition containing not less than fifteen hundred signatures of 46058  
adult residents of the state, any individual may propose a rule 46059  
for adoption, amendment, or rescission by the bureau or the 46060

commission. If, upon investigation, the bureau or commission is 46061  
satisfied that the signatures upon the petition are valid, it 46062  
shall proceed, in accordance with Chapter 119. of the Revised 46063  
Code, to consider adoption, amendment, or rescission of the rule. 46064

(C) The administrator shall ~~publish~~ make available 46065  
electronically all rules adopted by the bureau and the commission 46066  
~~in a single publication~~ and shall make available in a timely 46067  
manner ~~and at cost copies of~~ all rules adopted by the bureau and 46068  
the commission that are currently in force. ~~For that purpose, the~~ 46069  
~~administrator shall maintain a mailing list of all persons~~ 46070  
~~requesting copies of the rules.~~ 46071

(D) The rule-making authority granted to the administrator 46072  
under this section does not limit the commission's rule-making 46073  
authority relative to its overall adjudicatory policy-making and 46074  
management duties under this chapter and Chapters 4123., 4127., 46075  
and 4131. of the Revised Code. The administrator shall not 46076  
disregard any rule adopted by the commission, provided that the 46077  
rule is within the commission's rule-making authority. 46078

**Sec. 4123.20.** The administrator of workers' compensation 46079  
shall ~~cause to be printed, in proper form for distribution~~ make 46080  
available electronically to the public, its classifications, 46081  
rates, rules, and rules of procedure, and shall furnish the same 46082  
to any person upon ~~application therefor, and the fact that the~~ 46083  
~~classifications, rates, rules, and rules of procedure are printed~~ 46084  
~~ready for distribution to all who apply for the same is a~~ 46085  
~~sufficient publication of the same as required by this chapter~~ 46086  
request. 46087

**Sec. 4163.07.** (A)(1) Prior to transporting any high-level 46088  
radioactive waste, spent nuclear fuel, transuranic waste, or any 46089  
quantity of special nuclear material or by-product material that 46090

meets or exceeds the highway route controlled quantity, within, 46091  
into, or through the state, the shipper of the material shall 46092  
notify the executive director of the emergency management agency 46093  
established under section 5502.22 of the Revised Code of the 46094  
shipment. The notice shall be in writing and be sent by certified 46095  
mail and shall include the name of the shipper; the name of the 46096  
carrier; the type and quantity of the material; the transportation 46097  
mode of the shipment; the proposed date and time of shipment of 46098  
the material within, into, or through the state; and the starting 46099  
point, termination or exit point, scheduled route, and each 46100  
alternate route, if any, of the shipment. In order to constitute 46101  
effective notification under division (A)(1) of this section, 46102  
notification shall be received by the executive director at least 46103  
four days prior to shipment within, into, or through the state. 46104

(2) The carrier or shipper of any shipment subject to 46105  
division (A)(1) of this section shall immediately notify the 46106  
executive director of any change in the date and time of the 46107  
shipment or in the route of the shipment within, into, or through 46108  
the state. 46109

(B) Upon receipt of a notice of any shipment of material that 46110  
is subject to division (A)(1) of this section within, into, or 46111  
through the state, the executive director of the emergency 46112  
management agency shall immediately notify the director of public 46113  
safety, the director of environmental protection, the director of 46114  
health, the chairperson of the public utilities commission, and 46115  
the county emergency management agency and sheriff of each county 46116  
along the proposed route, or any alternate route, of the shipment. 46117

(C) The executive director of the emergency management agency 46118  
shall not disclose to any person other than those persons 46119  
enumerated in division (B) of this section any information 46120  
pertaining to any shipment of special nuclear material or 46121  
by-product material prior to the time that the shipment is 46122

completed. 46123

(D) This section does not apply to radioactive materials, 46124  
other than by-products, shipped by or for the United States 46125  
department of defense and United States department of energy for 46126  
military or national defense purposes. Nothing in this section 46127  
requires the disclosure of any defense information or restricted 46128  
data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 46129  
42 U.S.C. 2011, as amended. 46130

(E) No person shall transport or cause to be transported 46131  
within, into, or through the state any material that is subject to 46132  
division (A)(1) of this section without first providing the notice 46133  
required in that division. 46134

(F) Whoever violates division (E) of this section, in 46135  
addition to any penalty imposed under section 4163.99 of the 46136  
Revised Code, is liable for a civil penalty in an amount not to 46137  
exceed the following, as applicable: 46138

(1) Twenty-five thousand dollars for a motor carrier, as 46139  
defined in section 4923.01 of the Revised Code; 46140

(2) Forty-five thousand dollars for the first cask designated 46141  
for transport by rail and thirty thousand dollars for each 46142  
additional cask designated for transport by rail that is shipped 46143  
by the same person or entity in the same shipment. 46144

The attorney general, upon the request of the executive 46145  
director of the emergency management agency, shall bring a civil 46146  
action to collect the penalty. Fines collected pursuant to this 46147  
section shall be deposited into the state treasury to the credit 46148  
of the ~~radioactive waste~~ public utilities transportation safety 46149  
fund created in section ~~4905.801~~ 4921.21 of the Revised Code. 46150

**Sec. 4169.02.** (A) For the purposes of regulating the 46151  
construction, maintenance, mechanical operation, and inspection of 46152



passenger tramways that are associated with ski areas and of 46153  
registering operators of passenger tramways in this state, there 46154  
is hereby established in the division of ~~labor~~ industrial 46155  
compliance in the department of commerce a ski tramway board to be 46156  
appointed by the governor, with the advice and consent of the 46157  
senate. The board shall consist of three members, one of whom 46158  
shall be a public member who is an experienced skier and familiar 46159  
with ski areas in this state, one of whom shall be a ski area 46160  
operator actively engaged in the business of recreational skiing 46161  
in this state, and one of whom shall be a professional engineer 46162  
who is knowledgeable in the design or operation of passenger 46163  
tramways. 46164

Of the initial appointments, one member shall be appointed 46165  
for a term of one year, one for a term of two years, and one for a 46166  
term of three years. The member appointed to the term beginning on 46167  
July 1, 1996, shall be appointed to a term ending on June 30, 46168  
1997; the member appointed to a term beginning on July 1, 1997, 46169  
shall be appointed to a term ending on June 30, 1999; and the 46170  
member appointed to a term beginning on July 1, 1998, shall be 46171  
appointed to a term ending on June 30, 2001. Thereafter, each of 46172  
the members shall be appointed for a term of six years. Each 46173  
member shall hold office from the date of appointment until the 46174  
end of the term for which the member was appointed. In the event 46175  
of a vacancy, the governor, with the advice and consent of the 46176  
senate, shall appoint a successor who shall hold office for the 46177  
remainder of the term for which the successor's predecessor was 46178  
appointed. A member shall continue in office subsequent to the 46179  
expiration date of the member's term until the member's successor 46180  
takes office or until a period of sixty days has elapsed, 46181  
whichever occurs first. The board shall elect a chairperson from 46182  
its members. 46183

The governor may remove any member of the board at any time 46184

for misfeasance, nonfeasance, or malfeasance in office after 46185  
giving the member a copy of the charges against the member and an 46186  
opportunity to be heard publicly in person or by counsel in the 46187  
member's defense. Any such act of removal by the governor is 46188  
final. A statement of the findings of the governor, the reason for 46189  
the governor's action, and the answer, if any, of the member shall 46190  
be filed by the governor with the secretary of state and shall be 46191  
open to public inspection. 46192

Members of the board shall be paid two hundred fifty dollars 46193  
for each meeting that the member attends, except that no member 46194  
shall be paid or receive more than seven hundred fifty dollars for 46195  
attending meetings during any calendar year. Each member shall be 46196  
reimbursed for the member's actual and necessary expenses incurred 46197  
in the performance of official board duties. The chairperson shall 46198  
be paid two hundred fifty dollars annually in addition to any 46199  
compensation the chairperson receives under this division for 46200  
attending meetings and any other compensation the chairperson 46201  
receives for serving on the board. 46202

The division shall provide the board with such offices and 46203  
such clerical, professional, and other assistance as may be 46204  
reasonably necessary for the board to carry on its work. The 46205  
division shall maintain accurate copies of the board's rules as 46206  
promulgated in accordance with division (B) of this section and 46207  
shall keep all of the board's records, including business records, 46208  
and inspection reports as well as its own records and reports. The 46209  
cost of administering the board and conducting inspections shall 46210  
be included in the budget of the division based on revenues 46211  
generated by the registration fees established under section 46212  
4169.03 of the Revised Code. 46213

(B) In accordance with Chapter 119. of the Revised Code, the 46214  
board shall adopt and may amend or rescind rules relating to 46215  
public safety in the construction, maintenance, mechanical 46216

operation, and inspection of passenger tramways. The rules shall 46217  
be in accordance with established standards in the business of ski 46218  
area operation, if any, and shall not discriminate in their 46219  
application to ski area operators. 46220

No person shall violate the rules of the board. 46221

(C) The authority of the board shall not extend to any matter 46222  
relative to the operation of a ski area other than the 46223  
construction, maintenance, mechanical operation, and inspection of 46224  
passenger tramways. 46225

(D) A majority of the board constitutes a quorum and may 46226  
perform and exercise all the duties and powers devolving upon the 46227  
board. 46228

**Sec. 4169.03.** (A) Before a passenger tramway operator may 46229  
operate any passenger tramway in the state, the operator shall 46230  
apply to the ski tramway board, on forms prepared by it, for 46231  
registration by the board. The application shall contain an 46232  
inventory of the passenger tramways that the applicant intends to 46233  
operate and other information as the board may reasonably require 46234  
and shall be accompanied by the following annual fees: 46235

(1) Each aerial passenger tramway, five hundred dollars; 46236

(2) Each skimobile, two hundred dollars; 46237

(3) Each chair lift, two hundred dollars; 46238

(4) Each J bar, T bar, or platter pull, one hundred dollars; 46239

(5) Each rope tow, fifty dollars; 46240

(6) Each wire rope tow, seventy-five dollars; 46241

(7) Each conveyor, one hundred dollars. 46242

When an operator operates an aerial passenger tramway, a 46243  
skimobile, or a chair lift during both a winter and summer season, 46244  
the annual fee shall be one and one-half the above amount for the 46245

respective passenger tramway. 46246

(B) Upon payment of the appropriate annual fees in accordance 46247  
with division (A) of this section, the board shall issue a 46248  
registration certificate to the operator. Each certificate shall 46249  
remain in force until the thirtieth day of September next ensuing. 46250  
The board shall renew an operator's certificate in accordance with 46251  
the standard renewal procedure in Chapter 4745. of the Revised 46252  
Code upon payment of the appropriate annual fees. 46253

(C) Money received from the registration fees and from the 46254  
fines collected pursuant to section 4169.99 of the Revised Code 46255  
shall be paid into the state treasury to the credit of the ~~labor~~ 46256  
industrial compliance operating fund created in section 121.084 of 46257  
the Revised Code. 46258

(D) No person shall operate a passenger tramway in this state 46259  
unless the person has been registered by the board. 46260

**Sec. 4169.04.** (A) The division of ~~labor~~ industrial compliance 46261  
in the department of commerce shall make such inspection of the 46262  
construction, maintenance, and mechanical operation of passenger 46263  
tramways as the ski tramway board may reasonably require. The 46264  
division may contract with other qualified engineers to make such 46265  
inspection or may accept the inspection report by any qualified 46266  
inspector of an insurance company authorized to insure passenger 46267  
tramways in this state. 46268

(B) If, as the result of an inspection, an employee of the 46269  
division or other agent with whom the division has contracted 46270  
finds that a violation of the board's rules exists or a condition 46271  
in passenger tramway construction, maintenance, or mechanical 46272  
operation exists that endangers public safety, the employee or 46273  
agent shall make an immediate report to the board for appropriate 46274  
investigation and order. 46275

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Sec. 4171.04. (A) Before a person may operate any roller skating rink in the state, the person shall:                                                                                                                                                                                                                                                                                                                                                                                                          | 46276 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46277 |
| (1) Apply to the superintendent of <del>labor</del> <u>industrial compliance</u> in the department of commerce on forms designated by the superintendent for a certificate of registration;                                                                                                                                                                                                                                                                                                                    | 46278 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46279 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46280 |
| (2) Provide an inventory of all the roller skating rinks that the applicant intends to operate, and any other information the superintendent may reasonably require on the application;                                                                                                                                                                                                                                                                                                                        | 46281 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46282 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46283 |
| (3) Include with the application a registration fee of twenty-five dollars for each roller skating rink to be operated by the applicant.                                                                                                                                                                                                                                                                                                                                                                       | 46284 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46285 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46286 |
| (B) Upon compliance with division (A) of this section, the superintendent shall issue a certificate of registration to the operator for each roller skating rink to be operated by the applicant. Each certificate shall remain in force as follows:                                                                                                                                                                                                                                                           | 46287 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46288 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46289 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46290 |
| (1) Until the thirty-first day of December next ensuing; or                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 46291 |
| (2) For sixty days after the dissolution of a partnership.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 46292 |
| (C) In case of the dissolution of a partnership by death, the surviving partner or partners may operate a roller skating rink pursuant to the certificate of registration obtained by the partnership in accordance with this chapter for a period of sixty days following dissolution. The heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the certificate of registration of the person succeeded in possession. | 46293 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46294 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46295 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46296 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46298 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46299 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46300 |
| (D) The superintendent shall renew an operator's certificate of registration in accordance with the standard license renewal procedure set forth in Chapter 4745. of the Revised Code upon payment of a renewal fee of twenty-five dollars for each roller skating rink to be operated by the applicant.                                                                                                                                                                                                       | 46301 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46302 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46303 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46304 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46305 |

(E) Money received from the registration and renewal fees 46306  
collected pursuant to this chapter shall be paid into the state 46307  
treasury to the credit of the ~~labor~~ industrial compliance 46308  
operating fund created in section 121.084 of the Revised Code. 46309

**Sec. 4301.30.** (A) All fees collected by the division of 46310  
liquor control shall be deposited in the state treasury to the 46311  
credit of the undivided liquor permit fund, which is hereby 46312  
created, at the time prescribed under section 4301.12 of the 46313  
Revised Code. Each payment shall be accompanied by a statement 46314  
showing separately the amount collected for each class of permits 46315  
in each municipal corporation and in each township outside the 46316  
limits of any municipal corporation in such township. ~~An~~ 46317

(B)(1) ~~An~~ amount equal to forty-five per cent of the fund 46318  
shall be paid from the fund into the state liquor regulatory fund, 46319  
which is hereby created in the state treasury. The state liquor 46320  
regulatory fund shall be used to pay the operating expenses of the 46321  
division of liquor control in administering and enforcing Title 46322  
XLIII of the Revised Code and the operating expenses of the liquor 46323  
control commission. Investment earnings of the fund shall be 46324  
credited to the fund. 46325

(2) Whenever, in the judgment of the director of budget and 46326  
management, the amount of money that is in the state liquor 46327  
regulatory fund is in excess of the amount that is needed to pay 46328  
the operating expenses of the division in administering and 46329  
enforcing Title XLIII of the Revised Code and the operating 46330  
expenses of the commission, the director shall credit the excess 46331  
amount to the general revenue fund. 46332

(C) Twenty per cent of the undivided liquor permit fund shall 46333  
be paid into the statewide treatment and prevention fund, which is 46334  
hereby created in the state treasury. This amount shall be 46335  
appropriated by the general assembly, together with an amount 46336

equal to one and one-half per cent of the gross profit of the 46337  
division of liquor control derived under division (B)(4) of 46338  
section 4301.10 of the Revised Code, to the department of alcohol 46339  
and drug addiction services. In planning for the allocation of and 46340  
in allocating these amounts for the purposes of Chapter 3793. of 46341  
the Revised Code, the department of alcohol and drug addiction 46342  
services shall comply with the nondiscrimination provisions of 46343  
Title VI of the Civil Rights Act of 1964, and any rules adopted 46344  
under that act. 46345

(D) Thirty-five per cent of the undivided liquor permit fund 46346  
shall be distributed by the superintendent of liquor control at 46347  
quarterly calendar periods as follows: 46348

~~(A)~~(1) To each municipal corporation, the aggregate amount 46349  
shown by the statements to have been collected from permits in the 46350  
municipal corporation, for the use of the general fund of the 46351  
municipal corporation; 46352

~~(B)~~(2) To each township, the aggregate amount shown by the 46353  
statements to have been collected from permits in its territory, 46354  
outside the limits of any municipal corporation located in the 46355  
township, for the use of the general fund of the township, or for 46356  
fire protection purposes, including buildings and equipment in the 46357  
township or in an established fire district within the township, 46358  
to the extent that the funds are derived from liquor permits 46359  
within the territory comprising such fire district. 46360

(E) For the purpose of the distribution required by this 46361  
section, E, H, and D permits covering boats or vessels are deemed 46362  
to have been issued in the municipal corporation or township 46363  
wherein the owner or operator of the vehicle, boat, vessel, or 46364  
dining car equipment to which the permit relates has the owner's 46365  
or operator's principal office or place of business within the 46366  
state. 46367

(F) If the liquor control commission determines that the police or other officers of any municipal corporation or township entitled to share in ~~such~~ distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the commission authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission, by certified mail, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the commission shall determine whether the requirement has been complied with. If the commission determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

(G) All fees collected by the division of liquor control from the issuance or renewal of B-2a and S permits, and paid by B-2a and S permit holders who do not also hold A-2 permits, shall be deposited in the state treasury to the credit of the state liquor ~~control~~ regulatory fund. Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor ~~control~~ regulatory fund into the general revenue fund.



Sec. 4303.181. (A) Permit D-5a may be issued either to the 46400  
owner or operator of a hotel or motel that is required to be 46401  
licensed under section 3731.03 of the Revised Code, that contains 46402  
at least fifty rooms for registered transient guests or is owned 46403  
by a state institution of higher education as defined in section 46404  
3345.011 of the Revised Code or a private college or university, 46405  
and that qualifies under the other requirements of this section, 46406  
or to the owner or operator of a restaurant specified under this 46407  
section, to sell beer and any intoxicating liquor at retail, only 46408  
by the individual drink in glass and from the container, for 46409  
consumption on the premises where sold, and to registered guests 46410  
in their rooms, which may be sold by means of a controlled access 46411  
alcohol and beverage cabinet in accordance with division (B) of 46412  
section 4301.21 of the Revised Code; and to sell the same products 46413  
in the same manner and amounts not for consumption on the premises 46414  
as may be sold by holders of D-1 and D-2 permits. The premises of 46415  
the hotel or motel shall include a retail food establishment or a 46416  
food service operation licensed pursuant to Chapter 3717. of the 46417  
Revised Code that operates as a restaurant for purposes of this 46418  
chapter and that is affiliated with the hotel or motel and within 46419  
or contiguous to the hotel or motel, and that serves food within 46420  
the hotel or motel, but the principal business of the owner or 46421  
operator of the hotel or motel shall be the accommodation of 46422  
transient guests. In addition to the privileges authorized in this 46423  
division, the holder of a D-5a permit may exercise the same 46424  
privileges as the holder of a D-5 permit. 46425

The owner or operator of a hotel, motel, or restaurant who 46426  
qualified for and held a D-5a permit on August 4, 1976, may, if 46427  
the owner or operator held another permit before holding a D-5a 46428  
permit, either retain a D-5a permit or apply for the permit 46429  
formerly held, and the division of liquor control shall issue the 46430  
permit for which the owner or operator applies and formerly held, 46431

notwithstanding any quota. 46432

A D-5a permit shall not be transferred to another location. 46433

No quota restriction shall be placed on the number of D-5a permits 46434  
that may be issued. 46435

The fee for this permit is two thousand three hundred 46436  
forty-four dollars. 46437

(B) Permit D-5b may be issued to the owner, operator, tenant, 46438  
lessee, or occupant of an enclosed shopping center to sell beer 46439  
and intoxicating liquor at retail, only by the individual drink in 46440  
glass and from the container, for consumption on the premises 46441  
where sold; and to sell the same products in the same manner and 46442  
amount not for consumption on the premises as may be sold by 46443  
holders of D-1 and D-2 permits. In addition to the privileges 46444  
authorized in this division, the holder of a D-5b permit may 46445  
exercise the same privileges as a holder of a D-5 permit. 46446

A D-5b permit shall not be transferred to another location. 46447

One D-5b permit may be issued at an enclosed shopping center 46448  
containing at least two hundred twenty-five thousand, but less 46449  
than four hundred thousand, square feet of floor area. 46450

Two D-5b permits may be issued at an enclosed shopping center 46451  
containing at least four hundred thousand square feet of floor 46452  
area. No more than one D-5b permit may be issued at an enclosed 46453  
shopping center for each additional two hundred thousand square 46454  
feet of floor area or fraction of that floor area, up to a maximum 46455  
of five D-5b permits for each enclosed shopping center. The number 46456  
of D-5b permits that may be issued at an enclosed shopping center 46457  
shall be determined by subtracting the number of D-3 and D-5 46458  
permits issued in the enclosed shopping center from the number of 46459  
D-5b permits that otherwise may be issued at the enclosed shopping 46460  
center under the formulas provided in this division. Except as 46461  
provided in this section, no quota shall be placed on the number 46462

of D-5b permits that may be issued. Notwithstanding any quota 46463  
provided in this section, the holder of any D-5b permit first 46464  
issued in accordance with this section is entitled to its renewal 46465  
in accordance with section 4303.271 of the Revised Code. 46466

The holder of a D-5b permit issued before April 4, 1984, 46467  
whose tenancy is terminated for a cause other than nonpayment of 46468  
rent, may return the D-5b permit to the division of liquor 46469  
control, and the division shall cancel that permit. Upon 46470  
cancellation of that permit and upon the permit holder's payment 46471  
of taxes, contributions, premiums, assessments, and other debts 46472  
owing or accrued upon the date of cancellation to this state and 46473  
its political subdivisions and a filing with the division of a 46474  
certification of that payment, the division shall issue to that 46475  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 46476  
that person requests. The division shall issue the D-5 permit, or 46477  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 46478  
D-3, or D-5 permits currently issued in the municipal corporation 46479  
or in the unincorporated area of the township where that person's 46480  
proposed premises is located equals or exceeds the maximum number 46481  
of such permits that can be issued in that municipal corporation 46482  
or in the unincorporated area of that township under the 46483  
population quota restrictions contained in section 4303.29 of the 46484  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 46485  
be transferred to another location. If a D-5b permit is canceled 46486  
under the provisions of this paragraph, the number of D-5b permits 46487  
that may be issued at the enclosed shopping center for which the 46488  
D-5b permit was issued, under the formula provided in this 46489  
division, shall be reduced by one if the enclosed shopping center 46490  
was entitled to more than one D-5b permit under the formula. 46491

The fee for this permit is two thousand three hundred 46492  
forty-four dollars. 46493

(C) Permit D-5c may be issued to the owner or operator of a 46494

retail food establishment or a food service operation licensed 46495  
pursuant to Chapter 3717. of the Revised Code that operates as a 46496  
restaurant for purposes of this chapter and that qualifies under 46497  
the other requirements of this section to sell beer and any 46498  
intoxicating liquor at retail, only by the individual drink in 46499  
glass and from the container, for consumption on the premises 46500  
where sold, and to sell the same products in the same manner and 46501  
amounts not for consumption on the premises as may be sold by 46502  
holders of D-1 and D-2 permits. In addition to the privileges 46503  
authorized in this division, the holder of a D-5c permit may 46504  
exercise the same privileges as the holder of a D-5 permit. 46505

To qualify for a D-5c permit, the owner or operator of a 46506  
retail food establishment or a food service operation licensed 46507  
pursuant to Chapter 3717. of the Revised Code that operates as a 46508  
restaurant for purposes of this chapter, shall have operated the 46509  
restaurant at the proposed premises for not less than twenty-four 46510  
consecutive months immediately preceding the filing of the 46511  
application for the permit, have applied for a D-5 permit no later 46512  
than December 31, 1988, and appear on the division's quota waiting 46513  
list for not less than six months immediately preceding the filing 46514  
of the application for the permit. In addition to these 46515  
requirements, the proposed D-5c permit premises shall be located 46516  
within a municipal corporation and further within an election 46517  
precinct that, at the time of the application, has no more than 46518  
twenty-five per cent of its total land area zoned for residential 46519  
use. 46520

A D-5c permit shall not be transferred to another location. 46521  
No quota restriction shall be placed on the number of such permits 46522  
that may be issued. 46523

Any person who has held a D-5c permit for at least two years 46524  
may apply for a D-5 permit, and the division of liquor control 46525  
shall issue the D-5 permit notwithstanding the quota restrictions 46526

contained in section 4303.29 of the Revised Code or in any rule of 46527  
the liquor control commission. 46528

The fee for this permit is one thousand five hundred 46529  
sixty-three dollars. 46530

(D) Permit D-5d may be issued to the owner or operator of a 46531  
retail food establishment or a food service operation licensed 46532  
pursuant to Chapter 3717. of the Revised Code that operates as a 46533  
restaurant for purposes of this chapter and that is located at an 46534  
airport operated by a board of county commissioners pursuant to 46535  
section 307.20 of the Revised Code, at an airport operated by a 46536  
port authority pursuant to Chapter 4582. of the Revised Code, or 46537  
at an airport operated by a regional airport authority pursuant to 46538  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 46539  
sell beer and any intoxicating liquor at retail, only by the 46540  
individual drink in glass and from the container, for consumption 46541  
on the premises where sold, and may sell the same products in the 46542  
same manner and amounts not for consumption on the premises where 46543  
sold as may be sold by the holders of D-1 and D-2 permits. In 46544  
addition to the privileges authorized in this division, the holder 46545  
of a D-5d permit may exercise the same privileges as the holder of 46546  
a D-5 permit. 46547

A D-5d permit shall not be transferred to another location. 46548  
No quota restrictions shall be placed on the number of such 46549  
permits that may be issued. 46550

The fee for this permit is two thousand three hundred 46551  
forty-four dollars. 46552

(E) Permit D-5e may be issued to any nonprofit organization 46553  
that is exempt from federal income taxation under the "Internal 46554  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 46555  
amended, or that is a charitable organization under any chapter of 46556  
the Revised Code, and that owns or operates a riverboat that meets 46557

all of the following: 46558

- (1) Is permanently docked at one location; 46559
- (2) Is designated as an historical riverboat by the Ohio historical society; 46560  
46561
- (3) Contains not less than fifteen hundred square feet of floor area; 46562  
46563
- (4) Has a seating capacity of fifty or more persons. 46564

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 46565  
46566  
46567

A D-5e permit shall not be transferred to another location. 46568  
No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 46569  
46570  
46571  
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46575  
46576  
46577

The fee for this permit is one thousand two hundred nineteen dollars. 46578  
46579

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following: 46580  
46581  
46582  
46583  
46584

- (1) It contains not less than twenty-five hundred square feet of floor area. 46585  
46586
- (2) It is located on or in, or immediately adjacent to, the 46587

shoreline of, a navigable river. 46588

(3) It provides docking space for twenty-five boats. 46589

(4) It provides entertainment and recreation, provided that 46590  
not less than fifty per cent of the business on the permit 46591  
premises shall be preparing and serving meals for a consideration. 46592

In addition, each application for a D-5f permit shall be 46593  
accompanied by a certification from the local legislative 46594  
authority that the issuance of the D-5f permit is not inconsistent 46595  
with that political subdivision's comprehensive development plan 46596  
or other economic development goal as officially established by 46597  
the local legislative authority. 46598

The holder of a D-5f permit may sell beer and intoxicating 46599  
liquor at retail, only by the individual drink in glass and from 46600  
the container, for consumption on the premises where sold. 46601

A D-5f permit shall not be transferred to another location. 46602

The division of liquor control shall not issue a D-5f permit 46603  
if the permit premises or proposed permit premises are located 46604  
within an area in which the sale of spirituous liquor by the glass 46605  
is prohibited. 46606

A fee for this permit is two thousand three hundred 46607  
forty-four dollars. 46608

As used in this division, "navigable river" means a river 46609  
that is also a "navigable water" as defined in the "Federal Power 46610  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 46611

(G) Permit D-5g may be issued to a nonprofit corporation that 46612  
is either the owner or the operator of a national professional 46613  
sports museum. The holder of a D-5g permit may sell beer and any 46614  
intoxicating liquor at retail, only by the individual drink in 46615  
glass and from the container, for consumption on the premises 46616  
where sold. The holder of a D-5g permit shall sell no beer or 46617

intoxicating liquor for consumption on the premises where sold 46618  
after ~~one~~ two-thirty a.m. A D-5g permit shall not be transferred 46619  
to another location. No quota restrictions shall be placed on the 46620  
number of D-5g permits that may be issued. The fee for this permit 46621  
is one thousand eight hundred seventy-five dollars. 46622

(H)(1) Permit D-5h may be issued to any nonprofit 46623  
organization that is exempt from federal income taxation under the 46624  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46625  
501(c)(3), as amended, that owns or operates any of the following: 46626

(a) A fine arts museum, provided that the nonprofit 46627  
organization has no less than one thousand five hundred bona fide 46628  
members possessing full membership privileges; 46629

(b) A community arts center. As used in division (H)(1)(b) of 46630  
this section, "community arts center" means a facility that 46631  
provides arts programming to the community in more than one arts 46632  
discipline, including, but not limited to, exhibits of works of 46633  
art and performances by both professional and amateur artists. 46634

(c) A community theater, provided that the nonprofit 46635  
organization is a member of the Ohio arts council and the American 46636  
community theatre association and has been in existence for not 46637  
less than ten years. As used in division (H)(1)(c) of this 46638  
section, "community theater" means a facility that contains at 46639  
least one hundred fifty seats and has a primary function of 46640  
presenting live theatrical performances and providing recreational 46641  
opportunities to the community. 46642

(2) The holder of a D-5h permit may sell beer and any 46643  
intoxicating liquor at retail, only by the individual drink in 46644  
glass and from the container, for consumption on the premises 46645  
where sold. The holder of a D-5h permit shall sell no beer or 46646  
intoxicating liquor for consumption on the premises where sold 46647  
after one a.m. A D-5h permit shall not be transferred to another 46648



location. No quota restrictions shall be placed on the number of 46649  
D-5h permits that may be issued. 46650

(3) The fee for a D-5h permit is one thousand eight hundred 46651  
seventy-five dollars. 46652

(I) Permit D-5i may be issued to the owner or operator of a 46653  
retail food establishment or a food service operation licensed 46654  
under Chapter 3717. of the Revised Code that operates as a 46655  
restaurant for purposes of this chapter and that meets all of the 46656  
following requirements: 46657

(1) It is located in a municipal corporation or a township 46658  
with a population of one hundred thousand or less. 46659

(2) It has inside seating capacity for at least one hundred 46660  
forty persons. 46661

(3) It has at least four thousand square feet of floor area. 46662

(4) It offers full-course meals, appetizers, and sandwiches. 46663

(5) Its receipts from beer and liquor sales, excluding wine 46664  
sales, do not exceed twenty-five per cent of its total gross 46665  
receipts. 46666

(6) It has at least one of the following characteristics: 46667

(a) The value of its real and personal property exceeds seven 46668  
hundred twenty-five thousand dollars. 46669

(b) It is located on property that is owned or leased by the 46670  
state or a state agency, and its owner or operator has 46671  
authorization from the state or the state agency that owns or 46672  
leases the property to obtain a D-5i permit. 46673

The holder of a D-5i permit may sell beer and any 46674  
intoxicating liquor at retail, only by the individual drink in 46675  
glass and from the container, for consumption on the premises 46676  
where sold, and may sell the same products in the same manner and 46677  
amounts not for consumption on the premises where sold as may be 46678

sold by the holders of D-1 and D-2 permits. The holder of a D-5i 46679  
permit shall sell no beer or intoxicating liquor for consumption 46680  
on the premises where sold after two-thirty a.m. In addition to 46681  
the privileges authorized in this division, the holder of a D-5i 46682  
permit may exercise the same privileges as the holder of a D-5 46683  
permit. 46684

A D-5i permit shall not be transferred to another location. 46685  
The division of liquor control shall not renew a D-5i permit 46686  
unless the retail food establishment or food service operation for 46687  
which it is issued continues to meet the requirements described in 46688  
divisions (I)(1) to (6) of this section. No quota restrictions 46689  
shall be placed on the number of D-5i permits that may be issued. 46690  
The fee for the D-5i permit is two thousand three hundred 46691  
forty-four dollars. 46692

(J) Permit D-5j may be issued to the owner or the operator of 46693  
a retail food establishment or a food service operation licensed 46694  
under Chapter 3717. of the Revised Code to sell beer and 46695  
intoxicating liquor at retail, only by the individual drink in 46696  
glass and from the container, for consumption on the premises 46697  
where sold and to sell beer and intoxicating liquor in the same 46698  
manner and amounts not for consumption on the premises where sold 46699  
as may be sold by the holders of D-1 and D-2 permits. The holder 46700  
of a D-5j permit may exercise the same privileges, and shall 46701  
observe the same hours of operation, as the holder of a D-5 46702  
permit. 46703

The D-5j permit shall be issued only within a community 46704  
entertainment district that is designated under section 4301.80 of 46705  
the Revised Code and that meets one of the following 46706  
qualifications: 46707

(1) It is located in a municipal corporation with a 46708  
population of at least one hundred thousand. 46709

- (2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies: 46710  
46711  
46712
- (a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 46713  
46714  
46715
- (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 46716  
46717  
46718
- (3) It is located in a township with a population of at least forty thousand. 46719  
46720
- (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 46721  
46722  
46723  
46724
- (5) It is located in a municipal corporation with a population between ten thousand and twenty thousand, and both of the following apply: 46725  
46726  
46727
- (a) The municipal corporation was incorporated as a village prior to calendar year 1840 and currently has a historic downtown business district. 46728  
46729  
46730
- (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 46731  
46732  
46733
- (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 46734  
46735  
46736  
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46738
- (7) It is located in a municipal corporation with a 46739

population of at least five thousand, and not less than one 46740  
hundred million dollars will be invested in development and 46741  
construction in the community entertainment district's area 46742  
located in the municipal corporation. 46743

The location of a D-5j permit may be transferred only within 46744  
the geographic boundaries of the community entertainment district 46745  
in which it was issued and shall not be transferred outside the 46746  
geographic boundaries of that district. 46747

Not more than one D-5j permit shall be issued within each 46748  
community entertainment district for each five acres of land 46749  
located within the district. Not more than fifteen D-5j permits 46750  
may be issued within a single community entertainment district. 46751  
Except as otherwise provided in division (J)(4) of this section, 46752  
no quota restrictions shall be placed upon the number of D-5j 46753  
permits that may be issued. 46754

The fee for a D-5j permit is two thousand three hundred 46755  
forty-four dollars. 46756

(K)(1) Permit D-5k may be issued to any nonprofit 46757  
organization that is exempt from federal income taxation under the 46758  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46759  
501(c)(3), as amended, that is the owner or operator of a 46760  
botanical garden recognized by the American association of 46761  
botanical gardens and arboreta, and that has not less than 46762  
twenty-five hundred bona fide members. 46763

(2) The holder of a D-5k permit may sell beer and any 46764  
intoxicating liquor at retail, only by the individual drink in 46765  
glass and from the container, on the premises where sold. 46766

(3) The holder of a D-5k permit shall sell no beer or 46767  
intoxicating liquor for consumption on the premises where sold 46768  
after one a.m. 46769

(4) A D-5k permit shall not be transferred to another 46770

location. 46771

(5) No quota restrictions shall be placed on the number of 46772  
D-5k permits that may be issued. 46773

(6) The fee for the D-5k permit is one thousand eight hundred 46774  
seventy-five dollars. 46775

(L)(1) Permit D-51 may be issued to the owner or the operator 46776  
of a ~~business~~ retail food establishment or a food service 46777  
operation licensed under Chapter 3717. of the Revised Code to sell 46778  
beer and intoxicating liquor at retail, only by the individual 46779  
drink in glass and from the container, for consumption on the 46780  
premises where sold and to sell beer and intoxicating liquor in 46781  
the same manner and amounts not for consumption on the premises 46782  
where sold as may be sold by the holders of D-1 and D-2 permits. 46783  
The holder of a D-51 permit may exercise the same privileges, and 46784  
shall observe the same hours of operation, as the holder of a D-5 46785  
permit. 46786

(2) The D-51 permit shall be issued only to a premises that 46787  
has gross annual receipts from the sale of food and meals that 46788  
constitute not less than seventy-five per cent of its total gross 46789  
annual receipts, that is located within a revitalization district 46790  
that is designated under section 4301.81 of the Revised Code, that 46791  
is located in a municipal corporation or township in which the 46792  
number of D-5 permits issued equals or exceeds the number of those 46793  
permits that may be issued in that municipal corporation or 46794  
township under section 4303.29 of the Revised Code, and that is 46795  
located in a county with a population of one hundred twenty-five 46796  
thousand or less according to the population estimates certified 46797  
by the department of development for calendar year 2006. 46798

(3) The location of a D-51 permit may be transferred only 46799  
within the geographic boundaries of the revitalization district in 46800  
which it was issued and shall not be transferred outside the 46801

geographic boundaries of that district. 46802

(4) Not more than one D-5l permit shall be issued within each 46803  
revitalization district for each five acres of land located within 46804  
the district. Not more than fifteen D-5l permits may be issued 46805  
within a single revitalization district. Except as otherwise 46806  
provided in division (L)(4) of this section, no quota restrictions 46807  
shall be placed upon the number of D-5l permits that may be 46808  
issued. 46809

(5) No D-5l permit shall be issued to an adult entertainment 46810  
establishment as defined in section 2907.39 of the Revised Code. 46811

(6) The fee for a D-5l permit is two thousand three hundred 46812  
forty-four dollars. 46813

(M) Permit D-5m may be issued to either the owner or the 46814  
operator of a retail food establishment or food service operation 46815  
licensed under Chapter 3717. of the Revised Code that operates as 46816  
a restaurant for purposes of this chapter and that is located in, 46817  
or affiliated with, a center for the preservation of wild animals 46818  
as defined in section 4301.404 of the Revised Code, to sell beer 46819  
and any intoxicating liquor at retail, only by the glass and from 46820  
the container, for consumption on the premises where sold, and to 46821  
sell the same products in the same manner and amounts not for 46822  
consumption on the premises as may be sold by the holders of D-1 46823  
and D-2 permits. In addition to the privileges authorized by this 46824  
division, the holder of a D-5m permit may exercise the same 46825  
privileges as the holder of a D-5 permit. 46826

A D-5m permit shall not be transferred to another location. 46827  
No quota restrictions shall be placed on the number of D-5m 46828  
permits that may be issued. The fee for a permit D-5m is two 46829  
thousand three hundred forty-four dollars. 46830

(N) Permit D-5n shall be issued to either a casino operator 46831  
or a casino management company licensed under Chapter 3772. of the 46832

Revised Code that operates a casino facility under that chapter, 46833  
to sell beer and any intoxicating liquor at retail, only by the 46834  
individual drink in glass and from the container, for consumption 46835  
on the premises where sold, and to sell the same products in the 46836  
same manner and amounts not for consumption on the premises as may 46837  
be sold by the holders of D-1 and D-2 permits. In addition to the 46838  
privileges authorized by this division, the holder of a D-5n 46839  
permit may exercise the same privileges as the holder of a D-5 46840  
permit. A D-5n permit shall not be transferred to another 46841  
location. Only one D-5n permit may be issued per casino facility 46842  
and not more than four D-5n permits shall be issued in this state. 46843  
The fee for a permit D-5n shall be twenty thousand dollars. The 46844  
holder of a D-5n permit may conduct casino gaming on the permit 46845  
premises notwithstanding any provision of the Revised Code or 46846  
Administrative Code. 46847

(O) Permit D-5o may be issued to the owner or operator of a 46848  
retail food establishment or a food service operation licensed 46849  
under Chapter 3717. of the Revised Code that operates as a 46850  
restaurant for purposes of this chapter and that is located within 46851  
a casino facility for which a D-5n permit has been issued. The 46852  
holder of a D-5o permit may sell beer and any intoxicating liquor 46853  
at retail, only by the individual drink in glass and from the 46854  
container, for consumption on the premises where sold, and may 46855  
sell the same products in the same manner and amounts not for 46856  
consumption on the premises where sold as may be sold by the 46857  
holders of D-1 and D-2 permits. In addition to the privileges 46858  
authorized by this division, the holder of a D-5o permit may 46859  
exercise the same privileges as the holder of a D-5 permit. A D-5o 46860  
permit shall not be transferred to another location. No quota 46861  
restrictions shall be placed on the number of such permits that 46862  
may be issued. The fee for this permit is two thousand three 46863  
hundred forty-four dollars. 46864

Sec. 4303.22. Permit H may be issued for a fee of three 46865  
hundred dollars to a for-hire motor carrier ~~by motor vehicle~~ who 46866  
~~also~~ holds a license issued by the public utilities commission to 46867  
transport beer, intoxicating liquor, and alcohol, or any of them, 46868  
in this state for delivery or use in this state. This section does 46869  
not prevent the division of liquor control from contracting with 46870  
~~common or contract~~ for-hire motor carriers for the delivery or 46871  
transportation of liquor for the division, and any ~~contract or~~ 46872  
~~common~~ for-hire motor carrier so contracting with the division is 46873  
eligible for an H permit. Manufacturers or wholesale distributors 46874  
of beer or intoxicating liquor other than spirituous liquor who 46875  
transport or deliver their own products to or from their premises 46876  
licensed under this chapter and Chapter 4301. of the Revised Code 46877  
by their own trucks as an incident to the purchase or sale of such 46878  
beverages need not obtain an H permit. Carriers by rail shall 46879  
receive an H permit upon application for it. 46880

This section does not prevent the division from issuing, upon 46881  
the payment of the permit fee, an H permit to any person, 46882  
partnership, firm, or corporation licensed by any other state to 46883  
engage in the business of manufacturing and brewing or producing 46884  
beer, wine, and mixed beverages or any person, partnership, firm, 46885  
or corporation licensed by the United States or any other state to 46886  
engage in the business of importing beer, wine, and mixed 46887  
beverages manufactured outside the United States. The 46888  
manufacturer, brewer, or importer of products manufactured outside 46889  
the United States, upon the issuance of an H permit, may 46890  
transport, ship, and deliver only its own products to holders of 46891  
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 46892  
operated by such class H permit holder. No H permit shall be 46893  
issued by the division to such applicant until the applicant files 46894  
with the division a liability insurance certificate or policy 46895  
satisfactory to the division, in a sum of not less than one 46896



thousand nor more than five thousand dollars for property damage 46897  
and for not less than five thousand nor more than fifty thousand 46898  
dollars for loss sustained by reason of injury or death and with 46899  
such other terms as the division considers necessary to adequately 46900  
protect the interest of the public, having due regard for the 46901  
number of persons and amount of property affected. The certificate 46902  
or policy shall insure the manufacturer, brewer, or importer of 46903  
products manufactured outside the United States against loss 46904  
sustained by reason of the death of or injury to persons, and for 46905  
loss of or damage to property, from the negligence of such class H 46906  
permit holder in the operation of its motor vehicles or equipment 46907  
in this state. 46908

**Sec. 4313.02.** (A) The state may transfer to JobsOhio, and 46909  
JobsOhio may accept the transfer of, all or a portion of the 46910  
enterprise acquisition project for a transfer price payable by 46911  
JobsOhio to the state. Any such transfer shall be treated as an 46912  
absolute conveyance and true sale of the interest in the 46913  
enterprise acquisition project purported to be conveyed for all 46914  
purposes, and not as a pledge or other security interest. The 46915  
characterization of any such transfer as a true sale and absolute 46916  
conveyance shall not be negated or adversely affected by the 46917  
acquisition or retention by the state of a residual or 46918  
reversionary interest in the enterprise acquisition project, the 46919  
participation of any state officer or employee as a member or 46920  
officer of, or contracting for staff support to, JobsOhio or any 46921  
subsidiary of JobsOhio, any regulatory responsibility of an 46922  
officer or employee of the state, including the authority to 46923  
collect amounts to be received in connection therewith, the 46924  
retention of the state of any legal title to or interest in any 46925  
portion of the enterprise acquisition project for the purpose of 46926  
regulatory activities, or any characterization of JobsOhio or 46927  
obligations of JobsOhio under accounting, taxation, or securities 46928

regulations, or any other reason whatsoever. An absolute 46929  
conveyance and true sale or lease shall exist under this section 46930  
regardless of whether JobsOhio has any recourse against the state 46931  
or the treatment or characterization of the transfer as a 46932  
financing for any purpose. Upon and following the transfer, the 46933  
state shall not have any right, title, or interest in the 46934  
enterprise acquisition project so transferred other than any 46935  
residual interest that may be described in the transfer agreement 46936  
pursuant to the following paragraph and division (D) of this 46937  
section. Any determination of the fair market value of the 46938  
enterprise acquisition project reflected in the transfer agreement 46939  
shall be conclusive and binding on the state and JobsOhio. 46940

Any transfer of the enterprise acquisition project that is a 46941  
lease or grant of a franchise shall be for a term not to exceed 46942  
twenty-five years. Any transfer of the enterprise acquisition 46943  
project that is an assignment and sale, conveyance, or other 46944  
transfer shall contain a provision that the state shall have the 46945  
option to have conveyed or transferred back to it, at no cost, the 46946  
enterprise acquisition project, as it then exists, no later than 46947  
twenty-five years after the original transfer authorized in the 46948  
transfer agreement on such other terms as shall be provided in the 46949  
transfer agreement. 46950

The exercise of the powers granted by this section will be 46951  
for the benefit of the people of the state. All or any portion of 46952  
the enterprise acquisition project transferred pursuant to the 46953  
transfer agreement that would be exempt from real property taxes 46954  
or assessments or real property taxes or assessments in the 46955  
absence of such transfer shall, as it may from time to time exist 46956  
thereafter, remain exempt from real property taxes or assessments 46957  
levied by the state and its subdivisions to the same extent as if 46958  
not transferred. The gross receipts and income of JobsOhio derived 46959  
from the enterprise acquisition project shall be exempt from 46960

taxation levied by the state and its subdivisions, including, but 46961  
not limited to, the taxes levied pursuant to Chapters 718., 5739., 46962  
5741., 5747., and 5751. of the Revised Code. Any transfer from the 46963  
state to JobsOhio of the enterprise acquisition project, or item 46964  
included or to be included in the project, shall be exempt from 46965  
the taxes levied pursuant to Chapters 5739. and 5741. of the 46966  
Revised Code. 46967

(B) The proceeds of any transfer under division (A) of this 46968  
section may be expended as provided in the transfer agreement for 46969  
any one or more of the following purposes: 46970

(1) Funding, payment, or defeasance of outstanding bonds 46971  
issued pursuant to Chapters 151. and 166. of the Revised Code and 46972  
secured by pledged liquor profits as defined in section 151.40 of 46973  
the Revised Code; 46974

(2) Deposit into the general revenue fund; 46975

(3) Deposit into the clean Ohio revitalization fund created 46976  
pursuant to section 122.658 of the Revised Code, the innovation 46977  
Ohio loan fund created pursuant to section 166.16 of the Revised 46978  
Code, the research and development loan fund created pursuant to 46979  
section 166.20 of the Revised Code, the logistics and distribution 46980  
infrastructure fund created pursuant to section 166.26 of the 46981  
Revised Code, the advanced energy research and development fund 46982  
created pursuant to section 3706.27 of the Revised Code, and the 46983  
advanced energy research and development taxable fund created 46984  
pursuant to section 3706.27 of the Revised Code; 46985

(4) Conveyance to JobsOhio for the purposes for which it was 46986  
created. 46987

(C)(1) The state may covenant, pledge, and agree in the 46988  
transfer agreement, with and for the benefit of JobsOhio, that it 46989  
shall maintain statutory authority for the enterprise acquisition 46990  
project and the revenues of the enterprise acquisition project and 46991

not otherwise materially impair any obligations supported by a 46992  
pledge of revenues of the enterprise acquisition project. The 46993  
transfer agreement may provide or authorize the manner for 46994  
determining material impairment of the security for any such 46995  
outstanding obligations, including by assessing and evaluating the 46996  
revenues of the enterprise acquisition project. 46997

(2) The director of budget and management, in consultation 46998  
with the director of commerce, may, without need for any other 46999  
approval, negotiate terms of any documents, including the transfer 47000  
agreement, necessary to effect the transfer and the acceptance of 47001  
the transfer of the enterprise acquisition project. The director 47002  
of budget and management and the director of commerce shall 47003  
execute the transfer agreement on behalf of the state. The 47004  
director of budget and management may also, without need for any 47005  
other approval, retain or contract for the services of commercial 47006  
appraisers, underwriters, investment bankers, and financial 47007  
advisers, as are necessary in the judgment of the director of 47008  
budget and management to effect the transfer agreement. Any 47009  
transfer agreement may contain terms and conditions established by 47010  
the state to carry out and effectuate the purposes of this 47011  
section, including, without limitation, covenants binding the 47012  
state in favor of JobsOhio. Any such transfer agreement shall be 47013  
sufficient to effectuate the transfer without regard to any other 47014  
laws governing other property sales or financial transactions by 47015  
the state. The director of budget and management may create any 47016  
funds or accounts, within or without the state treasury, as are 47017  
needed for the transactions and activities authorized by this 47018  
section. 47019

(3) The transfer agreement may authorize JobsOhio, in the 47020  
ordinary course of doing business, to convey, lease, release, or 47021  
otherwise dispose of any regular inventory or tangible personal 47022  
property. Ownership of the interest in the enterprise acquisition 47023

project that is transferred to JobsOhio under this section and the 47024  
transfer agreement shall be maintained in JobsOhio or a nonprofit 47025  
entity the sole member of which is JobsOhio until the enterprise 47026  
acquisition project is transferred back to the state pursuant to 47027  
the second paragraph of division (A) and division (D) of this 47028  
section. 47029

(D) The transfer agreement may authorize JobsOhio to fix, 47030  
alter, and collect rentals and other charges for the use and 47031  
occupancy of all or any portion of the enterprise acquisition 47032  
project and to lease any portion of the enterprise acquisition 47033  
project to the state, and shall include a contract with, or the 47034  
granting of an option to, the state to have the enterprise 47035  
acquisition project, as it then exists, transferred back to it 47036  
without charge in accordance with the terms of the transfer 47037  
agreement after retirement or redemption, or provision therefor, 47038  
of all obligations supported by a pledge of spirituous liquor 47039  
profits. 47040

(E) JobsOhio, the director of budget and management, and the 47041  
director of commerce shall, subject to approval by the controlling 47042  
board, enter into a contract, which may be part of the transfer 47043  
agreement, for the continuing operation by the division of liquor 47044  
control of spirituous liquor distribution and merchandising 47045  
subject to standards for performance provided in that contract 47046  
that may relate to or support division (C)(1) of this section. The 47047  
contract shall establish other terms and conditions for the 47048  
assignment of duties to, and the provision of advice, services, 47049  
and other assistance by, the division of liquor control, including 47050  
providing for the necessary staffing and payment by JobsOhio of 47051  
appropriate compensation to the division for the performance of 47052  
such duties and the provision of such advice, services, and other 47053  
assistance. The division of liquor control shall manage and 47054  
actively supervise the activities required or authorized under 47055

sections 4301.10 and 4301.17 of the Revised Code as those sections 47056  
exist on ~~the effective date of this section~~ September 29, 2011, 47057  
including, but not limited to, controlling the traffic in 47058  
intoxicating liquor in this state and fixing the wholesale and 47059  
retail prices at which the various classes, varieties, and brands 47060  
of spirituous liquor are sold. 47061

(F) The transfer agreement shall require JobsOhio to pay for 47062  
the operations of the division of liquor control with regard to 47063  
the spirituous liquor merchandising operations of the division. 47064  
The payments from JobsOhio shall be deposited into the state 47065  
treasury to the credit of the liquor ~~control~~ operating services 47066  
fund ~~created in section 4301.12 of the Revised Code,~~ which is 47067  
hereby created in the state treasury. The fund shall be used to 47068  
pay for the operations of the division specified in this division. 47069

(G) The transaction and transfer provided for under this 47070  
section shall comply with all applicable provisions of the Ohio 47071  
Constitution. 47072

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 47073  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 47074  
Revised Code, and in the penal laws, except as otherwise provided: 47075

(A) "Vehicles" means everything on wheels or runners, 47076  
including motorized bicycles, but does not mean electric personal 47077  
assistive mobility devices, vehicles that are operated exclusively 47078  
on rails or tracks or from overhead electric trolley wires, and 47079  
vehicles that belong to any police department, municipal fire 47080  
department, or volunteer fire department, or that are used by such 47081  
a department in the discharge of its functions. 47082

(B) "Motor vehicle" means any vehicle, including mobile homes 47083  
and recreational vehicles, that is propelled or drawn by power 47084  
other than muscular power or power collected from overhead 47085  
electric trolley wires. "Motor vehicle" does not include utility 47086

vehicles as defined in division (VV) of this section, motorized 47087  
bicycles, road rollers, traction engines, power shovels, power 47088  
cranes, and other equipment used in construction work and not 47089  
designed for or employed in general highway transportation, 47090  
well-drilling machinery, ditch-digging machinery, farm machinery, 47091  
and trailers that are designed and used exclusively to transport a 47092  
boat between a place of storage and a marina, or in and around a 47093  
marina, when drawn or towed on a public road or highway for a 47094  
distance of no more than ten miles and at a speed of twenty-five 47095  
miles per hour or less. 47096

(C) "Agricultural tractor" and "traction engine" mean any 47097  
self-propelling vehicle that is designed or used for drawing other 47098  
vehicles or wheeled machinery, but has no provisions for carrying 47099  
loads independently of such other vehicles, and that is used 47100  
principally for agricultural purposes. 47101

(D) "Commercial tractor," except as defined in division (C) 47102  
of this section, means any motor vehicle that has motive power and 47103  
either is designed or used for drawing other motor vehicles, or is 47104  
designed or used for drawing another motor vehicle while carrying 47105  
a portion of the other motor vehicle or its load, or both. 47106

(E) "Passenger car" means any motor vehicle that is designed 47107  
and used for carrying not more than nine persons and includes any 47108  
motor vehicle that is designed and used for carrying not more than 47109  
fifteen persons in a ridesharing arrangement. 47110

(F) "Collector's vehicle" means any motor vehicle or 47111  
agricultural tractor or traction engine that is of special 47112  
interest, that has a fair market value of one hundred dollars or 47113  
more, whether operable or not, and that is owned, operated, 47114  
collected, preserved, restored, maintained, or used essentially as 47115  
a collector's item, leisure pursuit, or investment, but not as the 47116  
owner's principal means of transportation. "Licensed collector's 47117  
vehicle" means a collector's vehicle, other than an agricultural 47118

tractor or traction engine, that displays current, valid license 47119  
tags issued under section 4503.45 of the Revised Code, or a 47120  
similar type of motor vehicle that displays current, valid license 47121  
tags issued under substantially equivalent provisions in the laws 47122  
of other states. 47123

(G) "Historical motor vehicle" means any motor vehicle that 47124  
is over twenty-five years old and is owned solely as a collector's 47125  
item and for participation in club activities, exhibitions, tours, 47126  
parades, and similar uses, but that in no event is used for 47127  
general transportation. 47128

(H) "Noncommercial motor vehicle" means any motor vehicle, 47129  
including a farm truck as defined in section 4503.04 of the 47130  
Revised Code, that is designed by the manufacturer to carry a load 47131  
of no more than one ton and is used exclusively for purposes other 47132  
than engaging in business for profit. 47133

(I) "Bus" means any motor vehicle that has motor power and is 47134  
designed and used for carrying more than nine passengers, except 47135  
any motor vehicle that is designed and used for carrying not more 47136  
than fifteen passengers in a ridesharing arrangement. 47137

(J) "Commercial car" or "truck" means any motor vehicle that 47138  
has motor power and is designed and used for carrying merchandise 47139  
or freight, or that is used as a commercial tractor. 47140

(K) "Bicycle" means every device, other than a tricycle that 47141  
is designed solely for use as a play vehicle by a child, that is 47142  
propelled solely by human power upon which any person may ride, 47143  
and that has two tandem wheels, or one wheel in front and two 47144  
wheels in the rear, or two wheels in the front and one wheel in 47145  
the rear, any of which is more than fourteen inches in diameter. 47146

(L) "Motorized bicycle" means any vehicle that either has two 47147  
tandem wheels or one wheel in the front and two wheels in the 47148  
rear, that is capable of being pedaled, and that is equipped with 47149



a helper motor of not more than fifty cubic centimeters piston 47150  
displacement that produces no more than one brake horsepower and 47151  
is capable of propelling the vehicle at a speed of no greater than 47152  
twenty miles per hour on a level surface. 47153

(M) "Trailer" means any vehicle without motive power that is 47154  
designed or used for carrying property or persons wholly on its 47155  
own structure and for being drawn by a motor vehicle, and includes 47156  
any such vehicle that is formed by or operated as a combination of 47157  
a semitrailer and a vehicle of the dolly type such as that 47158  
commonly known as a trailer dolly, a vehicle used to transport 47159  
agricultural produce or agricultural production materials between 47160  
a local place of storage or supply and the farm when drawn or 47161  
towed on a public road or highway at a speed greater than 47162  
twenty-five miles per hour, and a vehicle that is designed and 47163  
used exclusively to transport a boat between a place of storage 47164  
and a marina, or in and around a marina, when drawn or towed on a 47165  
public road or highway for a distance of more than ten miles or at 47166  
a speed of more than twenty-five miles per hour. "Trailer" does 47167  
not include a manufactured home or travel trailer. 47168

(N) "Noncommercial trailer" means any trailer, except a 47169  
travel trailer or trailer that is used to transport a boat as 47170  
described in division (B) of this section, but, where applicable, 47171  
includes a vehicle that is used to transport a boat as described 47172  
in division (M) of this section, that has a gross weight of no 47173  
more than ten thousand pounds, and that is used exclusively for 47174  
purposes other than engaging in business for a profit, such as the 47175  
transportation of personal items for personal or recreational 47176  
purposes. 47177

(O) "Mobile home" means a building unit or assembly of closed 47178  
construction that is fabricated in an off-site facility, is more 47179  
than thirty-five body feet in length or, when erected on site, is 47180  
three hundred twenty or more square feet, is built on a permanent 47181

chassis, is transportable in one or more sections, and does not 47182  
qualify as a manufactured home as defined in division (C)(4) of 47183  
section 3781.06 of the Revised Code or as an industrialized unit 47184  
as defined in division (C)(3) of section 3781.06 of the Revised 47185  
Code. 47186

(P) "Semitrailer" means any vehicle of the trailer type that 47187  
does not have motive power and is so designed or used with another 47188  
and separate motor vehicle that in operation a part of its own 47189  
weight or that of its load, or both, rests upon and is carried by 47190  
the other vehicle furnishing the motive power for propelling 47191  
itself and the vehicle referred to in this division, and includes, 47192  
for the purpose only of registration and taxation under those 47193  
chapters, any vehicle of the dolly type, such as a trailer dolly, 47194  
that is designed or used for the conversion of a semitrailer into 47195  
a trailer. 47196

(Q) "Recreational vehicle" means a vehicular portable 47197  
structure that meets all of the following conditions: 47198

(1) It is designed for the sole purpose of recreational 47199  
travel. 47200

(2) It is not used for the purpose of engaging in business 47201  
for profit. 47202

(3) It is not used for the purpose of engaging in intrastate 47203  
commerce. 47204

(4) It is not used for the purpose of commerce as defined in 47205  
49 C.F.R. 383.5, as amended. 47206

(5) It is not regulated by the public utilities commission 47207  
pursuant to Chapter ~~4919~~ 4905., 4921., or 4923. of the Revised 47208  
Code. 47209

(6) It is classed as one of the following: 47210

(a) "Travel trailer" means a nonself-propelled recreational 47211

vehicle that does not exceed an overall length of thirty-five 47212  
feet, exclusive of bumper and tongue or coupling, and contains 47213  
less than three hundred twenty square feet of space when erected 47214  
on site. "Travel trailer" includes a tent-type fold-out camping 47215  
trailer as defined in section 4517.01 of the Revised Code. 47216

(b) "Motor home" means a self-propelled recreational vehicle 47217  
that has no fifth wheel and is constructed with permanently 47218  
installed facilities for cold storage, cooking and consuming of 47219  
food, and for sleeping. 47220

(c) "Truck camper" means a nonself-propelled recreational 47221  
vehicle that does not have wheels for road use and is designed to 47222  
be placed upon and attached to a motor vehicle. "Truck camper" 47223  
does not include truck covers that consist of walls and a roof, 47224  
but do not have floors and facilities enabling them to be used as 47225  
a dwelling. 47226

(d) "Fifth wheel trailer" means a vehicle that is of such 47227  
size and weight as to be movable without a special highway permit, 47228  
that has a gross trailer area of four hundred square feet or less, 47229  
that is constructed with a raised forward section that allows a 47230  
bi-level floor plan, and that is designed to be towed by a vehicle 47231  
equipped with a fifth-wheel hitch ordinarily installed in the bed 47232  
of a truck. 47233

(e) "Park trailer" means a vehicle that is commonly known as 47234  
a park model recreational vehicle, meets the American national 47235  
standard institute standard A119.5 (1988) for park trailers, is 47236  
built on a single chassis, has a gross trailer area of four 47237  
hundred square feet or less when set up, is designed for seasonal 47238  
or temporary living quarters, and may be connected to utilities 47239  
necessary for the operation of installed features and appliances. 47240

(R) "Pneumatic tires" means tires of rubber and fabric or 47241  
tires of similar material, that are inflated with air. 47242

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load.

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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires.

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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of

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business is used to dismantle, salvage, or rebuild motor vehicles 47275  
by means of used parts, if such departments are operated for the 47276  
purpose of furthering and assisting in the business of 47277  
manufacturing, selling, displaying, offering for sale, or dealing 47278  
in motor vehicles. Places of business or departments in a place of 47279  
business used to dismantle, salvage, or rebuild motor vehicles by 47280  
means of using used parts are not considered as being maintained 47281  
for the purpose of assisting or furthering the manufacturing, 47282  
selling, displaying, and offering for sale or dealing in motor 47283  
vehicles. 47284

(X) "Operator" includes any person who drives or operates a 47285  
motor vehicle upon the public highways. 47286

(Y) "Chauffeur" means any operator who operates a motor 47287  
vehicle, other than a taxicab, as an employee for hire; or any 47288  
operator whether or not the owner of a motor vehicle, other than a 47289  
taxicab, who operates such vehicle for transporting, for gain, 47290  
compensation, or profit, either persons or property owned by 47291  
another. Any operator of a motor vehicle who is voluntarily 47292  
involved in a ridesharing arrangement is not considered an 47293  
employee for hire or operating such vehicle for gain, 47294  
compensation, or profit. 47295

(Z) "State" includes the territories and federal districts of 47296  
the United States, and the provinces of Canada. 47297

(AA) "Public roads and highways" for vehicles includes all 47298  
public thoroughfares, bridges, and culverts. 47299

(BB) "Manufacturer's number" means the manufacturer's 47300  
original serial number that is affixed to or imprinted upon the 47301  
chassis or other part of the motor vehicle. 47302

(CC) "Motor number" means the manufacturer's original number 47303  
that is affixed to or imprinted upon the engine or motor of the 47304  
vehicle. 47305

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 47337  
the carrier's tariff, lawfully on file with the United States 47338  
department of transportation, for the purpose of group travel to a 47339  
specified destination or for a particular itinerary, either agreed 47340  
upon in advance or modified by the chartered group after having 47341  
left the place of origin. 47342

(HH) "International registration plan" means a reciprocal 47343  
agreement of member jurisdictions that is endorsed by the American 47344  
association of motor vehicle administrators, and that promotes and 47345  
encourages the fullest possible use of the highway system by 47346  
authorizing apportioned registration of fleets of vehicles and 47347  
recognizing registration of vehicles apportioned in member 47348  
jurisdictions. 47349

(II) "Restricted plate" means a license plate that has a 47350  
restriction of time, geographic area, mileage, or commodity, and 47351  
includes license plates issued to farm trucks under division (J) 47352  
of section 4503.04 of the Revised Code. 47353

(JJ) "Gross vehicle weight," with regard to any commercial 47354  
car, trailer, semitrailer, or bus that is taxed at the rates 47355  
established under section 4503.042 or 4503.65 of the Revised Code, 47356  
means the unladen weight of the vehicle fully equipped plus the 47357  
maximum weight of the load to be carried on the vehicle. 47358

(KK) "Combined gross vehicle weight" with regard to any 47359  
combination of a commercial car, trailer, and semitrailer, that is 47360  
taxed at the rates established under section 4503.042 or 4503.65 47361  
of the Revised Code, means the total unladen weight of the 47362  
combination of vehicles fully equipped plus the maximum weight of 47363  
the load to be carried on that combination of vehicles. 47364

(LL) "Chauffeured limousine" means a motor vehicle that is 47365  
designed to carry nine or fewer passengers and is operated for 47366  
hire on an hourly basis pursuant to a prearranged contract for the 47367

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria



designated in section 4503.035 of the Revised Code for electronic 47399  
motor vehicle dealers and designates as an electronic motor 47400  
vehicle dealer under that section. 47401

(TT) "Electric personal assistive mobility device" means a 47402  
self-balancing two non-tandem wheeled device that is designed to 47403  
transport only one person, has an electric propulsion system of an 47404  
average of seven hundred fifty watts, and when ridden on a paved 47405  
level surface by an operator who weighs one hundred seventy pounds 47406  
has a maximum speed of less than twenty miles per hour. 47407

(UU) "Limited driving privileges" means the privilege to 47408  
operate a motor vehicle that a court grants under section 4510.021 47409  
of the Revised Code to a person whose driver's or commercial 47410  
driver's license or permit or nonresident operating privilege has 47411  
been suspended. 47412

(VV) "Utility vehicle" means a self-propelled vehicle 47413  
designed with a bed, principally for the purpose of transporting 47414  
material or cargo in connection with construction, agricultural, 47415  
forestry, grounds maintenance, lawn and garden, materials 47416  
handling, or similar activities. "Utility vehicle" includes a 47417  
vehicle with a maximum attainable speed of twenty miles per hour 47418  
or less that is used exclusively within the boundaries of state 47419  
parks by state park employees or volunteers for the operation or 47420  
maintenance of state park facilities. 47421

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 47422  
referred to in division (O) of section 4503.04, division (E) of 47423  
section 4503.042, division (B) of section 4503.07, division (C)(1) 47424  
of section 4503.10, division (D) of section 4503.182, division (A) 47425  
of section 4503.19, division (D)(2) of section 4507.24, division 47426  
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 47427  
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, ~~4923.12~~, and 5502.12 47428  
of the Revised Code, and the taxes charged in section 4503.65 that 47429

are distributed in accordance with division (A)(2) of section 47430  
4501.044 of the Revised Code unless otherwise designated by law, 47431  
shall be deposited in the state treasury to the credit of the 47432  
state highway safety fund, which is hereby created, and shall, 47433  
after receipt of certifications from the commissioners of the 47434  
sinking fund certifying that there are sufficient moneys to the 47435  
credit of the highway obligations bond retirement fund created by 47436  
section 5528.32 of the Revised Code to meet in full all payments 47437  
of interest, principal, and charges for the retirement of highway 47438  
obligations issued pursuant to Section 2i of Article VIII, Ohio 47439  
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 47440  
due and payable during the current calendar year, be used for the 47441  
purpose of enforcing and paying the expenses of administering the 47442  
law relative to the registration and operation of motor vehicles 47443  
on the public roads or highways. Amounts credited to the fund may 47444  
also be used to pay the expenses of administering and enforcing 47445  
the laws under which such fees were collected. All investment 47446  
earnings of the state highway safety fund shall be credited to the 47447  
fund. 47448

**Sec. 4503.031.** (A)(1) If the registrar of motor vehicles 47449  
determines that space is available at a deputy registrar's office, 47450  
the clerk of the court of common pleas in the county where the 47451  
deputy is located shall be given the opportunity to use the space 47452  
for the purpose of carrying out the clerk's duties related to the 47453  
titling of motor vehicles. Each clerk of the court of common pleas 47454  
using space in a deputy registrar's office shall remit to the 47455  
deputy a rental fee equal to the percentage of space occupied by 47456  
the clerk in the deputy's office multiplied by the rental fee or 47457  
mortgage cost paid for the entire deputy registrar's office plus a 47458  
pro rata share of all utility costs. 47459

(2) If the clerk of the court of common pleas determines that 47460  
space is available at any location at which the clerk has an 47461

office, the clerk shall inform the registrar of that fact and 47462  
shall provide the registrar with all pertinent information about 47463  
the available space. After giving due consideration to the 47464  
locations of deputy registrar offices existing in the county in 47465  
which the clerk of the court of common pleas is located, the 47466  
registrar shall inform the appropriate deputy registrars, if any, 47467  
of the available space of the clerk of the court of common pleas. 47468  
Each such deputy registrar shall be given the opportunity to use 47469  
the space for the purpose of carrying out the deputy registrar's 47470  
duties. Each deputy registrar using space in the office of the 47471  
clerk of a court of common pleas shall remit to the clerk a rental 47472  
fee equal to the percentage of space occupied by the deputy 47473  
registrar in the clerk's office multiplied by the rental fee or 47474  
mortgage cost, if any, paid for the entire clerk's office plus a 47475  
pro rata share of all utility costs. 47476

If no current deputy registrar elects to utilize the 47477  
available space of the clerk of the court of common pleas, the 47478  
registrar shall inform all persons who express an interest to the 47479  
registrar in becoming a deputy registrar in that county of the 47480  
available space of the clerk if the space in fact continues to be 47481  
available. 47482

(3) A clerk of the court of common pleas and a deputy 47483  
registrar may elect to occupy a location at which neither the 47484  
clerk nor the deputy currently is an occupant. Any such 47485  
arrangement is subject to the approval of the registrar, who shall 47486  
give due consideration to all issues and aspects of the proposed 47487  
arrangement, including security at the location and service to the 47488  
public. 47489

(B) ~~The~~ When possible, as determined by the director of 47490  
public safety and the registrar and the superintendent of the 47491  
state highway patrol shall cooperate to the fullest extent 47492  
possible in locating, a driver's license examination station shall 47493

be located at or near a deputy registrar's office. For each 47494  
driver's license examination station located at a deputy 47495  
registrar's office, the ~~superintendent of the state highway patrol~~ 47496  
director shall remit to the deputy a rental fee equal to the 47497  
percentage of space occupied for the driver's license examination 47498  
station multiplied by the rental fee or mortgage cost paid for the 47499  
entire deputy registrar's office plus a pro rata share of all 47500  
utility costs. 47501

(C) During the regular business hours of deputy registrars, 47502  
the registrar shall keep the central office open and sufficiently 47503  
staffed to be able to respond to the technical needs of the 47504  
deputies. 47505

(D) The registrar shall adopt rules to promote public 47506  
information regarding motor vehicle registration. The rules shall 47507  
include: 47508

(1) The operation by the registrar, during the regular 47509  
business hours of deputy registrars, of a toll-free telephone 47510  
number to give information and receive complaints; 47511

(2) The listing by the registrar, of each deputy registrar, 47512  
together with the toll-free telephone number required under 47513  
division (D)(1) of this section, in the local business and 47514  
advertising telephone directory for the area served by the deputy, 47515  
under the heading of the bureau of motor vehicles. 47516

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be 47517  
listed on either the real property tax list or the manufactured 47518  
home tax list of the county in which the home has situs. Each 47519  
owner shall follow the procedures in this section to identify the 47520  
home to the county auditor of the county containing the taxing 47521  
district in which the home has situs so that the auditor may place 47522  
the home on the appropriate tax list. 47523

(B) When a manufactured or mobile home first acquires situs 47524  
in this state and is subject to real property taxation pursuant to 47525  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 47526  
owner shall present to the auditor of the county containing the 47527  
taxing district in which the home has its situs the certificate of 47528  
title for the home, together with proof that all taxes due have 47529  
been paid and proof that a relocation notice was obtained for the 47530  
home if required under this section. Upon receiving the 47531  
certificate of title and the required proofs, the auditor shall 47532  
place the home on the real property tax list and proceed to treat 47533  
the home as other properties on that list. After the auditor has 47534  
placed the home on the tax list of real and public utility 47535  
property, the auditor shall deliver the certificate of title to 47536  
the clerk of the court of common pleas that issued it pursuant to 47537  
section 4505.11 of the Revised Code, and the clerk shall 47538  
inactivate the certificate of title. 47539

(C)(1) When a manufactured or mobile home subject to a 47540  
manufactured home tax is relocated to or first acquires situs in 47541  
any county that has adopted a permanent manufactured home 47542  
registration system, as provided in division (F) of this section, 47543  
the owner, within thirty days after the home is relocated or first 47544  
acquires situs under section 4503.06 of the Revised Code, shall 47545  
register the home with the county auditor of the county containing 47546  
the taxing district in which the home has its situs. For the first 47547  
registration in each county of situs, the owner or vendee in 47548  
possession shall present to the county auditor an Ohio certificate 47549  
of title, certified copy of the certificate of title, or 47550  
memorandum certificate of title as such are required by law, and 47551  
proof, as required by the county auditor, that the home, if it has 47552  
previously been occupied and is being relocated, has been 47553  
previously registered, that all taxes due and required to be paid 47554  
under division (H)(1) of this section before a relocation notice 47555  
may be issued have been paid, and that a relocation notice was 47556

obtained for the home if required by division (H) of this section. 47557  
If the owner or vendee does not possess the Ohio certificate of 47558  
title, certified copy of the certificate of title, or memorandum 47559  
certificate of title at the time the owner or vendee first 47560  
registers the home in a county, the county auditor shall register 47561  
the home without presentation of the document, but the owner or 47562  
vendee shall present the certificate of title, certified copy of 47563  
the certificate of title, or memorandum certificate of title to 47564  
the county auditor within fourteen days after the owner or vendee 47565  
obtains possession of the document. 47566

(2) When a manufactured or mobile home is registered for the 47567  
first time in a county and when the total tax due has been paid as 47568  
required by division (F) of section 4503.06 of the Revised Code or 47569  
divisions (E) and (H) of this section, the county treasurer shall 47570  
note by writing or by a stamp on the certificate of title, 47571  
certified copy of certificate of title, or memorandum certificate 47572  
of title that the home has been registered and that the taxes due, 47573  
if any, have been paid for the preceding five years and for the 47574  
current year. The treasurer shall then issue a certificate 47575  
evidencing registration and a decal to be displayed on the street 47576  
side of the home. The certificate is valid in any county in this 47577  
state during the year for which it is issued. 47578

(3) For each year thereafter, the county treasurer shall 47579  
issue a tax bill stating the amount of tax due under section 47580  
4503.06 of the Revised Code, as provided in division (D)(6) of 47581  
that section. When the total tax due has been paid as required by 47582  
division (F) of that section, the county treasurer shall issue a 47583  
certificate evidencing registration that shall be valid in any 47584  
county in this state during the year for which the certificate is 47585  
issued. 47586

(4) The permanent decal issued under this division is valid 47587  
during the period of ownership, except that when a manufactured 47588

home is relocated in another county the owner shall apply for a 47589  
new registration as required by this section and section 4503.06 47590  
of the Revised Code. 47591

(D)(1) All owners of manufactured or mobile homes subject to 47592  
the manufactured home tax being relocated to or having situs in a 47593  
county that has not adopted a permanent registration system, as 47594  
provided in division (F) of this section, shall register the home 47595  
within thirty days after the home is relocated or first acquires 47596  
situs under section 4503.06 of the Revised Code and thereafter 47597  
shall annually register the home with the county auditor of the 47598  
county containing the taxing district in which the home has its 47599  
situs. 47600

(2) Upon the annual registration, the county treasurer shall 47601  
issue a tax bill stating the amount of annual manufactured home 47602  
tax due under section 4503.06 of the Revised Code, as provided in 47603  
division (D)(6) of that section. When a manufactured or mobile 47604  
home is registered and when the tax for the current one-half year 47605  
has been paid as required by division (F) of that section, the 47606  
county treasurer shall issue a certificate evidencing registration 47607  
and a decal. The certificate and decal are valid in any county in 47608  
this state during the year for which they are issued. The decal 47609  
shall be displayed on the street side of the home. 47610

(3) For the first annual registration in each county of 47611  
situs, the county auditor shall require the owner or vendee to 47612  
present an Ohio certificate of title, certified copy of the 47613  
certificate of title, or memorandum certificate of title as such 47614  
are required by law, and proof, as required by the county auditor, 47615  
that the manufactured or mobile home has been previously 47616  
registered, if such registration was required, that all taxes due 47617  
and required to be paid under division (H)(1) of this section 47618  
before a relocation notice may be issued have been paid, and that 47619  
a relocation notice was obtained for the home if required by 47620

division (H) of this section. If the owner or vendee does not 47621  
possess the Ohio certificate of title, certified copy of the 47622  
certificate of title, or memorandum certificate of title at the 47623  
time the owner or vendee first registers the home in a county, the 47624  
county auditor shall register the home without presentation of the 47625  
document, but the owner or vendee shall present the certificate of 47626  
title, certified copy of the certificate of title, or memorandum 47627  
certificate of title to the county auditor within fourteen days 47628  
after the owner or vendee obtains possession of the document. When 47629  
the county treasurer receives the tax payment, the county 47630  
treasurer shall note by writing or by a stamp on the certificate 47631  
of title, certified copy of the certificate of title, or 47632  
memorandum certificate of title that the home has been registered 47633  
for the current year and that the manufactured home taxes due, if 47634  
any, have been paid for the preceding five years and for the 47635  
current year. 47636

(4) For subsequent annual registrations, the auditor may 47637  
require the owner or vendee in possession to present an Ohio 47638  
certificate of title, certified copy of the certificate of title, 47639  
or memorandum certificate of title to the county treasurer upon 47640  
payment of the manufactured home tax that is due. 47641

(E)(1) Upon the application to transfer ownership of a 47642  
manufactured or mobile home for which manufactured home taxes are 47643  
paid pursuant to division (C) of section 4503.06 of the Revised 47644  
Code the clerk of the court of common pleas shall not issue any 47645  
certificate of title that does not contain or have attached both 47646  
of the following: 47647

(a) An endorsement of the county treasurer stating that the 47648  
home has been registered for each year of ownership and that all 47649  
manufactured home taxes imposed pursuant to section 4503.06 of the 47650  
Revised Code have been paid or that no tax is due; 47651

(b) An endorsement of the county auditor that the 47652



manufactured home transfer tax imposed pursuant to section 322.06 47653  
of the Revised Code and any fees imposed under division (G) of 47654  
section 319.54 of the Revised Code have been paid. 47655

(2) If all the taxes have not been paid, the clerk shall 47656  
notify the vendee to contact the county treasurer of the county 47657  
containing the taxing district in which the home has its situs at 47658  
the time of the proposed transfer. The county treasurer shall then 47659  
collect all the taxes that are due for the year of the transfer 47660  
and all previous years not exceeding a total of five years. The 47661  
county treasurer shall distribute that part of the collection owed 47662  
to the county treasurer of other counties if the home had its 47663  
situs in another county during a particular year when the unpaid 47664  
tax became due and payable. The burden to prove the situs of the 47665  
home in the years that the taxes were not paid is on the 47666  
transferor of the home. Upon payment of the taxes, the county 47667  
auditor shall remove all remaining taxes from the manufactured 47668  
home tax list and the delinquent manufactured home tax list, and 47669  
the county treasurer shall release all liens for such taxes. The 47670  
clerk of courts shall issue a certificate of title, free and clear 47671  
of all liens for manufactured home taxes, to the transferee of the 47672  
home. 47673

(3) Once the transfer is complete and the certificate of 47674  
title has been issued, the transferee shall register the 47675  
manufactured or mobile home pursuant to division (C) or (D) of 47676  
this section with the county auditor of the county containing the 47677  
taxing district in which the home remains after the transfer or, 47678  
if the home is relocated to another county, with the county 47679  
auditor of the county to which the home is relocated. The 47680  
transferee need not pay the annual tax for the year of acquisition 47681  
if the original owner has already paid the annual tax for that 47682  
year. 47683

(F) The county auditor may adopt a permanent registration 47684

system and issue a permanent decal with the first registration as 47685  
prescribed by the tax commissioner. 47686

(G) When any manufactured or mobile home required to be 47687  
registered by this section is not registered, the county auditor 47688  
shall impose a penalty of one hundred dollars upon the owner and 47689  
deposit the amount to the credit of the county real estate 47690  
assessment fund to be used to pay the costs of administering this 47691  
section and section 4503.06 of the Revised Code. If unpaid, the 47692  
penalty shall constitute a lien on the home and shall be added by 47693  
the county auditor to the manufactured home tax list for 47694  
collection. 47695

(H)(1) Except as otherwise provided in this division, before 47696  
moving a manufactured or mobile home on public roads from one 47697  
address within this state to another address within or outside 47698  
this state, the owner of the home shall obtain a relocation 47699  
notice, as provided by this section, from the auditor of the 47700  
county in which the home is located if the home is currently 47701  
subject to taxation pursuant to section 4503.06 of the Revised 47702  
Code. The auditor shall charge five dollars for the notice, and 47703  
deposit the amount to the credit of the county real estate 47704  
assessment fund to be used to pay the costs of administering this 47705  
section and section 4503.06 of the Revised Code. The auditor shall 47706  
not issue a relocation notice unless all taxes owed on the home 47707  
under section 4503.06 of the Revised Code that were first charged 47708  
to the home during the period of ownership of the owner seeking 47709  
the relocation notice have been paid. If the home is being moved 47710  
by a new owner of the home or by a party taking repossession of 47711  
the home, the auditor shall not issue a relocation notice unless 47712  
all of the taxes due for the preceding five years and for the 47713  
current year have been paid. A relocation notice issued by a 47714  
county auditor is valid until the last day of December of the year 47715  
in which it was issued. 47716

If the home is being moved by a sheriff, police officer, constable, bailiff, or manufactured home park operator, as defined in section ~~3733.01~~ 4781.01 of the Revised Code, or any agent of any of these persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under section 1923.14 of the Revised Code, the auditor shall issue a relocation notice without requiring payment of any taxes owed on the home under section 4503.06 of the Revised Code.

(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor shall provide to each manufactured and mobile home dealer, without charge, a supply of relocation notices to be distributed to purchasers pursuant to this section.

(3) The notice shall be in the form of a one-foot square yellow sign with the words "manufactured home relocation notice" printed prominently on it. The name of the owner of the home, the home's registration number or vehicle identification number, the county and the address or location to which the home is being moved, and the county in which the notice is issued shall also be entered on the notice.

(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as provided in divisions (H)(1) and (5) of this section, no person shall drive a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this

state unless a relocation notice is attached to the rear of the 47749  
home. 47750

(5) If the county auditor determines that a manufactured or 47751  
mobile home has been moved without a relocation notice as required 47752  
under this division, the auditor shall impose a penalty of one 47753  
hundred dollars upon the owner of the home and upon the person who 47754  
moved the home and deposit the amount to the credit of the county 47755  
real estate assessment fund to pay the costs of administering this 47756  
section and section 4503.06 of the Revised Code. If the home was 47757  
relocated from one county in this state to another county in this 47758  
state and the county auditor of the county to which the home was 47759  
relocated imposes the penalty, that county auditor, upon 47760  
collection of the penalty, shall cause an amount equal to the 47761  
penalty to be transmitted from the county real estate assessment 47762  
fund to the county auditor of the county from which the home was 47763  
relocated, who shall deposit the amount to the credit of the 47764  
county real estate assessment fund. If the penalty on the owner is 47765  
unpaid, the penalty shall constitute a lien on the home and the 47766  
auditor shall add the penalty to the manufactured home tax list 47767  
for collection. If the county auditor determines that a dealer 47768  
that has sold a manufactured or mobile home has failed to timely 47769  
provide the information required under this division, the auditor 47770  
shall impose a penalty upon the dealer in the amount of one 47771  
hundred dollars. The penalty shall be credited to the county real 47772  
estate assessment fund and used to pay the costs of administering 47773  
this section and section 4503.06 of the Revised Code. 47774

(I) Whoever violates division (H)(4) of this section is 47775  
guilty of a minor misdemeanor. 47776

**Sec. 4503.062.** (A) Every operator of a manufactured home 47777  
court, or manufactured home park, as defined in section ~~3733.01~~ 47778  
4781.01 of the Revised Code, or when there is no operator, every 47779

owner of property used for such purposes on which three or more  
manufactured or mobile homes are located, shall keep a register of  
all manufactured and mobile homes that make use of the court,  
park, or property. The register shall contain all of the  
following:

(1) The name of the owner and all inhabitants of each home;

(2) The ages of all inhabitants of each home;

(3) The permanent and temporary post office addresses of all  
inhabitants of each home;

(4) The license number of each home;

(5) The state issuing each such license;

(6) The date of arrival and of departure of each home;

(7) The make and model of each home, if known and if either  
of the following applies:

(a) The home enters the court, park, or property on or after  
January 1, 2003.

(b) Ownership of the home in the court or park, or on the  
property, is transferred on or after January 1, 2003.

(B) The register shall be open to inspection by the county  
auditor, the county treasurer, agents of the auditor or treasurer,  
and all law enforcement agencies at all times.

(C) Any person who fails to comply with this section shall be  
fined not less than twenty-five nor more than one hundred dollars.

**Sec. 4503.49.** (A) As used in this section, "ambulance,"  
"ambulette," "emergency medical service organization,"  
"nonemergency medical service organization," and "nontransport  
vehicle" have the same meanings as in section 4766.01 of the  
Revised Code.

(B) Each private emergency medical service organization and 47808  
each private nonemergency medical service organization shall apply 47809  
to the registrar of motor vehicles for the registration of any 47810  
ambulance, ambulette, or nontransport vehicle it owns or leases. 47811  
The application shall be accompanied by a copy of the certificate 47812  
of licensure issued to the organization by the ~~Ohio~~ state board of 47813  
emergency medical, fire, and transportation board services and the 47814  
following fees: 47815

(1) The regular license tax as prescribed under section 47816  
4503.04 of the Revised Code; 47817

(2) Any local license tax levied under Chapter 4504. of the 47818  
Revised Code; 47819

(3) An additional fee of seven dollars and fifty cents. The 47820  
additional fee shall be for the purpose of compensating the bureau 47821  
of motor vehicles for additional services required to be performed 47822  
under this section and shall be transmitted by the registrar to 47823  
the treasurer of state for deposit in the state bureau of motor 47824  
vehicles fund created by section 4501.25 of the Revised Code. 47825

(C) On receipt of a complete application, the registrar shall 47826  
issue to the applicant the appropriate certificate of registration 47827  
for the vehicle and do one of the following: 47828

(1) Issue a set of license plates with a validation sticker 47829  
and a set of stickers to be attached to the plates as an 47830  
identification of the vehicle's classification as an ambulance, 47831  
ambulette, or nontransport vehicle; 47832

(2) Issue a validation sticker alone when so required by 47833  
section 4503.191 of the Revised Code. 47834

**Sec. 4503.81.** As used in the bus taxation proration and 47835  
reciprocity agreement authorized by section 4503.80 of the Revised 47836  
Code, with reference to Ohio, "administrator" means the registrar 47837

of motor vehicles. 47838

The registrar may make such exemptions from the coverage of 47839  
the agreement as may be appropriate and may make such changes in 47840  
methods for the reporting of any information required to be 47841  
furnished to this state pursuant to the agreement as, in ~~his~~ the 47842  
registrar's judgment, are suitable; provided that any such 47843  
exemptions or changes shall not be contrary to the purposes set 47844  
forth in article I of the agreement and shall be made in order to 47845  
permit the continuance of uniformity of practice among the 47846  
contracting states with respect to buses. Any such exemption or 47847  
change shall be made by rule adopted under Chapter 119. of the 47848  
Revised Code. Unless otherwise provided in any statute withdrawing 47849  
this state from participation in the agreement, the governor shall 47850  
be the officer to give notice of withdrawal therefrom. 47851

The fees referred to in article IV (a) of the agreement shall 47852  
include the fees provided in section 4503.04 of the Revised Code 47853  
and the annual tax provided in section ~~4921.18~~ 4921.19 of the 47854  
Revised Code. As to the state of Ohio, article V (d) shall mean 47855  
that all fleets not subject to this compact shall continue to 47856  
enjoy that reciprocity and those privileges extended by virtue of 47857  
other provisions of the Revised Code. 47858

Nothing contained herein shall be construed so as to permit a 47859  
fleet which is prorating under the laws of another state to avoid 47860  
proration under this compact. 47861

The registrar of motor vehicles shall collect a fee of two 47862  
dollars per bus for every bus registered under the provisions of 47863  
article IV (a) for administration of the agreement, in addition to 47864  
the fees provided in article IV (a). 47865

The registrar of motor vehicles shall assess the operator of 47866  
buses registered under the provisions of article IV (a) the actual 47867  
cost of ~~his~~ the registrar's auditing the accuracy of the fees paid 47868

by the operator in accordance with article IV (a). 47869

The registrar of motor vehicles may renounce the 47870  
participation of this state in the bus taxation proration and 47871  
reciprocity agreement under article VI of section 4503.80 of the 47872  
Revised Code, ~~if he finds~~ after finding that further participation 47873  
in the compact is not in the best interests of the state. The 47874  
registrar shall set forth ~~his~~ the registrar's reasons in writing 47875  
and serve notice of intention to renounce the compact upon the 47876  
owner of each registered fleet. ~~He~~ The registrar shall then 47877  
certify the renunciation to the governor. 47878

**Sec. 4506.01.** As used in this chapter: 47879

(A) "Alcohol concentration" means the concentration of 47880  
alcohol in a person's blood, breath, or urine. When expressed as a 47881  
percentage, it means grams of alcohol per the following: 47882

(1) One hundred milliliters of whole blood, blood serum, or 47883  
blood plasma; 47884

(2) Two hundred ten liters of breath; 47885

(3) One hundred milliliters of urine. 47886

(B) "Commercial driver's license" means a license issued in 47887  
accordance with this chapter that authorizes an individual to 47888  
drive a commercial motor vehicle. 47889

(C) "Commercial driver's license information system" means 47890  
the information system established pursuant to the requirements of 47891  
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 47892  
3207-171, 49 U.S.C.A. App. 2701. 47893

(D) Except when used in section 4506.25 of the Revised Code, 47894  
"commercial motor vehicle" means any motor vehicle designed or 47895  
used to transport persons or property that meets any of the 47896  
following qualifications: 47897



- (1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds; 47898  
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- (2) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds; 47902  
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- (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver; 47906  
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- (4) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver; 47909  
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- (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended; 47912  
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- (6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane. 47914  
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- (E) "Controlled substance" means all of the following: 47920
- (1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended; 47921  
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- (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended; 47924  
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- (3) Any drug of abuse. 47926
- (F) "Conviction" means an unvacated adjudication of guilt or 47927

a determination that a person has violated or failed to comply 47928  
with the law in a court of original jurisdiction or an authorized 47929  
administrative tribunal, an unvacated forfeiture of bail or 47930  
collateral deposited to secure the person's appearance in court, a 47931  
plea of guilty or nolo contendere accepted by the court, the 47932  
payment of a fine or court cost, or violation of a condition of 47933  
release without bail, regardless of whether or not the penalty is 47934  
rebated, suspended, or probated. 47935

(G) "Disqualification" means any of the following: 47936

(1) The suspension, revocation, or cancellation of a person's 47937  
privileges to operate a commercial motor vehicle; 47938

(2) Any withdrawal of a person's privileges to operate a 47939  
commercial motor vehicle as the result of a violation of state or 47940  
local law relating to motor vehicle traffic control other than 47941  
parking, vehicle weight, or vehicle defect violations; 47942

(3) A determination by the federal motor carrier safety 47943  
administration that a person is not qualified to operate a 47944  
commercial motor vehicle under 49 C.F.R. 391. 47945

(H) "Downgrade" means any of the following, as applicable: 47946

(1) A change in the commercial driver's license holder's 47947  
self-certified status as described in division (A)(2) of section 47948  
4506.10 of the Revised Code; 47949

(2) A change to a lesser class of vehicle; 47950

(3) Removal of commercial driver's license privileges from 47951  
the individual's driver's license. 47952

(I) "Drive" means to drive, operate, or be in physical 47953  
control of a motor vehicle. 47954

(J) "Driver" means any person who drives, operates, or is in 47955  
physical control of a commercial motor vehicle or is required to 47956  
have a commercial driver's license. 47957

(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive. 47958  
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(L) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes. 47960  
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(M) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text. 47965  
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(N) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census. 47968  
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(O) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle. 47971  
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(P) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle. 47975  
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(Q) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation 47978  
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of the farm, when the truck is operated in accordance with this 47989  
division and is not used in the operations of a ~~motor~~ 47990  
~~transportation company or private~~ motor carrier, as defined in 47991  
section 4923.01 of the Revised Code. 47992

(R) "Fatality" means the death of a person as the result of a 47993  
motor vehicle accident occurring not more than three hundred 47994  
sixty-five days prior to the date of death. 47995

(S) "Felony" means any offense under federal or state law 47996  
that is punishable by death or specifically classified as a felony 47997  
under the law of this state, regardless of the penalty that may be 47998  
imposed. 47999

(T) "Foreign jurisdiction" means any jurisdiction other than 48000  
a state. 48001

(U) "Gross vehicle weight rating" means the value specified 48002  
by the manufacturer as the maximum loaded weight of a single or a 48003  
combination vehicle. The gross vehicle weight rating of a 48004  
combination vehicle is the gross vehicle weight rating of the 48005  
power unit plus the gross vehicle weight rating of each towed 48006  
unit. 48007

(V) "Hazardous materials" means any material that has been 48008  
designated as hazardous under 49 U.S.C. 5103 and is required to be 48009  
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 48010  
a material listed as a select agent or toxin in 42 C.F.R. part 73, 48011  
as amended. 48012

(W) "Imminent hazard" means the existence of a condition that 48013  
presents a substantial likelihood that death, serious illness, 48014  
severe personal injury, or a substantial endangerment to health, 48015  
property, or the environment may occur before the reasonably 48016  
foreseeable completion date of a formal proceeding begun to lessen 48017  
the risk of that death, illness, injury, or endangerment. 48018

(X) "Medical variance" means one of the following received by 48019

a driver from the federal motor carrier safety administration that 48020  
allows the driver to be issued a medical certificate: 48021

(1) An exemption letter permitting operation of a commercial 48022  
motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 48023

(2) A skill performance evaluation certificate permitting 48024  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 48025  
391.49. 48026

(Y) "Motor vehicle" means a vehicle, machine, tractor, 48027  
trailer, or semitrailer propelled or drawn by mechanical power 48028  
used on highways, except that such term does not include a 48029  
vehicle, machine, tractor, trailer, or semitrailer operated 48030  
exclusively on a rail. 48031

(Z) "Out-of-service order" means a declaration by an 48032  
authorized enforcement officer of a federal, state, local, 48033  
Canadian, or Mexican jurisdiction declaring that a driver, 48034  
commercial motor vehicle, or commercial motor carrier operation is 48035  
out of service as defined in 49 C.F.R. 390.5. 48036

(AA) "Peace officer" has the same meaning as in section 48037  
2935.01 of the Revised Code. 48038

(BB) "Portable tank" means a liquid or gaseous packaging 48039  
designed primarily to be loaded onto or temporarily attached to a 48040  
vehicle and equipped with skids, mountings, or accessories to 48041  
facilitate handling of the tank by mechanical means. 48042

(CC) "Public safety vehicle" has the same meaning as in 48043  
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 48044

(DD) "Recreational vehicle" includes every vehicle that is 48045  
defined as a recreational vehicle in section 4501.01 of the 48046  
Revised Code and is used exclusively for purposes other than 48047  
engaging in business for profit. 48048

(EE) "Residence" means any person's residence determined in 48049

accordance with standards prescribed in rules adopted by the registrar. 48050  
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(FF) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 48052  
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(GG) "Serious traffic violation" means any of the following: 48054

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code; 48055  
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(2) A violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution prohibiting texting while driving, or any other substantially similar law of another state or political subdivision of another state; 48058  
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(3) A conviction arising from the operation of any motor vehicle that involves any of the following: 48063  
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(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more; 48065  
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(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state; 48067  
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(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident; 48070  
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(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific 48074  
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vehicle group being operated or for the passengers or type of 48080  
cargo being transported; 48081

(e) Violation of section 4506.03 of the Revised Code or a 48082  
substantially similar municipal ordinance or county or township 48083  
resolution, or of any similar law of another state or political 48084  
subdivision of another state, that involves the operation of a 48085  
commercial motor vehicle without a valid commercial driver's 48086  
license being in the person's possession; 48087

(f) Violation of section 4511.33 or 4511.34 of the Revised 48088  
Code, or any municipal ordinance or county or township resolution 48089  
substantially similar to either of those sections, or any 48090  
substantially similar law of another state or political 48091  
subdivision of another state; 48092

(g) Violation of any other law of this state or an ordinance 48093  
or resolution relating to traffic control, other than a parking 48094  
violation, that is determined to be a serious traffic violation by 48095  
the United States secretary of transportation and the director 48096  
designates as such by rule. 48097

(HH) "State" means a state of the United States and includes 48098  
the District of Columbia. 48099

(II) "Tank vehicle" means any commercial motor vehicle that 48100  
is designed to transport any liquid and has a maximum capacity 48101  
greater than one hundred nineteen gallons or is designed to 48102  
transport gaseous materials and has a water capacity greater than 48103  
one thousand pounds within a tank that is either permanently or 48104  
temporarily attached to the vehicle or its chassis. "Tank vehicle" 48105  
does not include any of the following: 48106

(1) Any portable tank having a rated capacity of less than 48107  
one thousand gallons; 48108

(2) Tanks used exclusively as a fuel tank for the motor 48109  
vehicle to which it is attached; 48110

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;                                                                                                                                                                                                                                                                                                                                     | 48111<br>48112<br>48113                                              |
| (4) Ready-mix concrete mixers.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 48114                                                                |
| (JJ) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section 4506.09 of the Revised Code.                                                                                                                                                                                                                                                                                                                       | 48115<br>48116<br>48117                                              |
| (KK) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:                                                                                           | 48118<br>48119<br>48120<br>48121<br>48122<br>48123                   |
| (1) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call;                                                                                                                                                                                                   | 48124<br>48125<br>48126<br>48127<br>48128                            |
| (2) Inputting, selecting, or reading information on a global positioning system or navigation system.                                                                                                                                                                                                                                                                                                                                                                           | 48129<br>48130                                                       |
| (LL) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary. | 48131<br>48132<br>48133<br>48134<br>48135<br>48136<br>48137<br>48138 |
| (MM) "United States" means the fifty states and the District of Columbia.                                                                                                                                                                                                                                                                                                                                                                                                       | 48139<br>48140                                                       |



(NN) "Upgrade" means a change in the class of vehicles, 48141  
endorsements, or self-certified status as described in division 48142  
(A)(2) of section 4506.10 of the Revised Code, that expands the 48143  
ability of a current commercial driver's license holder to operate 48144  
commercial motor vehicles under this chapter; 48145

(OO) "Vehicle" has the same meaning as in section 4511.01 of 48146  
the Revised Code. 48147

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 48148  
of this section, the following shall apply: 48149

(1) No person shall drive a commercial motor vehicle on a 48150  
highway in this state unless the person holds, and has in the 48151  
person's possession, a valid commercial driver's license with 48152  
proper endorsements for the motor vehicle being driven, issued by 48153  
the registrar of motor vehicles, a valid examiner's commercial 48154  
driving permit issued under section 4506.13 of the Revised Code, a 48155  
valid restricted commercial driver's license and waiver for 48156  
farm-related service industries issued under section 4506.24 of 48157  
the Revised Code, or a valid commercial driver's license temporary 48158  
instruction permit issued by the registrar and is accompanied by 48159  
an authorized state driver's license examiner or tester or a 48160  
person who has been issued and has in the person's immediate 48161  
possession a current, valid commercial driver's license with 48162  
proper endorsements for the motor vehicle being driven. 48163

(2) No person shall be issued a commercial driver's license 48164  
until the person surrenders to the registrar of motor vehicles all 48165  
valid licenses issued to the person by another jurisdiction 48166  
recognized by this state. The registrar shall report the surrender 48167  
of a license to the issuing authority, together with information 48168  
that a license is now issued in this state. The registrar shall 48169  
destroy any such license that is not returned to the issuing 48170  
authority. 48171

(3) No person who has been a resident of this state for 48172  
thirty days or longer shall drive a commercial motor vehicle under 48173  
the authority of a commercial driver's license issued by another 48174  
jurisdiction. 48175

(B) Nothing in division (A) of this section applies to any 48176  
qualified person when engaged in the operation of any of the 48177  
following: 48178

(1) A farm truck; 48179

(2) Fire equipment for a fire department, volunteer or 48180  
nonvolunteer fire company, fire district, or joint fire district; 48181

(3) A public safety vehicle used to provide transportation or 48182  
emergency medical service for ill or injured persons; 48183

(4) A recreational vehicle; 48184

(5) A commercial motor vehicle within the boundaries of an 48185  
eligible unit of local government, if the person is employed by 48186  
the eligible unit of local government and is operating the 48187  
commercial motor vehicle for the purpose of removing snow or ice 48188  
from a roadway by plowing, sanding, or salting, but only if either 48189  
the employee who holds a commercial driver's license issued under 48190  
this chapter and ordinarily operates a commercial motor vehicle 48191  
for these purposes is unable to operate the vehicle, or the 48192  
employing eligible unit of local government determines that a snow 48193  
or ice emergency exists that requires additional assistance; 48194

(6) A vehicle operated for military purposes by any member or 48195  
uniformed employee of the armed forces of the United States or 48196  
their reserve components, including the Ohio national guard. This 48197  
exception does not apply to United States reserve technicians. 48198

(7) A commercial motor vehicle that is operated for 48199  
nonbusiness purposes. "Operated for nonbusiness purposes" means 48200  
that the commercial motor vehicle is not used in commerce as 48201

"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 48202  
regulated by the public utilities commission pursuant to Chapter 48203  
~~4919~~ 4905., 4921., or 4923. of the Revised Code. 48204

(8) A motor vehicle that is designed primarily for the 48205  
transportation of goods and not persons, while that motor vehicle 48206  
is being used for the occasional transportation of personal 48207  
property by individuals not for compensation and not in the 48208  
furtherance of a commercial enterprise; 48209

(9) A police SWAT team vehicle; 48210

(10) A police vehicle used to transport prisoners. 48211

(C) Nothing contained in division (B)(5) of this section 48212  
shall be construed as preempting or superseding any law, rule, or 48213  
regulation of this state concerning the safe operation of 48214  
commercial motor vehicles. 48215

(D) Whoever violates this section is guilty of a misdemeanor 48216  
of the first degree. 48217

**Sec. 4506.22.** (A) The director of public safety and the 48218  
registrar of motor vehicles, subject to approval by the director, 48219  
may, in accordance with Chapter 119. of the Revised Code, adopt 48220  
any rules necessary to carry out this chapter. 48221

(B) The department of public safety may do all of the 48222  
following: 48223

(1) Enter into or make any agreements, arrangements, or 48224  
declarations necessary to carry out this chapter; 48225

(2) Charge a fee for all publications that is equal to the 48226  
cost of printing the publications. 48227

(C) Nothing in this chapter shall be construed to restrict 48228  
the authority of the public utilities commission specified in 48229  
Chapters 4905., 4921., and 4923. of the Revised Code regarding 48230

safety rules applicable to motor carriers. 48231

**Sec. 4506.25.** (A) As used in this section, "commercial motor 48232  
vehicle" means any self-propelled or towed vehicle used on public 48233  
highways in intrastate or interstate commerce to transport 48234  
passengers or property that meets any of the following 48235  
specifications: 48236

(1) The vehicle has a gross vehicle weight rating or gross 48237  
combination weight rating of ten thousand one pounds or more. 48238

(2) The vehicle is designed to transport sixteen or more 48239  
passengers, including the driver. 48240

(3) The vehicle is used in the transportation of hazardous 48241  
materials in a quantity requiring placarding under the regulations 48242  
issued by the United States secretary of transportation under the 48243  
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 48244  
U.S.C.A. 1801, as amended. 48245

(B) The registrar of motor vehicles shall disqualify any 48246  
person from operating a commercial motor vehicle who receives a 48247  
notice of a conviction for violation of an out-of-service order 48248  
issued under rules of the public utilities commission adopted 48249  
pursuant to ~~section 4919.79, 4921.04~~ Chapter 4905., 4921., or 48250  
~~4923.20~~ 4923. of the Revised Code, or a conviction for a violation 48251  
of the same or similar laws of another state or jurisdiction 48252  
applicable to vehicles in regulated commerce. 48253

**Sec. 4507.01.** (A) As used in this chapter, "motor vehicle," 48254  
"motorized bicycle," "state," "owner," "operator," "chauffeur," 48255  
and "highways" have the same meanings as in section 4501.01 of the 48256  
Revised Code. 48257

"Driver's license" means a class D license issued to any 48258  
person to operate a motor vehicle or motor-driven cycle, other 48259  
than a commercial motor vehicle, and includes "probationary 48260

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| license," "restricted license," and any operator's or chauffeur's  | 48261 |
| license issued before January 1, 1990.                             | 48262 |
| "Probationary license" means the license issued to any person      | 48263 |
| between sixteen and eighteen years of age to operate a motor       | 48264 |
| vehicle.                                                           | 48265 |
| "Restricted license" means the license issued to any person        | 48266 |
| to operate a motor vehicle subject to conditions or restrictions   | 48267 |
| imposed by the registrar of motor vehicles.                        | 48268 |
| "Commercial driver's license" means the license issued to a        | 48269 |
| person under Chapter 4506. of the Revised Code to operate a        | 48270 |
| commercial motor vehicle.                                          | 48271 |
| "Commercial motor vehicle" has the same meaning as in section      | 48272 |
| 4506.01 of the Revised Code.                                       | 48273 |
| "Motorized bicycle license" means the license issued under         | 48274 |
| section 4511.521 of the Revised Code to any person to operate a    | 48275 |
| motorized bicycle including a "probationary motorized bicycle      | 48276 |
| license."                                                          | 48277 |
| "Probationary motorized bicycle license" means the license         | 48278 |
| issued under section 4511.521 of the Revised Code to any person    | 48279 |
| between fourteen and sixteen years of age to operate a motorized   | 48280 |
| bicycle.                                                           | 48281 |
| "Identification card" means a card issued under sections           | 48282 |
| 4507.50 and 4507.51 of the Revised Code.                           | 48283 |
| "Resident" means a person who, in accordance with standards        | 48284 |
| prescribed in rules adopted by the registrar, resides in this      | 48285 |
| state on a permanent basis.                                        | 48286 |
| "Temporary resident" means a person who, in accordance with        | 48287 |
| standards prescribed in rules adopted by the registrar, resides in | 48288 |
| this state on a temporary basis.                                   | 48289 |
| (B) In the administration of this chapter and Chapter 4506.        | 48290 |

of the Revised Code, the registrar has the same authority as is 48291  
conferred on the registrar by section 4501.02 of the Revised Code. 48292  
Any act of an authorized deputy registrar of motor vehicles under 48293  
direction of the registrar is deemed the act of the registrar. 48294

To carry out this chapter, the registrar shall appoint such 48295  
deputy registrars in each county as are necessary. 48296

The registrar also shall provide at each place where an 48297  
application for a driver's or commercial driver's license or 48298  
identification card may be made the necessary equipment to take a 48299  
color photograph of the applicant for such license or card as 48300  
required under section 4506.11 or 4507.06 of the Revised Code, and 48301  
to conduct the vision screenings required by section 4507.12 of 48302  
the Revised Code, and equipment to laminate licenses, motorized 48303  
bicycle licenses, and identification cards as required by sections 48304  
4507.13, 4507.52, and 4511.521 of the Revised Code. 48305

The registrar shall assign one or more deputy registrars to 48306  
any driver's license examining station operated under the 48307  
supervision of the ~~state highway patrol~~ director of public safety, 48308  
whenever the registrar considers such assignment possible. Space 48309  
shall be provided in the driver's license examining station for 48310  
any such deputy registrar so assigned. The deputy registrars shall 48311  
not exercise the powers conferred by such sections upon the 48312  
registrar, unless they are specifically authorized to exercise 48313  
such powers by such sections. 48314

(C) No agent for any insurance company, writing automobile 48315  
insurance, shall be appointed deputy registrar, and any such 48316  
appointment is void. No deputy registrar shall in any manner 48317  
solicit any form of automobile insurance, nor in any manner 48318  
advise, suggest, or influence any licensee or applicant for 48319  
license for or against any kind or type of automobile insurance, 48320  
insurance company, or agent, nor have the deputy registrar's 48321  
office directly connected with the office of any automobile 48322

insurance agent, nor impart any information furnished by any 48323  
applicant for a license or identification card to any person, 48324  
except the registrar. This division shall not apply to any 48325  
nonprofit corporation appointed deputy registrar. 48326

(D) The registrar shall immediately remove a deputy registrar 48327  
who violates the requirements of this chapter. 48328

(E) The registrar shall periodically solicit bids and enter 48329  
into a contract for the provision of laminating equipment and 48330  
laminating materials to the registrar and all deputy registrars. 48331  
The registrar shall not consider any bid that does not provide for 48332  
the supplying of both laminating equipment and laminating 48333  
materials. The laminating materials selected shall contain a 48334  
security feature so that any tampering with the laminating 48335  
material covering a license or identification card is readily 48336  
apparent. In soliciting bids and entering into a contract for the 48337  
provision of laminating equipment and laminating materials, the 48338  
registrar shall observe all procedures required by law. 48339

**Sec. 4507.011.** (A) Each deputy registrar assigned to a 48340  
driver's license examining station by the registrar of motor 48341  
vehicles as provided in section 4507.01 of the Revised Code shall 48342  
remit to the ~~superintendent~~ director of the ~~state highway patrol~~ 48343  
public safety a rental fee equal to the percentage of space 48344  
occupied by the deputy registrar in the driver's license examining 48345  
station multiplied by the rental fee paid for the entire driver's 48346  
license examining station plus a pro rata share of all utility 48347  
costs. All such moneys received by the ~~superintendent~~ director 48348  
shall be deposited in the state treasury to the credit of the 48349  
registrar rental fund, which is hereby created. The moneys in the 48350  
fund shall be used by the ~~state highway patrol~~ department of 48351  
public safety only to pay the rent and expenses of the driver's 48352  
license examining stations. All investment earnings of the fund 48353

shall be credited to the fund. 48354

(B) Each deputy registrar assigned to a bureau of motor 48355  
vehicles' location shall reimburse the registrar a monthly 48356  
building rental fee, including applicable utility charges. All 48357  
such moneys received by the registrar shall be deposited into the 48358  
state bureau of motor vehicles fund created in section 4501.25 of 48359  
the Revised Code. 48360

**Sec. 4507.12.** (A) Except as provided in division (C) of 48361  
section 4507.10 of the Revised Code, each person applying for the 48362  
renewal of a driver's license shall submit to a screening of the 48363  
person's vision before the license may be renewed. The vision 48364  
screening shall be conducted at the office of the deputy registrar 48365  
receiving the application for license renewal. 48366

(B) When the results of a vision screening given under 48367  
division (A) of this section indicate that the vision of the 48368  
person examined meets the standards required for licensing, the 48369  
deputy registrar may renew the person's driver's license at that 48370  
time. 48371

(C) When the results of a vision screening given under 48372  
division (A) of this section indicate that the vision of the 48373  
person screened may not meet the standards required for licensing, 48374  
the deputy registrar shall not renew the person's driver's license 48375  
at that time but shall refer the person to a driver's license 48376  
examiner appointed by the ~~superintendent~~ director of the ~~state~~ 48377  
~~highway patrol~~ public safety under section ~~5503.21~~ 5502.05 of the 48378  
Revised Code for a further examination of the person's vision. 48379  
When a person referred to a driver's license examiner by a deputy 48380  
registrar does not meet the vision standards required for 48381  
licensing, the driver's license examiner shall retain the person's 48382  
operator's or chauffeur's license and shall immediately notify the 48383  
registrar of motor vehicles of that fact. No driver's license 48384



shall be issued to any such person, until the person's vision is 48385  
corrected to meet the standards required for licensing and the 48386  
person passes the vision screening required by this section. Any 48387  
person who operates a motor vehicle on a highway, or on any public 48388  
or private property used by the public for purposes of vehicular 48389  
travel or parking, during the time the person's driver's license 48390  
is held by a driver's license examiner under this division, shall 48391  
be deemed to be operating a motor vehicle in violation of division 48392  
(A) of section 4510.12 of the Revised Code. 48393

(D) The registrar shall adopt rules and shall provide any 48394  
forms necessary to properly conduct vision screenings at the 48395  
office of a deputy registrar. 48396

(E) No person conducting vision screenings under this section 48397  
shall be personally liable for damages for injury or loss to 48398  
persons or property and for death caused by the operation of a 48399  
motor vehicle by any person whose driver's license was renewed by 48400  
the deputy registrar under division (B) of this section. 48401

**Sec. 4507.51.** (A)(1) Every application for an identification 48402  
card or duplicate shall be made on a form furnished by the 48403  
registrar of motor vehicles, shall be signed by the applicant, and 48404  
by the applicant's parent or guardian if the applicant is under 48405  
eighteen years of age, and shall contain the following information 48406  
pertaining to the applicant: name, date of birth, sex, general 48407  
description including the applicant's height, weight, hair color, 48408  
and eye color, address, and social security number. The 48409  
application also shall state whether an applicant wishes to 48410  
certify willingness to make an anatomical gift under section 48411  
2108.05 of the Revised Code and shall include information about 48412  
the requirements of sections 2108.01 to 2108.29 of the Revised 48413  
Code that apply to persons who are less than eighteen years of 48414  
age. The statement regarding willingness to make such a donation 48415

shall be given no consideration in the decision of whether to 48416  
issue an identification card. Each applicant shall be photographed 48417  
in color at the time of making application. 48418

(2)(a) The application also shall state whether the applicant 48419  
has executed a valid durable power of attorney for health care 48420  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 48421  
executed a declaration governing the use or continuation, or the 48422  
withholding or withdrawal, of life-sustaining treatment pursuant 48423  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 48424  
applicant has executed either type of instrument, whether the 48425  
applicant wishes the identification card issued to indicate that 48426  
the applicant has executed the instrument. 48427

(b) On and after October 7, 2009, the application also shall 48428  
state whether the applicant is a veteran, active duty, or 48429  
reservist of the armed forces of the United States and, if the 48430  
applicant is such, whether the applicant wishes the identification 48431  
card issued to indicate that the applicant is a veteran, active 48432  
duty, or reservist of the armed forces of the United States by a 48433  
military designation on the identification card. 48434

(3) The registrar or deputy registrar, in accordance with 48435  
section 3503.11 of the Revised Code, shall register as an elector 48436  
any person who applies for an identification card or duplicate if 48437  
the applicant is eligible and wishes to be registered as an 48438  
elector. The decision of an applicant whether to register as an 48439  
elector shall be given no consideration in the decision of whether 48440  
to issue the applicant an identification card or duplicate. 48441

(B) The application for an identification card or duplicate 48442  
shall be filed in the office of the registrar or deputy registrar. 48443  
Each applicant shall present documentary evidence as required by 48444  
the registrar of the applicant's age and identity, and the 48445  
applicant shall swear that all information given is true. An 48446  
identification card issued by the department of rehabilitation and 48447

correction under section 5120.59 of the Revised Code or an 48448  
identification card issued by the department of youth services 48449  
under section 5139.511 of the Revised Code shall be sufficient 48450  
documentary evidence under this division upon verification of the 48451  
applicant's social security number by the registrar or a deputy 48452  
registrar. Upon issuing an identification card under this section 48453  
for a person who has been issued an identification card under 48454  
section 5120.59 or section 5139.511 of the Revised Code, the 48455  
registrar or deputy registrar shall destroy the identification 48456  
card issued under section 5120.59 or section 5139.511 of the 48457  
Revised Code. 48458

All applications for an identification card or duplicate 48459  
shall be filed in duplicate, and if submitted to a deputy 48460  
registrar, a copy shall be forwarded to the registrar. The 48461  
registrar shall prescribe rules for the manner in which a deputy 48462  
registrar is to file and maintain applications and other records. 48463  
The registrar shall maintain a suitable, indexed record of all 48464  
applications denied and cards issued or canceled. 48465

(C) In addition to any other information it contains, on and 48466  
after the date that is fifteen months after ~~the effective date of~~ 48467  
~~this amendment~~ April 7, 2009, the form furnished by the registrar 48468  
of motor vehicles for an application for an identification card or 48469  
duplicate shall inform applicants that the applicant must present 48470  
a copy of the applicant's DD-214 or an equivalent document in 48471  
order to qualify to have the card or duplicate indicate that the 48472  
applicant is an honorably discharged veteran of the armed forces 48473  
of the United States based on a request made pursuant to division 48474  
(A)(2)(b) of this section. 48475

**Sec. 4510.037.** (A) When the registrar of motor vehicles 48476  
determines that the total points charged against any person under 48477  
section 4510.036 of the Revised Code exceed five, the registrar 48478

shall send a warning letter to the person at the person's last 48479  
known address by regular mail. The warning letter shall list the 48480  
reported violations that are the basis of the points charged, list 48481  
the number of points charged for each violation, and outline the 48482  
suspension provisions of this section. 48483

(B) When the registrar determines that the total points 48484  
charged against any person under section 4510.036 of the Revised 48485  
Code within any two-year period beginning on the date of the first 48486  
conviction within the two-year period is equal to twelve or more, 48487  
the registrar shall send a written notice to the person at the 48488  
person's last known address by regular mail. The notice shall list 48489  
the reported violations that are the basis of the points charged, 48490  
list the number of points charged for each violation, and state 48491  
that, because the total number of points charged against the 48492  
person within the applicable two-year period is equal to twelve or 48493  
more, the registrar is imposing a class D suspension of the 48494  
person's driver's or commercial driver's license or permit or 48495  
nonresident operating privileges for the period of time specified 48496  
in division (B)(4) of section 4510.02 of the Revised Code. The 48497  
notice also shall state that the suspension is effective on the 48498  
twentieth day after the mailing of the notice, unless the person 48499  
files a petition appealing the determination and suspension in the 48500  
municipal court, county court, or, if the person is under the age 48501  
of eighteen, the juvenile division of the court of common pleas in 48502  
whose jurisdiction the person resides or, if the person is not a 48503  
resident of this state, in the Franklin county municipal court or 48504  
juvenile division of the Franklin county court of common pleas. By 48505  
filing the appeal of the determination and suspension, the person 48506  
agrees to pay the cost of the proceedings in the appeal of the 48507  
determination and suspension and alleges that the person can show 48508  
cause why the person's driver's or commercial driver's license or 48509  
permit or nonresident operating privileges should not be 48510  
suspended. 48511

(C)(1) Any person against whom at least two but less than 48512  
twelve points have been charged under section 4510.036 of the 48513  
Revised Code may enroll in a course of remedial driving 48514  
instruction that is approved by the director of public safety. 48515  
Upon the person's completion of an approved course of remedial 48516  
driving instruction, the person may apply to the registrar on a 48517  
form prescribed by the registrar for a credit of two points on the 48518  
person's driving record. Upon receipt of the application and proof 48519  
of completion of the approved remedial driving course, the 48520  
registrar shall approve the two-point credit. The registrar shall 48521  
not approve any credits for a person who completes an approved 48522  
course of remedial driving instruction pursuant to a judge's order 48523  
under section 4510.02 of the Revised Code. 48524

(2) In any three-year period, the registrar shall approve 48525  
only one two-point credit on a person's driving record under 48526  
division (C)(1) of this section. The registrar shall approve not 48527  
more than five two-point credits on a person's driving record 48528  
under division (C)(1) of this section during that person's 48529  
lifetime. 48530

(D) When a judge of a court of record suspends a person's 48531  
driver's or commercial driver's license or permit or nonresident 48532  
operating privilege and charges points against the person under 48533  
section 4510.036 of the Revised Code for the offense that resulted 48534  
in the suspension, the registrar shall credit that period of 48535  
suspension against the time of any subsequent suspension imposed 48536  
under this section for which those points were used to impose the 48537  
subsequent suspension. When a United States district court that 48538  
has jurisdiction within this state suspends a person's driver's or 48539  
commercial driver's license or permit or nonresident operating 48540  
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 48541  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 48542  
prepares an abstract pursuant to section 4510.031 of the Revised 48543

Code, and the district court charges points against the person 48544  
under section 4510.036 of the Revised Code for the offense that 48545  
resulted in the suspension, the registrar shall credit the period 48546  
of suspension imposed by the district court against the time of 48547  
any subsequent suspension imposed under this section for which the 48548  
points were used to impose the subsequent suspension. 48549

(E) The registrar, upon the written request of a licensee who 48550  
files a petition under division (B) of this section, shall furnish 48551  
the licensee a certified copy of the registrar's record of the 48552  
convictions and bond forfeitures of the person. This record shall 48553  
include the name, address, and date of birth of the licensee; the 48554  
name of the court in which each conviction or bail forfeiture took 48555  
place; the nature of the offense that was the basis of the 48556  
conviction or bond forfeiture; and any other information that the 48557  
registrar considers necessary. If the record indicates that twelve 48558  
points or more have been charged against the person within a 48559  
two-year period, it is prima-facie evidence that the person is a 48560  
repeat traffic offender, and the registrar shall suspend the 48561  
person's driver's or commercial driver's license or permit or 48562  
nonresident operating privilege pursuant to division (B) of this 48563  
section. 48564

In hearing the petition and determining whether the person 48565  
filing the petition has shown cause why the person's driver's or 48566  
commercial driver's license or permit or nonresident operating 48567  
privilege should not be suspended, the court shall decide the 48568  
issue on the record certified by the registrar and any additional 48569  
relevant, competent, and material evidence that either the 48570  
registrar or the person whose license is sought to be suspended 48571  
submits. 48572

(F) If a petition is filed under division (B) of this section 48573  
in a county court, the prosecuting attorney of the county in which 48574  
the case is pending shall represent the registrar in the 48575

proceedings, except that, if the petitioner resides in a municipal 48576  
corporation within the jurisdiction of the county court, the city 48577  
director of law, village solicitor, or other chief legal officer 48578  
of the municipal corporation shall represent the registrar in the 48579  
proceedings. If a petition is filed under division (B) of this 48580  
section in a municipal court, the registrar shall be represented 48581  
in the resulting proceedings as provided in section 1901.34 of the 48582  
Revised Code. 48583

(G) If the court determines from the evidence submitted that 48584  
a person who filed a petition under division (B) of this section 48585  
has failed to show cause why the person's driver's or commercial 48586  
driver's license or permit or nonresident operating privileges 48587  
should not be suspended, the court shall assess against the person 48588  
the cost of the proceedings in the appeal of the determination and 48589  
suspension and shall impose the applicable suspension under this 48590  
section or suspend all or a portion of the suspension and impose 48591  
any conditions upon the person that the court considers proper or 48592  
impose upon the person a community control sanction pursuant to 48593  
section 2929.15 or 2929.25 of the Revised Code. If the court 48594  
determines from the evidence submitted that a person who filed a 48595  
petition under division (B) of this section has shown cause why 48596  
the person's driver's or commercial driver's license or permit or 48597  
nonresident operating privileges should not be suspended, the 48598  
costs of the appeal proceeding shall be paid out of the county 48599  
treasury of the county in which the proceedings were held. 48600

(H) Any person whose driver's or commercial driver's license 48601  
or permit or nonresident operating privileges are suspended under 48602  
this section is not entitled to apply for or receive a new 48603  
driver's or commercial driver's license or permit or to request or 48604  
be granted nonresident operating privileges during the effective 48605  
period of the suspension. 48606

(I) Upon the termination of any suspension or other penalty 48607

imposed under this section involving the surrender of license or 48608  
permit and upon the request of the person whose license or permit 48609  
was suspended or surrendered, the registrar shall return the 48610  
license or permit to the person upon determining that the person 48611  
has complied with all provisions of section 4510.038 of the 48612  
Revised Code or, if the registrar destroyed the license or permit 48613  
pursuant to section 4510.52 of the Revised Code, shall reissue the 48614  
person's license or permit. 48615

(J) Any person whose driver's or commercial driver's license 48616  
or permit or nonresident operating privileges are suspended as a 48617  
repeat traffic offender under this section and who, during the 48618  
suspension, operates any motor vehicle upon any public roads and 48619  
highways is guilty of driving under a twelve-point suspension, a 48620  
misdemeanor of the first degree. The court shall sentence the 48621  
offender to a minimum term of three days in jail. No court shall 48622  
suspend the first three days of jail time imposed pursuant to this 48623  
division. 48624

(K) The registrar, in accordance with specific statutory 48625  
authority, may suspend the privilege of driving a motor vehicle on 48626  
the public roads and highways of this state that is granted to 48627  
nonresidents by section 4507.04 of the Revised Code. 48628

(L) ~~Any~~ (1) Except as provided in division (L)(2) of this 48629  
section, any course of remedial driving instruction the director 48630  
of public safety approves under this section shall require its 48631  
students to attend at least fifty per cent of the course in 48632  
person. ~~The~~ and the director shall not approve any course of 48633  
remedial driving instruction that permits its students to take 48634  
more than fifty per cent of the course in any other manner, 48635  
including via video teleconferencing or the internet. 48636

(2) The director may approve a course of remedial instruction 48637  
that permits students to take the entire course via video 48638  
teleconferencing. In accordance with division (C) of this section, 48639



upon receiving an application with a certificate or other proof of 48640  
completion of a course approved under this division, the registrar 48641  
shall approve the two-point reduction. 48642

**Sec. 4510.038.** (A) Any person whose driver's or commercial 48643  
driver's license or permit is suspended or who is granted limited 48644  
driving privileges under section 4510.037, under division (H) of 48645  
section 4511.19, or under section 4510.07 of the Revised Code for 48646  
a violation of a municipal ordinance that is substantially 48647  
equivalent to division (B) of section 4511.19 of the Revised Code 48648  
is not eligible to retain the license, or to have the driving 48649  
privileges reinstated, until each of the following has occurred: 48650

(1) The person successfully completes a course of remedial 48651  
driving instruction approved by the director of public safety. A 48652  
minimum of twenty-five per cent of the number of hours of 48653  
instruction included in the course shall be devoted to instruction 48654  
on driver attitude. 48655

The course also shall devote a number of hours to instruction 48656  
in the area of alcohol and drugs and the operation of vehicles. 48657  
The instruction shall include, but not be limited to, a review of 48658  
the laws governing the operation of a vehicle while under the 48659  
influence of alcohol, drugs, or a combination of them, the dangers 48660  
of operating a vehicle while under the influence of alcohol, 48661  
drugs, or a combination of them, and other information relating to 48662  
the operation of vehicles and the consumption of alcoholic 48663  
beverages and use of drugs. The director, in consultation with the 48664  
director of alcohol and drug addiction services, shall prescribe 48665  
the content of the instruction. The number of hours devoted to the 48666  
area of alcohol and drugs and the operation of vehicles shall 48667  
comprise a minimum of twenty-five per cent of the number of hours 48668  
of instruction included in the course. 48669

(2) The person is examined in the manner provided for in 48670

section 4507.20 of the Revised Code, and found by the registrar of 48671  
motor vehicles to be qualified to operate a motor vehicle; 48672

(3) The person gives and maintains proof of financial 48673  
responsibility, in accordance with section 4509.45 of the Revised 48674  
Code. 48675

(B) ~~Any~~ (1) Except as provided in division (B)(2) of this 48676  
section, any course of remedial driving instruction the director 48677  
of public safety approves under this section shall require its 48678  
students to attend at least fifty per cent of the course in 48679  
person. ~~The~~ and the director shall not approve any course of 48680  
remedial driving instruction that permits its students to take 48681  
more than fifty per cent of the course in any other manner, 48682  
including via video teleconferencing or the internet. 48683

(2) The director may approve a course of remedial instruction 48684  
that permits students to take the entire course via video 48685  
teleconferencing or the internet. 48686

**Sec. 4511.191.** (A)(1) As used in this section: 48687

(a) "Physical control" has the same meaning as in section 48688  
4511.194 of the Revised Code. 48689

(b) "Alcohol monitoring device" means any device that 48690  
provides for continuous alcohol monitoring, any ignition interlock 48691  
device, any immobilizing or disabling device other than an 48692  
ignition interlock device that is constantly available to monitor 48693  
the concentration of alcohol in a person's system, or any other 48694  
device that provides for the automatic testing and periodic 48695  
reporting of alcohol consumption by a person and that a court 48696  
orders a person to use as a sanction imposed as a result of the 48697  
person's conviction of or plea of guilty to an offense. 48698

(2) Any person who operates a vehicle, streetcar, or 48699  
trackless trolley upon a highway or any public or private property 48700

used by the public for vehicular travel or parking within this 48701  
state or who is in physical control of a vehicle, streetcar, or 48702  
trackless trolley shall be deemed to have given consent to a 48703  
chemical test or tests of the person's whole blood, blood serum or 48704  
plasma, breath, or urine to determine the alcohol, drug of abuse, 48705  
controlled substance, metabolite of a controlled substance, or 48706  
combination content of the person's whole blood, blood serum or 48707  
plasma, breath, or urine if arrested for a violation of division 48708  
(A) or (B) of section 4511.19 of the Revised Code, section 48709  
4511.194 of the Revised Code or a substantially equivalent 48710  
municipal ordinance, or a municipal OVI ordinance. 48711

(3) The chemical test or tests under division (A)(2) of this 48712  
section shall be administered at the request of a law enforcement 48713  
officer having reasonable grounds to believe the person was 48714  
operating or in physical control of a vehicle, streetcar, or 48715  
trackless trolley in violation of a division, section, or 48716  
ordinance identified in division (A)(2) of this section. The law 48717  
enforcement agency by which the officer is employed shall 48718  
designate which of the tests shall be administered. 48719

(4) Any person who is dead or unconscious, or who otherwise 48720  
is in a condition rendering the person incapable of refusal, shall 48721  
be deemed to have consented as provided in division (A)(2) of this 48722  
section, and the test or tests may be administered, subject to 48723  
sections 313.12 to 313.16 of the Revised Code. 48724

(5)(a) If a law enforcement officer arrests a person for a 48725  
violation of division (A) or (B) of section 4511.19 of the Revised 48726  
Code, section 4511.194 of the Revised Code or a substantially 48727  
equivalent municipal ordinance, or a municipal OVI ordinance and 48728  
if the person if convicted would be required to be sentenced under 48729  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 48730  
Code, the law enforcement officer shall request the person to 48731  
submit, and the person shall submit, to a chemical test or tests 48732

of the person's whole blood, blood serum or plasma, breath, or 48733  
urine for the purpose of determining the alcohol, drug of abuse, 48734  
controlled substance, metabolite of a controlled substance, or 48735  
combination content of the person's whole blood, blood serum or 48736  
plasma, breath, or urine. A law enforcement officer who makes a 48737  
request pursuant to this division that a person submit to a 48738  
chemical test or tests is not required to advise the person of the 48739  
consequences of submitting to, or refusing to submit to, the test 48740  
or tests and is not required to give the person the form described 48741  
in division (B) of section 4511.192 of the Revised Code, but the 48742  
officer shall advise the person at the time of the arrest that if 48743  
the person refuses to take a chemical test the officer may employ 48744  
whatever reasonable means are necessary to ensure that the person 48745  
submits to a chemical test of the person's whole blood or blood 48746  
serum or plasma. The officer shall also advise the person at the 48747  
time of the arrest that the person may have an independent 48748  
chemical test taken at the person's own expense. Divisions (A)(3) 48749  
and (4) of this section apply to the administration of a chemical 48750  
test or tests pursuant to this division. 48751

(b) If a person refuses to submit to a chemical test upon a 48752  
request made pursuant to division (A)(5)(a) of this section, the 48753  
law enforcement officer who made the request may employ whatever 48754  
reasonable means are necessary to ensure that the person submits 48755  
to a chemical test of the person's whole blood or blood serum or 48756  
plasma. A law enforcement officer who acts pursuant to this 48757  
division to ensure that a person submits to a chemical test of the 48758  
person's whole blood or blood serum or plasma is immune from 48759  
criminal and civil liability based upon a claim for assault and 48760  
battery or any other claim for the acts, unless the officer so 48761  
acted with malicious purpose, in bad faith, or in a wanton or 48762  
reckless manner. 48763

(B)(1) Upon receipt of the sworn report of a law enforcement 48764

officer who arrested a person for a violation of division (A) or 48765  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 48766  
the Revised Code or a substantially equivalent municipal 48767  
ordinance, or a municipal OVI ordinance that was completed and 48768  
sent to the registrar of motor vehicles and a court pursuant to 48769  
section 4511.192 of the Revised Code in regard to a person who 48770  
refused to take the designated chemical test, the registrar shall 48771  
enter into the registrar's records the fact that the person's 48772  
driver's or commercial driver's license or permit or nonresident 48773  
operating privilege was suspended by the arresting officer under 48774  
this division and that section and the period of the suspension, 48775  
as determined under this section. The suspension shall be subject 48776  
to appeal as provided in section 4511.197 of the Revised Code. The 48777  
suspension shall be for whichever of the following periods 48778  
applies: 48779

(a) Except when division (B)(1)(b), (c), or (d) of this 48780  
section applies and specifies a different class or length of 48781  
suspension, the suspension shall be a class C suspension for the 48782  
period of time specified in division (B)(3) of section 4510.02 of 48783  
the Revised Code. 48784

(b) If the arrested person, within six years of the date on 48785  
which the person refused the request to consent to the chemical 48786  
test, had refused one previous request to consent to a chemical 48787  
test or had been convicted of or pleaded guilty to one violation 48788  
of division (A) or (B) of section 4511.19 of the Revised Code or 48789  
one other equivalent offense, the suspension shall be a class B 48790  
suspension imposed for the period of time specified in division 48791  
(B)(2) of section 4510.02 of the Revised Code. 48792

(c) If the arrested person, within six years of the date on 48793  
which the person refused the request to consent to the chemical 48794  
test, had refused two previous requests to consent to a chemical 48795  
test, had been convicted of or pleaded guilty to two violations of 48796

division (A) or (B) of section 4511.19 of the Revised Code or 48797  
other equivalent offenses, or had refused one previous request to 48798  
consent to a chemical test and also had been convicted of or 48799  
pleaded guilty to one violation of division (A) or (B) of section 48800  
4511.19 of the Revised Code or other equivalent offenses, which 48801  
violation or offense arose from an incident other than the 48802  
incident that led to the refusal, the suspension shall be a class 48803  
A suspension imposed for the period of time specified in division 48804  
(B)(1) of section 4510.02 of the Revised Code. 48805

(d) If the arrested person, within six years of the date on 48806  
which the person refused the request to consent to the chemical 48807  
test, had refused three or more previous requests to consent to a 48808  
chemical test, had been convicted of or pleaded guilty to three or 48809  
more violations of division (A) or (B) of section 4511.19 of the 48810  
Revised Code or other equivalent offenses, or had refused a number 48811  
of previous requests to consent to a chemical test and also had 48812  
been convicted of or pleaded guilty to a number of violations of 48813  
division (A) or (B) of section 4511.19 of the Revised Code or 48814  
other equivalent offenses that cumulatively total three or more 48815  
such refusals, convictions, and guilty pleas, the suspension shall 48816  
be for five years. 48817

(2) The registrar shall terminate a suspension of the 48818  
driver's or commercial driver's license or permit of a resident or 48819  
of the operating privilege of a nonresident, or a denial of a 48820  
driver's or commercial driver's license or permit, imposed 48821  
pursuant to division (B)(1) of this section upon receipt of notice 48822  
that the person has entered a plea of guilty to, or that the 48823  
person has been convicted after entering a plea of no contest to, 48824  
operating a vehicle in violation of section 4511.19 of the Revised 48825  
Code or in violation of a municipal OVI ordinance, if the offense 48826  
for which the conviction is had or the plea is entered arose from 48827  
the same incident that led to the suspension or denial. 48828

The registrar shall credit against any judicial suspension of 48829  
a person's driver's or commercial driver's license or permit or 48830  
nonresident operating privilege imposed pursuant to section 48831  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 48832  
Revised Code for a violation of a municipal OVI ordinance, any 48833  
time during which the person serves a related suspension imposed 48834  
pursuant to division (B)(1) of this section. 48835

(C)(1) Upon receipt of the sworn report of the law 48836  
enforcement officer who arrested a person for a violation of 48837  
division (A) or (B) of section 4511.19 of the Revised Code or a 48838  
municipal OVI ordinance that was completed and sent to the 48839  
registrar and a court pursuant to section 4511.192 of the Revised 48840  
Code in regard to a person whose test results indicate that the 48841  
person's whole blood, blood serum or plasma, breath, or urine 48842  
contained at least the concentration of alcohol specified in 48843  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 48844  
Revised Code or at least the concentration of a listed controlled 48845  
substance or a listed metabolite of a controlled substance 48846  
specified in division (A)(1)(j) of section 4511.19 of the Revised 48847  
Code, the registrar shall enter into the registrar's records the 48848  
fact that the person's driver's or commercial driver's license or 48849  
permit or nonresident operating privilege was suspended by the 48850  
arresting officer under this division and section 4511.192 of the 48851  
Revised Code and the period of the suspension, as determined under 48852  
divisions (C)(1)(a) to (d) of this section. The suspension shall 48853  
be subject to appeal as provided in section 4511.197 of the 48854  
Revised Code. The suspension described in this division does not 48855  
apply to, and shall not be imposed upon, a person arrested for a 48856  
violation of section 4511.194 of the Revised Code or a 48857  
substantially equivalent municipal ordinance who submits to a 48858  
designated chemical test. The suspension shall be for whichever of 48859  
the following periods applies: 48860

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense



for which the conviction is had or the plea is entered arose from 48893  
the same incident that led to the suspension or denial. 48894

The registrar shall credit against any judicial suspension of 48895  
a person's driver's or commercial driver's license or permit or 48896  
nonresident operating privilege imposed pursuant to section 48897  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 48898  
Revised Code for a violation of a municipal OVI ordinance, any 48899  
time during which the person serves a related suspension imposed 48900  
pursuant to division (C)(1) of this section. 48901

(D)(1) A suspension of a person's driver's or commercial 48902  
driver's license or permit or nonresident operating privilege 48903  
under this section for the time described in division (B) or (C) 48904  
of this section is effective immediately from the time at which 48905  
the arresting officer serves the notice of suspension upon the 48906  
arrested person. Any subsequent finding that the person is not 48907  
guilty of the charge that resulted in the person being requested 48908  
to take the chemical test or tests under division (A) of this 48909  
section does not affect the suspension. 48910

(2) If a person is arrested for operating a vehicle, 48911  
streetcar, or trackless trolley in violation of division (A) or 48912  
(B) of section 4511.19 of the Revised Code or a municipal OVI 48913  
ordinance, or for being in physical control of a vehicle, 48914  
streetcar, or trackless trolley in violation of section 4511.194 48915  
of the Revised Code or a substantially equivalent municipal 48916  
ordinance, regardless of whether the person's driver's or 48917  
commercial driver's license or permit or nonresident operating 48918  
privilege is or is not suspended under division (B) or (C) of this 48919  
section or Chapter 4510. of the Revised Code, the person's initial 48920  
appearance on the charge resulting from the arrest shall be held 48921  
within five days of the person's arrest or the issuance of the 48922  
citation to the person, subject to any continuance granted by the 48923  
court pursuant to section 4511.197 of the Revised Code regarding 48924

the issues specified in that division. 48925

(E) When it finally has been determined under the procedures 48926  
of this section and sections 4511.192 to 4511.197 of the Revised 48927  
Code that a nonresident's privilege to operate a vehicle within 48928  
this state has been suspended, the registrar shall give 48929  
information in writing of the action taken to the motor vehicle 48930  
administrator of the state of the person's residence and of any 48931  
state in which the person has a license. 48932

(F) At the end of a suspension period under this section, 48933  
under section 4511.194, section 4511.196, or division (G) of 48934  
section 4511.19 of the Revised Code, or under section 4510.07 of 48935  
the Revised Code for a violation of a municipal OVI ordinance and 48936  
upon the request of the person whose driver's or commercial 48937  
driver's license or permit was suspended and who is not otherwise 48938  
subject to suspension, cancellation, or disqualification, the 48939  
registrar shall return the driver's or commercial driver's license 48940  
or permit to the person upon the occurrence of all of the 48941  
conditions specified in divisions (F)(1) and (2) of this section: 48942

(1) A showing that the person has proof of financial 48943  
responsibility, a policy of liability insurance in effect that 48944  
meets the minimum standards set forth in section 4509.51 of the 48945  
Revised Code, or proof, to the satisfaction of the registrar, that 48946  
the person is able to respond in damages in an amount at least 48947  
equal to the minimum amounts specified in section 4509.51 of the 48948  
Revised Code. 48949

(2) Subject to the limitation contained in division (F)(3) of 48950  
this section, payment by the person to the registrar or an 48951  
eligible deputy registrar of a license reinstatement fee of four 48952  
hundred seventy-five dollars, which fee shall be deposited in the 48953  
state treasury and credited as follows: 48954

(a) One hundred twelve dollars and fifty cents shall be 48955

credited to the statewide treatment and prevention fund created by 48956  
section 4301.30 of the Revised Code. Money credited to the fund 48957  
under this section shall be used for purposes identified in the 48958  
comprehensive statewide alcohol and drug addiction services plan 48959  
developed under section 3793.04 of the Revised Code. 48960

(b) Seventy-five dollars shall be credited to the reparations 48961  
fund created by section 2743.191 of the Revised Code. 48962

(c) Thirty-seven dollars and fifty cents shall be credited to 48963  
the indigent drivers alcohol treatment fund, which is hereby 48964  
established in the state treasury. Except as otherwise provided in 48965  
division (F)(2)(c) of this section, moneys in the fund shall be 48966  
distributed by the department of alcohol and drug addiction 48967  
services to the county indigent drivers alcohol treatment funds, 48968  
the county juvenile indigent drivers alcohol treatment funds, and 48969  
the municipal indigent drivers alcohol treatment funds that are 48970  
required to be established by counties and municipal corporations 48971  
pursuant to division (H) of this section, and shall be used only 48972  
to pay the cost of an alcohol and drug addiction treatment program 48973  
attended by an offender or juvenile traffic offender who is 48974  
ordered to attend an alcohol and drug addiction treatment program 48975  
by a county, juvenile, or municipal court judge and who is 48976  
determined by the county, juvenile, or municipal court judge not 48977  
to have the means to pay for the person's attendance at the 48978  
program or to pay the costs specified in division (H)(4) of this 48979  
section in accordance with that division. In addition, a county, 48980  
juvenile, or municipal court judge may use moneys in the county 48981  
indigent drivers alcohol treatment fund, county juvenile indigent 48982  
drivers alcohol treatment fund, or municipal indigent drivers 48983  
alcohol treatment fund to pay for the cost of the continued use of 48984  
an alcohol monitoring device as described in divisions (H)(3) and 48985  
(4) of this section. Moneys in the fund that are not distributed 48986  
to a county indigent drivers alcohol treatment fund, a county 48987

juvenile indigent drivers alcohol treatment fund, or a municipal 48988  
indigent drivers alcohol treatment fund under division (H) of this 48989  
section because the director of alcohol and drug addiction 48990  
services does not have the information necessary to identify the 48991  
county or municipal corporation where the offender or juvenile 48992  
offender was arrested may be transferred by the director of budget 48993  
and management to the statewide treatment and prevention fund 48994  
created by section 4301.30 of the Revised Code, upon certification 48995  
of the amount by the director of alcohol and drug addiction 48996  
services. 48997

(d) Seventy-five dollars shall be credited to the Ohio 48998  
rehabilitation services commission established by section 3304.12 48999  
of the Revised Code, to the services for rehabilitation fund, 49000  
which is hereby established. The fund shall be used to match 49001  
available federal matching funds where appropriate, and for any 49002  
other purpose or program of the commission to rehabilitate people 49003  
with disabilities to help them become employed and independent. 49004

(e) Seventy-five dollars shall be deposited into the state 49005  
treasury and credited to the drug abuse resistance education 49006  
programs fund, which is hereby established, to be used by the 49007  
attorney general for the purposes specified in division (F)(4) of 49008  
this section. 49009

(f) Thirty dollars shall be credited to the state bureau of 49010  
motor vehicles fund created by section 4501.25 of the Revised 49011  
Code. 49012

(g) Twenty dollars shall be credited to the trauma and 49013  
emergency medical services ~~grants~~ fund created by section 4513.263 49014  
of the Revised Code. 49015

(h) Fifty dollars shall be credited to the indigent drivers 49016  
interlock and alcohol monitoring fund, which is hereby established 49017  
in the state treasury. Moneys in the fund shall be distributed by 49018

the department of public safety to the county indigent drivers 49019  
interlock and alcohol monitoring funds, the county juvenile 49020  
indigent drivers interlock and alcohol monitoring funds, and the 49021  
municipal indigent drivers interlock and alcohol monitoring funds 49022  
that are required to be established by counties and municipal 49023  
corporations pursuant to this section, and shall be used only to 49024  
pay the cost of an immobilizing or disabling device, including a 49025  
certified ignition interlock device, or an alcohol monitoring 49026  
device used by an offender or juvenile offender who is ordered to 49027  
use the device by a county, juvenile, or municipal court judge and 49028  
who is determined by the county, juvenile, or municipal court 49029  
judge not to have the means to pay for the person's use of the 49030  
device. 49031

(3) If a person's driver's or commercial driver's license or 49032  
permit is suspended under this section, under section 4511.196 or 49033  
division (G) of section 4511.19 of the Revised Code, under section 49034  
4510.07 of the Revised Code for a violation of a municipal OVI 49035  
ordinance or under any combination of the suspensions described in 49036  
division (F)(3) of this section, and if the suspensions arise from 49037  
a single incident or a single set of facts and circumstances, the 49038  
person is liable for payment of, and shall be required to pay to 49039  
the registrar or an eligible deputy registrar, only one 49040  
reinstatement fee of four hundred seventy-five dollars. The 49041  
reinstatement fee shall be distributed by the bureau in accordance 49042  
with division (F)(2) of this section. 49043

(4) The attorney general shall use amounts in the drug abuse 49044  
resistance education programs fund to award grants to law 49045  
enforcement agencies to establish and implement drug abuse 49046  
resistance education programs in public schools. Grants awarded to 49047  
a law enforcement agency under this section shall be used by the 49048  
agency to pay for not more than fifty per cent of the amount of 49049  
the salaries of law enforcement officers who conduct drug abuse 49050

resistance education programs in public schools. The attorney 49051  
general shall not use more than six per cent of the amounts the 49052  
attorney general's office receives under division (F)(2)(e) of 49053  
this section to pay the costs it incurs in administering the grant 49054  
program established by division (F)(2)(e) of this section and in 49055  
providing training and materials relating to drug abuse resistance 49056  
education programs. 49057

The attorney general shall report to the governor and the 49058  
general assembly each fiscal year on the progress made in 49059  
establishing and implementing drug abuse resistance education 49060  
programs. These reports shall include an evaluation of the 49061  
effectiveness of these programs. 49062

(5) In addition to the reinstatement fee under this section, 49063  
if the person pays the reinstatement fee to a deputy registrar, 49064  
the deputy registrar shall collect a service fee of ten dollars to 49065  
compensate the deputy registrar for services performed under this 49066  
section. The deputy registrar shall retain eight dollars of the 49067  
service fee and shall transmit the reinstatement fee, plus two 49068  
dollars of the service fee, to the registrar in the manner the 49069  
registrar shall determine. 49070

(G) Suspension of a commercial driver's license under 49071  
division (B) or (C) of this section shall be concurrent with any 49072  
period of disqualification under section 3123.611 or 4506.16 of 49073  
the Revised Code or any period of suspension under section 3123.58 49074  
of the Revised Code. No person who is disqualified for life from 49075  
holding a commercial driver's license under section 4506.16 of the 49076  
Revised Code shall be issued a driver's license under Chapter 49077  
4507. of the Revised Code during the period for which the 49078  
commercial driver's license was suspended under division (B) or 49079  
(C) of this section. No person whose commercial driver's license 49080  
is suspended under division (B) or (C) of this section shall be 49081  
issued a driver's license under Chapter 4507. of the Revised Code 49082

during the period of the suspension. 49083

(H)(1) Each county shall establish an indigent drivers 49084  
alcohol treatment fund, each county shall establish a juvenile 49085  
indigent drivers alcohol treatment fund, and each municipal 49086  
corporation in which there is a municipal court shall establish an 49087  
indigent drivers alcohol treatment fund. All revenue that the 49088  
general assembly appropriates to the indigent drivers alcohol 49089  
treatment fund for transfer to a county indigent drivers alcohol 49090  
treatment fund, a county juvenile indigent drivers alcohol 49091  
treatment fund, or a municipal indigent drivers alcohol treatment 49092  
fund, all portions of fees that are paid under division (F) of 49093  
this section and that are credited under that division to the 49094  
indigent drivers alcohol treatment fund in the state treasury for 49095  
a county indigent drivers alcohol treatment fund, a county 49096  
juvenile indigent drivers alcohol treatment fund, or a municipal 49097  
indigent drivers alcohol treatment fund, all portions of 49098  
additional costs imposed under section 2949.094 of the Revised 49099  
Code that are specified for deposit into a county, county 49100  
juvenile, or municipal indigent drivers alcohol treatment fund by 49101  
that section, and all portions of fines that are specified for 49102  
deposit into a county or municipal indigent drivers alcohol 49103  
treatment fund by section 4511.193 of the Revised Code shall be 49104  
deposited into that county indigent drivers alcohol treatment 49105  
fund, county juvenile indigent drivers alcohol treatment fund, or 49106  
municipal indigent drivers alcohol treatment fund. The portions of 49107  
the fees paid under division (F) of this section that are to be so 49108  
deposited shall be determined in accordance with division (H)(2) 49109  
of this section. Additionally, all portions of fines that are paid 49110  
for a violation of section 4511.19 of the Revised Code or of any 49111  
prohibition contained in Chapter 4510. of the Revised Code, and 49112  
that are required under section 4511.19 or any provision of 49113  
Chapter 4510. of the Revised Code to be deposited into a county 49114  
indigent drivers alcohol treatment fund or municipal indigent 49115

drivers alcohol treatment fund shall be deposited into the 49116  
appropriate fund in accordance with the applicable division of the 49117  
section or provision. 49118

(2) That portion of the license reinstatement fee that is 49119  
paid under division (F) of this section and that is credited under 49120  
that division to the indigent drivers alcohol treatment fund shall 49121  
be deposited into a county indigent drivers alcohol treatment 49122  
fund, a county juvenile indigent drivers alcohol treatment fund, 49123  
or a municipal indigent drivers alcohol treatment fund as follows: 49124

(a) Regarding a suspension imposed under this section, that 49125  
portion of the fee shall be deposited as follows: 49126

(i) If the fee is paid by a person who was charged in a 49127  
county court with the violation that resulted in the suspension or 49128  
in the imposition of the court costs, the portion shall be 49129  
deposited into the county indigent drivers alcohol treatment fund 49130  
under the control of that court; 49131

(ii) If the fee is paid by a person who was charged in a 49132  
juvenile court with the violation that resulted in the suspension 49133  
or in the imposition of the court costs, the portion shall be 49134  
deposited into the county juvenile indigent drivers alcohol 49135  
treatment fund established in the county served by the court; 49136

(iii) If the fee is paid by a person who was charged in a 49137  
municipal court with the violation that resulted in the suspension 49138  
or in the imposition of the court costs, the portion shall be 49139  
deposited into the municipal indigent drivers alcohol treatment 49140  
fund under the control of that court. 49141

(b) Regarding a suspension imposed under section 4511.19 of 49142  
the Revised Code or under section 4510.07 of the Revised Code for 49143  
a violation of a municipal OVI ordinance, that portion of the fee 49144  
shall be deposited as follows: 49145

(i) If the fee is paid by a person whose license or permit 49146



was suspended by a county court, the portion shall be deposited 49147  
into the county indigent drivers alcohol treatment fund under the 49148  
control of that court; 49149

(ii) If the fee is paid by a person whose license or permit 49150  
was suspended by a municipal court, the portion shall be deposited 49151  
into the municipal indigent drivers alcohol treatment fund under 49152  
the control of that court. 49153

(3) Expenditures from a county indigent drivers alcohol 49154  
treatment fund, a county juvenile indigent drivers alcohol 49155  
treatment fund, or a municipal indigent drivers alcohol treatment 49156  
fund shall be made only upon the order of a county, juvenile, or 49157  
municipal court judge and only for payment of the cost of an 49158  
assessment or the cost of the attendance at an alcohol and drug 49159  
addiction treatment program of a person who is convicted of, or 49160  
found to be a juvenile traffic offender by reason of, a violation 49161  
of division (A) of section 4511.19 of the Revised Code or a 49162  
substantially similar municipal ordinance, who is ordered by the 49163  
court to attend the alcohol and drug addiction treatment program, 49164  
and who is determined by the court to be unable to pay the cost of 49165  
the assessment or the cost of attendance at the treatment program 49166  
or for payment of the costs specified in division (H)(4) of this 49167  
section in accordance with that division. The alcohol and drug 49168  
addiction services board or the board of alcohol, drug addiction, 49169  
and mental health services established pursuant to section 340.02 49170  
or 340.021 of the Revised Code and serving the alcohol, drug 49171  
addiction, and mental health service district in which the court 49172  
is located shall administer the indigent drivers alcohol treatment 49173  
program of the court. When a court orders an offender or juvenile 49174  
traffic offender to obtain an assessment or attend an alcohol and 49175  
drug addiction treatment program, the board shall determine which 49176  
program is suitable to meet the needs of the offender or juvenile 49177  
traffic offender, and when a suitable program is located and space 49178

is available at the program, the offender or juvenile traffic 49179  
offender shall attend the program designated by the board. A 49180  
reasonable amount not to exceed five per cent of the amounts 49181  
credited to and deposited into the county indigent drivers alcohol 49182  
treatment fund, the county juvenile indigent drivers alcohol 49183  
treatment fund, or the municipal indigent drivers alcohol 49184  
treatment fund serving every court whose program is administered 49185  
by that board shall be paid to the board to cover the costs it 49186  
incurs in administering those indigent drivers alcohol treatment 49187  
programs. 49188

In addition, upon exhaustion of moneys in the indigent 49189  
drivers interlock and alcohol monitoring fund for the use of an 49190  
alcohol monitoring device, a county, juvenile, or municipal court 49191  
judge may use moneys in the county indigent drivers alcohol 49192  
treatment fund, county juvenile indigent drivers alcohol treatment 49193  
fund, or municipal indigent drivers alcohol treatment fund in the 49194  
following manners: 49195

(a) If the source of the moneys was an appropriation of the 49196  
general assembly, a portion of a fee that was paid under division 49197  
(F) of this section, a portion of a fine that was specified for 49198  
deposit into the fund by section 4511.193 of the Revised Code, or 49199  
a portion of a fine that was paid for a violation of section 49200  
4511.19 of the Revised Code or of a provision contained in Chapter 49201  
4510. of the Revised Code that was required to be deposited into 49202  
the fund, to pay for the continued use of an alcohol monitoring 49203  
device by an offender or juvenile traffic offender, in conjunction 49204  
with a treatment program approved by the department of alcohol and 49205  
drug addiction services, when such use is determined clinically 49206  
necessary by the treatment program and when the court determines 49207  
that the offender or juvenile traffic offender is unable to pay 49208  
all or part of the daily monitoring or cost of the device; 49209

(b) If the source of the moneys was a portion of an 49210

additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of alcohol and drug addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:

(a) Alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a

contributing factor leading to the criminal or delinquent activity 49243  
or the juvenile traffic offense with which the person is charged. 49244

(ii) The court determines that the person is unable to pay 49245  
the cost of the alcohol and drug abuse assessment and treatment 49246  
for which the surplus money will be used. 49247

(b) All or part of the cost of purchasing alcohol monitoring 49248  
devices to be used in conjunction with division (H)(3) of this 49249  
section, upon exhaustion of moneys in the indigent drivers 49250  
interlock and alcohol monitoring fund for the use of an alcohol 49251  
monitoring device. 49252

(5) For the purpose of determining as described in division 49253  
(F)(2)(c) of this section whether an offender does not have the 49254  
means to pay for the offender's attendance at an alcohol and drug 49255  
addiction treatment program or whether an alleged offender or 49256  
delinquent child is unable to pay the costs specified in division 49257  
(H)(4) of this section, the court shall use the indigent client 49258  
eligibility guidelines and the standards of indigency established 49259  
by the state public defender to make the determination. 49260

(6) The court shall identify and refer any alcohol and drug 49261  
addiction program that is not certified under section 3793.06 of 49262  
the Revised Code and that is interested in receiving amounts from 49263  
the surplus in the fund declared under division (H)(4) of this 49264  
section to the department of alcohol and drug addiction services 49265  
in order for the program to become a certified alcohol and drug 49266  
addiction program. The department shall keep a record of applicant 49267  
referrals received pursuant to this division and shall submit a 49268  
report on the referrals each year to the general assembly. If a 49269  
program interested in becoming certified makes an application to 49270  
become certified pursuant to section 3793.06 of the Revised Code, 49271  
the program is eligible to receive surplus funds as long as the 49272  
application is pending with the department. The department of 49273  
alcohol and drug addiction services must offer technical 49274

assistance to the applicant. If the interested program withdraws 49275  
the certification application, the department must notify the 49276  
court, and the court shall not provide the interested program with 49277  
any further surplus funds. 49278

(7)(a) Each alcohol and drug addiction services board and 49279  
board of alcohol, drug addiction, and mental health services 49280  
established pursuant to section 340.02 or 340.021 of the Revised 49281  
Code shall submit to the department of alcohol and drug addiction 49282  
services an annual report for each indigent drivers alcohol 49283  
treatment fund in that board's area. 49284

(b) The report, which shall be submitted not later than sixty 49285  
days after the end of the state fiscal year, shall provide the 49286  
total payment that was made from the fund, including the number of 49287  
indigent consumers that received treatment services and the number 49288  
of indigent consumers that received an alcohol monitoring device. 49289  
The report shall identify the treatment program and expenditure 49290  
for an alcohol monitoring device for which that payment was made. 49291  
The report shall include the fiscal year balance of each indigent 49292  
drivers alcohol treatment fund located in that board's area. In 49293  
the event that a surplus is declared in the fund pursuant to 49294  
division (H)(4) of this section, the report also shall provide the 49295  
total payment that was made from the surplus moneys and identify 49296  
the treatment program and expenditure for an alcohol monitoring 49297  
device for which that payment was made. The department may require 49298  
additional information necessary to complete the comprehensive 49299  
statewide alcohol and drug addiction services plan as required by 49300  
section 3793.04 of the Revised Code. 49301

(c) If a board is unable to obtain adequate information to 49302  
develop the report to submit to the department for a particular 49303  
indigent drivers alcohol treatment fund, the board shall submit a 49304  
report detailing the effort made in obtaining the information. 49305

(I)(1) Each county shall establish an indigent drivers 49306

interlock and alcohol monitoring fund and a juvenile indigent 49307  
drivers interlock and alcohol treatment fund, and each municipal 49308  
corporation in which there is a municipal court shall establish an 49309  
indigent drivers interlock and alcohol monitoring fund. All 49310  
revenue that the general assembly appropriates to the indigent 49311  
drivers interlock and alcohol monitoring fund for transfer to a 49312  
county indigent drivers interlock and alcohol monitoring fund, a 49313  
county juvenile indigent drivers interlock and alcohol monitoring 49314  
fund, or a municipal indigent drivers interlock and alcohol 49315  
monitoring fund, all portions of license reinstatement fees that 49316  
are paid under division (F)(2) of this section and that are 49317  
credited under that division to the indigent drivers interlock and 49318  
alcohol monitoring fund in the state treasury, and all portions of 49319  
fines that are paid under division (G) of section 4511.19 of the 49320  
Revised Code and that are credited by division (G)(5)(e) of that 49321  
section to the indigent drivers interlock and alcohol monitoring 49322  
fund in the state treasury shall be deposited in the appropriate 49323  
fund in accordance with division (I)(2) of this section. 49324

(2) That portion of the license reinstatement fee that is 49325  
paid under division (F) of this section and that portion of the 49326  
fine paid under division (G) of section 4511.19 of the Revised 49327  
Code and that is credited under either division to the indigent 49328  
drivers interlock and alcohol monitoring fund shall be deposited 49329  
into a county indigent drivers interlock and alcohol monitoring 49330  
fund, a county juvenile indigent drivers interlock and alcohol 49331  
monitoring fund, or a municipal indigent drivers interlock and 49332  
alcohol monitoring fund as follows: 49333

(a) If the fee or fine is paid by a person who was charged in 49334  
a county court with the violation that resulted in the suspension 49335  
or fine, the portion shall be deposited into the county indigent 49336  
drivers interlock and alcohol monitoring fund under the control of 49337  
that court. 49338

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

**Sec. 4511.78.** (A) As used in this section:

(1) "Mass transit system" means any county transit system, regional transit authority, regional transit commission, municipally owned transportation system, mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, and any common passenger carrier ~~certified by the public utilities commission~~, that provides transportation for children to or from a school session or a school function.

(2) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, but does not mean any school bus as defined in section 4511.01 of the Revised Code.

(B) Whenever a mass transit system transports children to or from a school session or school function, the mass transit system shall provide for:

(1) Periodic safety inspections of all buses used to provide transportation service. The inspections shall be based on rules adopted by the public utilities commission under Chapters 4921.

and 4923. of the Revised Code to ensure the safety of operation of 49369  
~~motor transportation companies and private~~ motor carriers. 49370

(2) The safety training of all drivers operating buses used 49371  
to provide transportation service; 49372

(3) The equipping of every bus with outside rear-view mirrors 49373  
meeting the motor carrier regulations for bus equipment adopted by 49374  
the federal highway administration. No exclusions from this 49375  
requirement granted under the federal regulations shall be 49376  
considered exclusions for the purposes of this division. 49377

(C) Except as otherwise provided in this division, whoever 49378  
violates this section is guilty of a minor misdemeanor. If, within 49379  
one year of the offense, the offender previously has been 49380  
convicted of or pleaded guilty to one predicate motor vehicle or 49381  
traffic offense, whoever violates this section is guilty of a 49382  
misdemeanor of the fourth degree. If, within one year of the 49383  
offense, the offender previously has been convicted of two or more 49384  
predicate motor vehicle or traffic offenses, whoever violates this 49385  
section is guilty of a misdemeanor of the third degree. 49386

**Sec. 4513.263.** (A) As used in this section and in section 49387  
4513.99 of the Revised Code: 49388

(1) "Automobile" means any commercial tractor, passenger car, 49389  
commercial car, or truck that is required to be factory-equipped 49390  
with an occupant restraining device for the operator or any 49391  
passenger by regulations adopted by the United States secretary of 49392  
transportation pursuant to the "National Traffic and Motor Vehicle 49393  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 49394

(2) "Occupant restraining device" means a seat safety belt, 49395  
shoulder belt, harness, or other safety device for restraining a 49396  
person who is an operator of or passenger in an automobile and 49397  
that satisfies the minimum federal vehicle safety standards 49398



established by the United States department of transportation. 49399

(3) "Passenger" means any person in an automobile, other than 49400  
its operator, who is occupying a seating position for which an 49401  
occupant restraining device is provided. 49402

(4) "Commercial tractor," "passenger car," and "commercial 49403  
car" have the same meanings as in section 4501.01 of the Revised 49404  
Code. 49405

(5) "Vehicle" and "motor vehicle," as used in the definitions 49406  
of the terms set forth in division (A)(4) of this section, have 49407  
the same meanings as in section 4511.01 of the Revised Code. 49408

(6) "Tort action" means a civil action for damages for 49409  
injury, death, or loss to person or property. "Tort action" 49410  
includes a product liability claim, as defined in section 2307.71 49411  
of the Revised Code, and an asbestos claim, as defined in section 49412  
2307.91 of the Revised Code, but does not include a civil action 49413  
for damages for breach of contract or another agreement between 49414  
persons. 49415

(B) No person shall do any of the following: 49416

(1) Operate an automobile on any street or highway unless 49417  
that person is wearing all of the available elements of a properly 49418  
adjusted occupant restraining device, or operate a school bus that 49419  
has an occupant restraining device installed for use in its 49420  
operator's seat unless that person is wearing all of the available 49421  
elements of the device, as properly adjusted; 49422

(2) Operate an automobile on any street or highway unless 49423  
each passenger in the automobile who is subject to the requirement 49424  
set forth in division (B)(3) of this section is wearing all of the 49425  
available elements of a properly adjusted occupant restraining 49426  
device; 49427

(3) Occupy, as a passenger, a seating position on the front 49428

seat of an automobile being operated on any street or highway 49429  
unless that person is wearing all of the available elements of a 49430  
properly adjusted occupant restraining device; 49431

(4) Operate a taxicab on any street or highway unless all 49432  
factory-equipped occupant restraining devices in the taxicab are 49433  
maintained in usable form. 49434

(C) Division (B)(3) of this section does not apply to a 49435  
person who is required by section 4511.81 of the Revised Code to 49436  
be secured in a child restraint device or booster seat. Division 49437  
(B)(1) of this section does not apply to a person who is an 49438  
employee of the United States postal service or of a newspaper 49439  
home delivery service, during any period in which the person is 49440  
engaged in the operation of an automobile to deliver mail or 49441  
newspapers to addressees. Divisions (B)(1) and (3) of this section 49442  
do not apply to a person who has an affidavit signed by a 49443  
physician licensed to practice in this state under Chapter 4731. 49444  
of the Revised Code or a chiropractor licensed to practice in this 49445  
state under Chapter 4734. of the Revised Code that states that the 49446  
person has a physical impairment that makes use of an occupant 49447  
restraining device impossible or impractical. 49448

(D) Notwithstanding any provision of law to the contrary, no 49449  
law enforcement officer shall cause an operator of an automobile 49450  
being operated on any street or highway to stop the automobile for 49451  
the sole purpose of determining whether a violation of division 49452  
(B) of this section has been or is being committed or for the sole 49453  
purpose of issuing a ticket, citation, or summons for a violation 49454  
of that nature or causing the arrest of or commencing a 49455  
prosecution of a person for a violation of that nature, and no law 49456  
enforcement officer shall view the interior or visually inspect 49457  
any automobile being operated on any street or highway for the 49458  
sole purpose of determining whether a violation of that nature has 49459  
been or is being committed. 49460

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit as follows:

~~(1) Eight per cent shall be deposited into the elementary school program fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish and administer elementary school programs that encourage seat safety belt use.~~

~~(2) Two per cent shall be deposited into the occupational licensing and regulatory fund created by section 4743.05 of the Revised Code.~~

~~(3) Thirty six per cent, plus into the state treasury to the credit of the trauma and emergency medical services fund, which is hereby created. In addition, sixty cents of each fee collected under sections 4501.34, 4503.26, 4505.14, 4506.08, and 4509.05, plus on and after October 1, 2009, sixty cents of each fee collected under sections 4505.14 and 4519.63 of the Revised Code as specified in those sections, plus the portion of the driver's license reinstatement fee described in division (F)(2)(g) of section 4511.191 of the Revised Code, plus all fees collected under section 4765.11 of the Revised Code, plus all fines imposed under section 4765.55 of the Revised Code, and plus five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code, also shall be deposited into the trauma and emergency medical services fund, which is hereby created in the state treasury, and. All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and transportation services, except~~

~~that the and by the state board of emergency medical, fire, and 49493  
transportation services to make grants, in accordance with section 49494  
4765.07 of the Revised Code and rules the board adopts under 49495  
section 4765.11 of the Revised Code. The director of budget and 49496  
management may transfer excess money from the trauma and emergency 49497  
medical services fund to the state highway safety fund if the 49498  
director of public safety determines that the amount of money in 49499  
the trauma and emergency medical services fund exceeds the amount 49500  
required to cover such costs incurred by the emergency medical 49501  
services agency and the grants made by the state board of 49502  
emergency medical, fire, and transportation services and requests 49503  
the director of budget and management to make the transfer. 49504~~

~~(4) Fifty four per cent shall be deposited into the trauma 49505  
and emergency medical services grants fund, which is hereby 49506  
created in the state treasury, and shall be used by the state 49507  
board of emergency medical services to make grants, in accordance 49508  
with section 4765.07 of the Revised Code and rules the board 49509  
adopts under section 4765.11 of the Revised Code. 49510~~

(F)(1) Subject to division (F)(2) of this section, the 49511  
failure of a person to wear all of the available elements of a 49512  
properly adjusted occupant restraining device in violation of 49513  
division (B)(1) or (3) of this section or the failure of a person 49514  
to ensure that each minor who is a passenger of an automobile 49515  
being operated by that person is wearing all of the available 49516  
elements of a properly adjusted occupant restraining device in 49517  
violation of division (B)(2) of this section shall not be 49518  
considered or used by the trier of fact in a tort action as 49519  
evidence of negligence or contributory negligence. But, the trier 49520  
of fact may determine based on evidence admitted consistent with 49521  
the Ohio Rules of Evidence that the failure contributed to the 49522  
harm alleged in the tort action and may diminish a recovery of 49523  
compensatory damages that represents noneconomic loss, as defined 49524

in section 2307.011 of the Revised Code, in a tort action that 49525  
could have been recovered but for the plaintiff's failure to wear 49526  
all of the available elements of a properly adjusted occupant 49527  
restraining device. Evidence of that failure shall not be used as 49528  
a basis for a criminal prosecution of the person other than a 49529  
prosecution for a violation of this section; and shall not be 49530  
admissible as evidence in a criminal action involving the person 49531  
other than a prosecution for a violation of this section. 49532

(2) If, at the time of an accident involving a passenger car 49533  
equipped with occupant restraining devices, any occupant of the 49534  
passenger car who sustained injury or death was not wearing an 49535  
available occupant restraining device, was not wearing all of the 49536  
available elements of such a device, or was not wearing such a 49537  
device as properly adjusted, then, consistent with the Rules of 49538  
Evidence, the fact that the occupant was not wearing the available 49539  
occupant restraining device, was not wearing all of the available 49540  
elements of such a device, or was not wearing such a device as 49541  
properly adjusted is admissible in evidence in relation to any 49542  
claim for relief in a tort action to the extent that the claim for 49543  
relief satisfies all of the following: 49544

(a) It seeks to recover damages for injury or death to the 49545  
occupant. 49546

(b) The defendant in question is the manufacturer, designer, 49547  
distributor, or seller of the passenger car. 49548

(c) The claim for relief against the defendant in question is 49549  
that the injury or death sustained by the occupant was enhanced or 49550  
aggravated by some design defect in the passenger car or that the 49551  
passenger car was not crashworthy. 49552

(G)(1) Whoever violates division (B)(1) of this section shall 49553  
be fined thirty dollars. 49554

(2) Whoever violates division (B)(3) of this section shall be 49555

fined twenty dollars. 49556

(3) Except as otherwise provided in this division, whoever 49557  
violates division (B)(4) of this section is guilty of a minor 49558  
misdemeanor. If the offender previously has been convicted of or 49559  
pleaded guilty to a violation of division (B)(4) of this section, 49560  
whoever violates division (B)(4) of this section is guilty of a 49561  
misdemeanor of the third degree. 49562

**Sec. 4513.50.** As used in sections 4513.50 to 4513.53 of the 49563  
Revised Code: 49564

(A)(1) "Bus" means any vehicle used for the transportation of 49565  
passengers that meets at least one of the following: 49566

(a) Was originally designed by the manufacturer to transport 49567  
more than fifteen passengers, including the driver; 49568

(b) Either the gross vehicle weight rating or the gross 49569  
vehicle weight exceeds ten thousand pounds. 49570

(2) "Bus" does not include a church bus as defined in section 49571  
4503.07 of the Revised Code or a school bus unless the church bus 49572  
or school bus is used in the transportation of passengers ~~for hire~~ 49573  
by a motor ~~transportation company or a common~~ carrier by motor 49574  
~~vehicle or by a private motor carrier or contract carrier by motor~~ 49575  
~~vehicle.~~ 49576

(3) "Bus" also does not include any of the following: 49577

(a) Any vehicle operated exclusively on a rail or rails; 49578

(b) A trolley bus operated by electric power derived from a 49579  
fixed overhead wire furnishing local passenger transportation 49580  
similar to street-railway service; 49581

(c) Vehicles owned or leased by government agencies or 49582  
political subdivisions. 49583

(B)(1) ~~"Motor transportation company" and "common carrier by~~ 49584

~~motor vehicle~~" have has the same meanings ~~meanings~~ meaning as in section 4921.02 ~~4923.01~~ of the Revised Code. 49585  
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~~(2) "Private motor carrier" and "contract carrier by motor vehicle" have the same meanings as in section 4923.02 of the Revised Code.~~ 49587  
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**Sec. 4730.06.** (A) The physician assistant policy committee of 49590  
the state medical board shall review, and shall submit to the 49591  
board recommendations concerning, all of the following: 49592

(1) Requirements for issuance of certificates to practice as 49593  
a physician assistant, including the educational requirements that 49594  
must be met to receive a certificate to practice; 49595

(2) Existing and proposed rules pertaining to the practice of 49596  
physician assistants, the supervisory relationship between 49597  
physician assistants and supervising physicians, and the 49598  
administration and enforcement of this chapter; 49599

(3) ~~Physician-delegated~~ In accordance with section 4730.38 of 49600  
the Revised Code, physician-delegated prescriptive authority for 49601  
physician assistants, ~~in accordance with~~ and proposed changes to 49602  
the physician assistant formulary the board adopts pursuant to 49603  
division (A)(1) of section 4730.38 4730.39 of the Revised Code; 49604

(4) Application procedures and forms for certificates to 49605  
practice as a physician assistant, physician supervisory plans, 49606  
and supervision agreements; 49607

(5) Fees required by this chapter for issuance and renewal of 49608  
certificates to practice as a physician assistant; 49609

(6) Criteria to be included in applications submitted to the 49610  
board for approval of physician supervisory plans, including 49611  
criteria to be included in applications for approval to delegate 49612  
to physician assistants the performance of special services; 49613

(7) Criteria to be included in supervision agreements 49614

submitted to the board for approval and renewal of the board's approval; 49615  
49616

(8) Any issue the board asks the committee to consider. 49617

(B) In addition to the matters that are required to be reviewed under division (A) of this section, the committee may review, and may submit to the board recommendations concerning, either or both of the following: 49618  
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(1) Quality assurance activities to be performed by a supervising physician and physician assistant under a quality assurance system established pursuant to division (F) of section 4730.21 of the Revised Code; 49622  
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(2) The development and approval of one or more model physician supervisory plans and one or more models for a special services portion of the one or more model physician supervisory plans. The committee may submit recommendations for model plans that reflect various medical specialties. 49626  
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(C) The board shall take into consideration all recommendations submitted by the committee. Not later than ninety days after receiving a recommendation from the committee, the board shall approve or disapprove the recommendation and notify the committee of its decision. If a recommendation is disapproved, the board shall inform the committee of its reasons for making that decision. The committee may resubmit the recommendation after addressing the concerns expressed by the board and modifying the disapproved recommendation accordingly. Not later than ninety days after receiving a resubmitted recommendation, the board shall approve or disapprove the recommendation. There is no limit on the number of times the committee may resubmit a recommendation for consideration by the board. 49631  
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(D)(1) Except as provided in division (D)(2) of this section, the board may not take action regarding a matter that is subject 49644  
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to the committee's review under division (A) or (B) of this 49646  
section unless the committee has made a recommendation to the 49647  
board concerning the matter. 49648

(2) If the board submits to the committee a request for a 49649  
recommendation regarding a matter that is subject to the 49650  
committee's review under division (A) or (B) of this section, and 49651  
the committee does not provide a recommendation before the 49652  
sixty-first day after the request is submitted, the board may take 49653  
action regarding the matter without a recommendation. 49654

**Sec. 4730.38.** (A) ~~Not later than six months after the~~ 49655  
~~effective date~~ Except as provided in division (B) of this section, 49656  
the physician assistant policy committee of the state medical 49657  
board shall, at such times the committee determines to be 49658  
necessary, submit to the board ~~its initial~~ recommendations 49659  
regarding physician-delegated prescriptive authority for physician 49660  
assistants. The committee's recommendations shall address all both 49661  
of the following: 49662

(1) Policy and procedures regarding physician-delegated 49663  
prescriptive authority, including the issuance of certificates to 49664  
prescribe under this chapter; 49665

(2) ~~Subject to the limitations specified in section 4730.40~~ 49666  
~~of the Revised Code, a formulary listing the drugs and therapeutic~~ 49667  
~~devices by class and specific nomenclature that a supervising~~ 49668  
~~physician may include in the physician-delegated prescriptive~~ 49669  
~~authority granted to a physician assistant who holds a certificate~~ 49670  
~~to prescribe issued under this chapter;~~ 49671

~~(3)~~ Any issue the committee considers necessary to assist the 49672  
board in fulfilling its duty to adopt rules governing 49673  
physician-delegated prescriptive authority, including the issuance 49674  
of certificates to prescribe. 49675

(B) ~~After the board's adoption of initial rules under section 4730.39 of the Revised Code, the committee shall conduct an annual review of its recommendations regarding physician-delegated prescriptive authority. Based on its review, the committee shall submit recommendations to the board as the committee considers necessary. Not less than every six months beginning on the first day of June following the effective date of this amendment, the committee shall review the physician assistant formulary the board adopts pursuant to division (A)(1) of section 4730.39 of the Revised Code and, to the extent it determines to be necessary, submit recommendations proposing changes to the formulary.~~ 49676  
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(C) Recommendations submitted under this section are subject to the procedures and time frames specified in division (C) of section 4730.06 of the Revised Code. 49687  
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**Sec. 4730.39.** (A) ~~Not later than six months after receiving the initial recommendations of the physician assistant policy committee submitted pursuant to division (A) of section 4730.38 of the Revised Code, the~~ The state medical board shall adopt do both of the following: 49690  
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(1) Adopt a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe under this chapter; 49695  
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(2) Adopt rules governing physician-delegated prescriptive authority for physician assistants, including the issuance of certificates to prescribe under this chapter. ~~The~~ 49700  
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(B) The board's rules governing physician-delegated prescriptive authority adopted pursuant to division (A)(2) of this section shall be adopted in accordance with Chapter 119. of the Revised Code and shall establish all of the following: 49703  
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~~(1) Subject to the limitations specified in section 4730.40 of the Revised Code, a formulary listing the drugs and therapeutic devices by class and specific generic nomenclature that a physician may include in the physician-delegated prescriptive authority granted to a physician assistant who holds a certificate to prescribe under this chapter;~~

~~(2) Requirements regarding the pharmacology courses that a physician assistant is required to complete to receive a certificate to prescribe;~~

~~(3)(2) Standards and procedures for the issuance and renewal of certificates to prescribe to physician assistants;~~

~~(4)(3) Standards and procedures for the appropriate conduct of the provisional period that a physician assistant is required to complete pursuant to section 4730.45 of the Revised Code and for determining whether a physician assistant has successfully completed the provisional period;~~

~~(5)(4) A specific prohibition against prescribing any drug or device to perform or induce an abortion;~~

~~(6)(5) Standards and procedures to be followed by a physician assistant in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under section 4730.43 of the Revised Code;~~

~~(7)(6) Any other requirements the board considers necessary to implement the provisions of this chapter regarding physician-delegated prescriptive authority and the issuance of certificates to prescribe.~~

~~(B)(C)(1) After adopting the initial rules considering recommendations submitted by the physician assistant policy committee pursuant to sections 4730.06 and 4730.38 of the Revised Code, the board shall conduct an annual review either or both of the rules. Based following, as appropriate according to the~~

submitted recommendations: 49738

(a) The formulary the board adopts under division (A)(1) of this section; 49739  
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(b) The rules the board adopts under division (A)(2) of this section regarding physician-delegated prescriptive authority. 49741  
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(2) Based on its review, the board shall make any necessary 49743  
modifications to the formulary or rules. 49744

~~(C) All rules adopted under this section shall be adopted in 49745  
accordance with Chapter 119. of the Revised Code. When adopting 49746  
the initial rules, the board shall consider the recommendations of 49747  
the physician assistant policy committee submitted pursuant to 49748  
division (A) of section 4730.38 of the Revised Code. When making 49749  
any modifications to the rules subsequent to its annual review of 49750  
the rules, the board shall consider the committee's 49751  
recommendations submitted pursuant to division (B) of section 49752  
4730.38 of the Revised Code. 49753~~

**Sec. 4730.40.** (A) Subject to ~~divisions~~ division (B) and ~~(C)~~ 49754  
of this section, the physician assistant formulary ~~established~~ 49755  
adopted by the state medical board ~~in rules adopted~~ under section 49756  
4730.39 of the Revised Code ~~listing the drugs and therapeutic~~ 49757  
~~devices by class and specific nomenclature that a supervising~~ 49758  
~~physician may include in the physician delegated prescriptive~~ 49759  
~~authority granted to a physician assistant who holds a certificate~~ 49760  
~~to prescribe issued under this chapter~~ may include any or all of 49761  
the following drugs: 49762

(1) Schedule II, III, IV, and V controlled substances; 49763

(2) Drugs that under state or federal law may be dispensed 49764  
only pursuant to a prescription by a licensed health professional 49765  
authorized to prescribe drugs, as defined in section 4729.01 of 49766  
the Revised Code; 49767

(3) Any drug that is not a dangerous drug, as defined in section 4729.01 of the Revised Code. 49768  
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(B) The formulary ~~established in the board's rules adopted by the board~~ shall not include, and shall specify that it does not include, ~~the following:~~ 49770  
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~~(1) Any schedule II controlled substance;~~ 49773

~~(2) Any any drug or device used to perform or induce an abortion.~~ 49774  
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~~(C) When adopting rules establishing the initial formulary, the board shall include provisions ensuring that a physician assistant who holds a certificate to prescribe issued under this chapter may be granted physician-delegated prescriptive authority for all drugs and therapeutic devices that may be prescribed on the effective date of the rules by a holder of a certificate to prescribe issued by the board of nursing under Chapter 4723. of the Revised Code, with the exception of schedule II controlled substances. To the extent permitted by division (A) of this section, the initial formulary may include additional drugs or therapeutic devices.~~ 49776  
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**Sec. 4730.41.** (A) A certificate to prescribe issued under this chapter authorizes a physician assistant to prescribe and personally furnish drugs and therapeutic devices in the exercise of physician-delegated prescriptive authority. 49787  
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(B) In exercising physician-delegated prescriptive authority, a physician assistant is subject to all of the following: 49791  
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(1) The physician assistant shall exercise physician-delegated prescriptive authority only to the extent that the physician supervising the physician assistant has granted that authority. 49793  
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(2) The physician assistant shall comply with all conditions 49797

placed on the physician-delegated prescriptive authority, as 49798  
specified by the supervising physician who is supervising the 49799  
physician assistant in the exercise of physician-delegated 49800  
prescriptive authority. 49801

(3) If the physician assistant possesses physician-delegated 49802  
prescriptive authority for controlled substances, the physician 49803  
assistant shall register with the federal drug enforcement 49804  
administration. 49805

(4) If the physician assistant possesses physician-delegated 49806  
prescriptive authority for schedule II controlled substances, the 49807  
physician assistant shall comply with section 4730.411 of the 49808  
Revised Code. 49809

Sec. 4730.411. (A) Except as provided in division (B) or (C) 49810  
of this section, a physician assistant may prescribe to a patient 49811  
a schedule II controlled substance only if all of the following 49812  
are the case: 49813

(1) The patient is in a terminal condition, as defined in 49814  
section 2133.01 of the Revised Code. 49815

(2) The physician assistant's supervising physician initially 49816  
prescribed the substance for the patient. 49817

(3) The prescription is for an amount that does not exceed 49818  
the amount necessary for the patient's use in a single, 49819  
twenty-four-hour period. 49820

(B) The restrictions on prescriptive authority in division 49821  
(A) of this section do not apply if a physician assistant issues 49822  
the prescription to the patient from any of the following 49823  
locations: 49824

(1) A hospital registered under section 3701.07 of the 49825  
Revised Code; 49826

(2) An entity owned or controlled, in whole or in part, by a 49827

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| <u>hospital or by an entity that owns or controls, in whole or in</u>     | 49828 |
| <u>part, one or more hospitals;</u>                                       | 49829 |
| <u>(3) A health care facility operated by the department of</u>           | 49830 |
| <u>mental health or the department of developmental disabilities;</u>     | 49831 |
| <u>(4) A nursing home licensed under section 3721.02 of the</u>           | 49832 |
| <u>Revised Code or by a political subdivision certified under section</u> | 49833 |
| <u>3721.09 of the Revised Code;</u>                                       | 49834 |
| <u>(5) A county home or district home operated under Chapter</u>          | 49835 |
| <u>5155. of the Revised Code that is certified under the medicare or</u>  | 49836 |
| <u>medicaid program;</u>                                                  | 49837 |
| <u>(6) A hospice care program, as defined in section 3712.01 of</u>       | 49838 |
| <u>the Revised Code;</u>                                                  | 49839 |
| <u>(7) A community mental health agency, as defined in section</u>        | 49840 |
| <u>5122.01 of the Revised Code;</u>                                       | 49841 |
| <u>(8) An ambulatory surgical facility, as defined in section</u>         | 49842 |
| <u>3702.30 of the Revised Code;</u>                                       | 49843 |
| <u>(9) A freestanding birthing center, as defined in section</u>          | 49844 |
| <u>3702.51 of the Revised Code;</u>                                       | 49845 |
| <u>(10) A federally qualified health center, as defined in</u>            | 49846 |
| <u>section 3701.047 of the Revised Code;</u>                              | 49847 |
| <u>(11) A federally qualified health center look-alike, as</u>            | 49848 |
| <u>defined in section 3701.047 of the Revised Code;</u>                   | 49849 |
| <u>(12) A health care office or facility operated by the board</u>        | 49850 |
| <u>of health of a city or general health district or the authority</u>    | 49851 |
| <u>having the duties of a board of health under section 3709.05 of</u>    | 49852 |
| <u>the Revised Code;</u>                                                  | 49853 |
| <u>(13) A site where a medical practice is operated, but only if</u>      | 49854 |
| <u>the practice is comprised of one or more physicians who also are</u>   | 49855 |
| <u>owners of the practice; the practice is organized to provide</u>       | 49856 |
| <u>direct patient care; and the physician assistant has entered into</u>  | 49857 |

a supervisory agreement with at least one of the physician owners 49858  
who practices primarily at that site. 49859

(C) A physician assistant shall not issue to a patient a 49860  
prescription for a schedule II controlled substance from a 49861  
convenience care clinic even if the convenience care clinic is 49862  
owned or operated by an entity specified in division (B) of this 49863  
section. 49864

(D) A pharmacist who acts in good faith reliance on a 49865  
prescription issued by a physician assistant under division (B) of 49866  
this section is not liable for or subject to any of the following 49867  
for relying on the prescription: damages in any civil action, 49868  
prosecution in any criminal proceeding, or professional 49869  
disciplinary action by the state board of pharmacy under Chapter 49870  
4729. of the Revised Code. 49871

**Sec. 4730.42.** (A) In granting physician-delegated 49872  
prescriptive authority to a particular physician assistant who 49873  
holds a certificate to prescribe issued under this chapter, the 49874  
supervising physician is subject to all of the following: 49875

(1) The supervising physician shall not grant 49876  
physician-delegated prescriptive authority for any drug or 49877  
therapeutic device that is not listed on the physician assistant 49878  
formulary ~~established in rules~~ adopted under section 4730.39 of 49879  
the Revised Code as a drug or therapeutic device that may be 49880  
included in the physician-delegated prescriptive authority granted 49881  
to a physician assistant. 49882

(2) The supervising physician shall not grant 49883  
physician-delegated prescriptive authority for any drug or device 49884  
that may be used to perform or induce an abortion. 49885

(3) The supervising physician shall not grant 49886  
physician-delegated prescriptive authority in a manner that 49887



exceeds the supervising physician's prescriptive authority. 49888

(4) The supervising physician shall supervise the physician 49889  
assistant in accordance with all of the following: 49890

(a) The supervision requirements specified in section 4730.21 49891  
of the Revised Code and, in the case of supervision provided 49892  
during a provisional period of physician-delegated prescriptive 49893  
authority, the supervision requirements specified in section 49894  
4730.45 of the Revised Code; 49895

(b) The physician supervisory plan approved for the 49896  
supervising physician or the policies of the health care facility 49897  
in which the physician and physician assistant are practicing; 49898

(c) The supervision agreement approved under section 4730.19 49899  
of the Revised Code that applies to the supervising physician and 49900  
the physician assistant. 49901

(B)(1) The supervising physician of a physician assistant may 49902  
place conditions on the physician-delegated prescriptive authority 49903  
granted to the physician assistant. If conditions are placed on 49904  
that authority, the supervising physician shall maintain a written 49905  
record of the conditions and make the record available to the 49906  
state medical board on request. 49907

(2) The conditions that a supervising physician may place on 49908  
the physician-delegated prescriptive authority granted to a 49909  
physician assistant include the following: 49910

(a) Identification by class and specific generic nomenclature 49911  
of drugs and therapeutic devices that the physician chooses not to 49912  
permit the physician assistant to prescribe; 49913

(b) Limitations on the dosage units or refills that the 49914  
physician assistant is authorized to prescribe; 49915

(c) Specification of circumstances under which the physician 49916  
assistant is required to refer patients to the supervising 49917

physician or another physician when exercising physician-delegated prescriptive authority; 49918  
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(d) Responsibilities to be fulfilled by the physician in supervising the physician assistant that are not otherwise specified in the physician supervisory plan or otherwise required by this chapter. 49920  
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**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board. 49924  
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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons: 49932  
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(1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given; 49938  
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(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; 49942  
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(3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate 49946  
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therapeutic purposes or a plea of guilty to, a judicial finding of 49948  
guilt of, or a judicial finding of eligibility for intervention in 49949  
lieu of conviction of, a violation of any federal or state law 49950  
regulating the possession, distribution, or use of any drug; 49951

(4) Willfully betraying a professional confidence. 49952

For purposes of this division, "willfully betraying a 49953  
professional confidence" does not include providing any 49954  
information, documents, or reports to a child fatality review 49955  
board under sections 307.621 to 307.629 of the Revised Code and 49956  
does not include the making of a report of an employee's use of a 49957  
drug of abuse, or a report of a condition of an employee other 49958  
than one involving the use of a drug of abuse, to the employer of 49959  
the employee as described in division (B) of section 2305.33 of 49960  
the Revised Code. Nothing in this division affects the immunity 49961  
from civil liability conferred by that section upon a physician 49962  
who makes either type of report in accordance with division (B) of 49963  
that section. As used in this division, "employee," "employer," 49964  
and "physician" have the same meanings as in section 2305.33 of 49965  
the Revised Code. 49966

(5) Making a false, fraudulent, deceptive, or misleading 49967  
statement in the solicitation of or advertising for patients; in 49968  
relation to the practice of medicine and surgery, osteopathic 49969  
medicine and surgery, podiatric medicine and surgery, or a limited 49970  
branch of medicine; or in securing or attempting to secure any 49971  
certificate to practice or certificate of registration issued by 49972  
the board. 49973

As used in this division, "false, fraudulent, deceptive, or 49974  
misleading statement" means a statement that includes a 49975  
misrepresentation of fact, is likely to mislead or deceive because 49976  
of a failure to disclose material facts, is intended or is likely 49977  
to create false or unjustified expectations of favorable results, 49978  
or includes representations or implications that in reasonable 49979

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| probability will cause an ordinarily prudent person to             | 49980 |
| misunderstand or be deceived.                                      | 49981 |
| (6) A departure from, or the failure to conform to, minimal        | 49982 |
| standards of care of similar practitioners under the same or       | 49983 |
| similar circumstances, whether or not actual injury to a patient   | 49984 |
| is established;                                                    | 49985 |
| (7) Representing, with the purpose of obtaining compensation       | 49986 |
| or other advantage as personal gain or for any other person, that  | 49987 |
| an incurable disease or injury, or other incurable condition, can  | 49988 |
| be permanently cured;                                              | 49989 |
| (8) The obtaining of, or attempting to obtain, money or            | 49990 |
| anything of value by fraudulent misrepresentations in the course   | 49991 |
| of practice;                                                       | 49992 |
| (9) A plea of guilty to, a judicial finding of guilt of, or a      | 49993 |
| judicial finding of eligibility for intervention in lieu of        | 49994 |
| conviction for, a felony;                                          | 49995 |
| (10) Commission of an act that constitutes a felony in this        | 49996 |
| state, regardless of the jurisdiction in which the act was         | 49997 |
| committed;                                                         | 49998 |
| (11) A plea of guilty to, a judicial finding of guilt of, or       | 49999 |
| a judicial finding of eligibility for intervention in lieu of      | 50000 |
| conviction for, a misdemeanor committed in the course of practice; | 50001 |
| (12) Commission of an act in the course of practice that           | 50002 |
| constitutes a misdemeanor in this state, regardless of the         | 50003 |
| jurisdiction in which the act was committed;                       | 50004 |
| (13) A plea of guilty to, a judicial finding of guilt of, or       | 50005 |
| a judicial finding of eligibility for intervention in lieu of      | 50006 |
| conviction for, a misdemeanor involving moral turpitude;           | 50007 |
| (14) Commission of an act involving moral turpitude that           | 50008 |
| constitutes a misdemeanor in this state, regardless of the         | 50009 |

jurisdiction in which the act was committed; 50010

(15) Violation of the conditions of limitation placed by the 50011  
board upon a certificate to practice; 50012

(16) Failure to pay license renewal fees specified in this 50013  
chapter; 50014

(17) Except as authorized in section 4731.31 of the Revised 50015  
Code, engaging in the division of fees for referral of patients, 50016  
or the receiving of a thing of value in return for a specific 50017  
referral of a patient to utilize a particular service or business; 50018

(18) Subject to section 4731.226 of the Revised Code, 50019  
violation of any provision of a code of ethics of the American 50020  
medical association, the American osteopathic association, the 50021  
American podiatric medical association, or any other national 50022  
professional organizations that the board specifies by rule. The 50023  
state medical board shall obtain and keep on file current copies 50024  
of the codes of ethics of the various national professional 50025  
organizations. The individual whose certificate is being suspended 50026  
or revoked shall not be found to have violated any provision of a 50027  
code of ethics of an organization not appropriate to the 50028  
individual's profession. 50029

For purposes of this division, a "provision of a code of 50030  
ethics of a national professional organization" does not include 50031  
any provision that would preclude the making of a report by a 50032  
physician of an employee's use of a drug of abuse, or of a 50033  
condition of an employee other than one involving the use of a 50034  
drug of abuse, to the employer of the employee as described in 50035  
division (B) of section 2305.33 of the Revised Code. Nothing in 50036  
this division affects the immunity from civil liability conferred 50037  
by that section upon a physician who makes either type of report 50038  
in accordance with division (B) of that section. As used in this 50039  
division, "employee," "employer," and "physician" have the same 50040

meanings as in section 2305.33 of the Revised Code. 50041

(19) Inability to practice according to acceptable and 50042  
prevailing standards of care by reason of mental illness or 50043  
physical illness, including, but not limited to, physical 50044  
deterioration that adversely affects cognitive, motor, or 50045  
perceptive skills. 50046

In enforcing this division, the board, upon a showing of a 50047  
possible violation, may compel any individual authorized to 50048  
practice by this chapter or who has submitted an application 50049  
pursuant to this chapter to submit to a mental examination, 50050  
physical examination, including an HIV test, or both a mental and 50051  
a physical examination. The expense of the examination is the 50052  
responsibility of the individual compelled to be examined. Failure 50053  
to submit to a mental or physical examination or consent to an HIV 50054  
test ordered by the board constitutes an admission of the 50055  
allegations against the individual unless the failure is due to 50056  
circumstances beyond the individual's control, and a default and 50057  
final order may be entered without the taking of testimony or 50058  
presentation of evidence. If the board finds an individual unable 50059  
to practice because of the reasons set forth in this division, the 50060  
board shall require the individual to submit to care, counseling, 50061  
or treatment by physicians approved or designated by the board, as 50062  
a condition for initial, continued, reinstated, or renewed 50063  
authority to practice. An individual affected under this division 50064  
shall be afforded an opportunity to demonstrate to the board the 50065  
ability to resume practice in compliance with acceptable and 50066  
prevailing standards under the provisions of the individual's 50067  
certificate. For the purpose of this division, any individual who 50068  
applies for or receives a certificate to practice under this 50069  
chapter accepts the privilege of practicing in this state and, by 50070  
so doing, shall be deemed to have given consent to submit to a 50071  
mental or physical examination when directed to do so in writing 50072

by the board, and to have waived all objections to the 50073  
admissibility of testimony or examination reports that constitute 50074  
a privileged communication. 50075

(20) Except when civil penalties are imposed under section 50076  
4731.225 or 4731.281 of the Revised Code, and subject to section 50077  
4731.226 of the Revised Code, violating or attempting to violate, 50078  
directly or indirectly, or assisting in or abetting the violation 50079  
of, or conspiring to violate, any provisions of this chapter or 50080  
any rule promulgated by the board. 50081

This division does not apply to a violation or attempted 50082  
violation of, assisting in or abetting the violation of, or a 50083  
conspiracy to violate, any provision of this chapter or any rule 50084  
adopted by the board that would preclude the making of a report by 50085  
a physician of an employee's use of a drug of abuse, or of a 50086  
condition of an employee other than one involving the use of a 50087  
drug of abuse, to the employer of the employee as described in 50088  
division (B) of section 2305.33 of the Revised Code. Nothing in 50089  
this division affects the immunity from civil liability conferred 50090  
by that section upon a physician who makes either type of report 50091  
in accordance with division (B) of that section. As used in this 50092  
division, "employee," "employer," and "physician" have the same 50093  
meanings as in section 2305.33 of the Revised Code. 50094

(21) The violation of section 3701.79 of the Revised Code or 50095  
of any abortion rule adopted by the ~~public~~ director of health 50096  
~~council~~ pursuant to section 3701.341 of the Revised Code; 50097

(22) Any of the following actions taken by an agency 50098  
responsible for authorizing, certifying, or regulating an 50099  
individual to practice a health care occupation or provide health 50100  
care services in this state or another jurisdiction, for any 50101  
reason other than the nonpayment of fees: the limitation, 50102  
revocation, or suspension of an individual's license to practice; 50103  
acceptance of an individual's license surrender; denial of a 50104

license; refusal to renew or reinstate a license; imposition of 50105  
probation; or issuance of an order of censure or other reprimand; 50106

(23) The violation of section 2919.12 of the Revised Code or 50107  
the performance or inducement of an abortion upon a pregnant woman 50108  
with actual knowledge that the conditions specified in division 50109  
(B) of section 2317.56 of the Revised Code have not been satisfied 50110  
or with a heedless indifference as to whether those conditions 50111  
have been satisfied, unless an affirmative defense as specified in 50112  
division (H)(2) of that section would apply in a civil action 50113  
authorized by division (H)(1) of that section; 50114

(24) The revocation, suspension, restriction, reduction, or 50115  
termination of clinical privileges by the United States department 50116  
of defense or department of veterans affairs or the termination or 50117  
suspension of a certificate of registration to prescribe drugs by 50118  
the drug enforcement administration of the United States 50119  
department of justice; 50120

(25) Termination or suspension from participation in the 50121  
medicare or medicaid programs by the department of health and 50122  
human services or other responsible agency for any act or acts 50123  
that also would constitute a violation of division (B)(2), (3), 50124  
(6), (8), or (19) of this section; 50125

(26) Impairment of ability to practice according to 50126  
acceptable and prevailing standards of care because of habitual or 50127  
excessive use or abuse of drugs, alcohol, or other substances that 50128  
impair ability to practice. 50129

For the purposes of this division, any individual authorized 50130  
to practice by this chapter accepts the privilege of practicing in 50131  
this state subject to supervision by the board. By filing an 50132  
application for or holding a certificate to practice under this 50133  
chapter, an individual shall be deemed to have given consent to 50134  
submit to a mental or physical examination when ordered to do so 50135



by the board in writing, and to have waived all objections to the 50136  
admissibility of testimony or examination reports that constitute 50137  
privileged communications. 50138

If it has reason to believe that any individual authorized to 50139  
practice by this chapter or any applicant for certification to 50140  
practice suffers such impairment, the board may compel the 50141  
individual to submit to a mental or physical examination, or both. 50142  
The expense of the examination is the responsibility of the 50143  
individual compelled to be examined. Any mental or physical 50144  
examination required under this division shall be undertaken by a 50145  
treatment provider or physician who is qualified to conduct the 50146  
examination and who is chosen by the board. 50147

Failure to submit to a mental or physical examination ordered 50148  
by the board constitutes an admission of the allegations against 50149  
the individual unless the failure is due to circumstances beyond 50150  
the individual's control, and a default and final order may be 50151  
entered without the taking of testimony or presentation of 50152  
evidence. If the board determines that the individual's ability to 50153  
practice is impaired, the board shall suspend the individual's 50154  
certificate or deny the individual's application and shall require 50155  
the individual, as a condition for initial, continued, reinstated, 50156  
or renewed certification to practice, to submit to treatment. 50157

Before being eligible to apply for reinstatement of a 50158  
certificate suspended under this division, the impaired 50159  
practitioner shall demonstrate to the board the ability to resume 50160  
practice in compliance with acceptable and prevailing standards of 50161  
care under the provisions of the practitioner's certificate. The 50162  
demonstration shall include, but shall not be limited to, the 50163  
following: 50164

(a) Certification from a treatment provider approved under 50165  
section 4731.25 of the Revised Code that the individual has 50166  
successfully completed any required inpatient treatment; 50167

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 50168  
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination. 50170  
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The board may reinstate a certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement. 50176  
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When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety. 50179  
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(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code; 50188  
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(28) Except as provided in division (N) of this section: 50190

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual; 50191  
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, 50197  
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pursuant to a health insurance or health care policy, contract, or 50199  
plan that covers the individual's services, otherwise would be 50200  
required to pay. 50201

(29) Failure to use universal blood and body fluid 50202  
precautions established by rules adopted under section 4731.051 of 50203  
the Revised Code; 50204

(30) Failure to provide notice to, and receive acknowledgment 50205  
of the notice from, a patient when required by section 4731.143 of 50206  
the Revised Code prior to providing nonemergency professional 50207  
services, or failure to maintain that notice in the patient's 50208  
file; 50209

(31) Failure of a physician supervising a physician assistant 50210  
to maintain supervision in accordance with the requirements of 50211  
Chapter 4730. of the Revised Code and the rules adopted under that 50212  
chapter; 50213

(32) Failure of a physician or podiatrist to enter into a 50214  
standard care arrangement with a clinical nurse specialist, 50215  
certified nurse-midwife, or certified nurse practitioner with whom 50216  
the physician or podiatrist is in collaboration pursuant to 50217  
section 4731.27 of the Revised Code or failure to fulfill the 50218  
responsibilities of collaboration after entering into a standard 50219  
care arrangement; 50220

(33) Failure to comply with the terms of a consult agreement 50221  
entered into with a pharmacist pursuant to section 4729.39 of the 50222  
Revised Code; 50223

(34) Failure to cooperate in an investigation conducted by 50224  
the board under division (F) of this section, including failure to 50225  
comply with a subpoena or order issued by the board or failure to 50226  
answer truthfully a question presented by the board at a 50227  
deposition or in written interrogatories, except that failure to 50228  
cooperate with an investigation shall not constitute grounds for 50229

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| discipline under this section if a court of competent jurisdiction | 50230 |
| has issued an order that either quashes a subpoena or permits the  | 50231 |
| individual to withhold the testimony or evidence in issue;         | 50232 |
| (35) Failure to supervise an acupuncturist in accordance with      | 50233 |
| Chapter 4762. of the Revised Code and the board's rules for        | 50234 |
| supervision of an acupuncturist;                                   | 50235 |
| (36) Failure to supervise an anesthesiologist assistant in         | 50236 |
| accordance with Chapter 4760. of the Revised Code and the board's  | 50237 |
| rules for supervision of an anesthesiologist assistant;            | 50238 |
| (37) Assisting suicide as defined in section 3795.01 of the        | 50239 |
| Revised Code;                                                      | 50240 |
| (38) Failure to comply with the requirements of section            | 50241 |
| 2317.561 of the Revised Code;                                      | 50242 |
| (39) Failure to supervise a radiologist assistant in               | 50243 |
| accordance with Chapter 4774. of the Revised Code and the board's  | 50244 |
| rules for supervision of radiologist assistants;                   | 50245 |
| (40) Performing or inducing an abortion at an office or            | 50246 |
| facility with knowledge that the office or facility fails to post  | 50247 |
| the notice required under section 3701.791 of the Revised Code;    | 50248 |
| (41) Failure to comply with the standards and procedures           | 50249 |
| established in rules under section 4731.054 of the Revised Code    | 50250 |
| for the operation of or the provision of care at a pain management | 50251 |
| clinic;                                                            | 50252 |
| (42) Failure to comply with the standards and procedures           | 50253 |
| established in rules under section 4731.054 of the Revised Code    | 50254 |
| for providing supervision, direction, and control of individuals   | 50255 |
| at a pain management clinic;                                       | 50256 |
| (43) Failure to comply with the requirements of section            | 50257 |
| 4729.79 of the Revised Code, unless the state board of pharmacy no | 50258 |
| longer maintains a drug database pursuant to section 4729.75 of    | 50259 |

the Revised Code; 50260

~~(41)~~(44) Failure to comply with the requirements of section 50261  
2919.171 of the Revised Code or failure to submit to the 50262  
department of health in accordance with a court order a complete 50263  
report as described in section 2919.171 of the Revised Code. 50264

(C) Disciplinary actions taken by the board under divisions 50265  
(A) and (B) of this section shall be taken pursuant to an 50266  
adjudication under Chapter 119. of the Revised Code, except that 50267  
in lieu of an adjudication, the board may enter into a consent 50268  
agreement with an individual to resolve an allegation of a 50269  
violation of this chapter or any rule adopted under it. A consent 50270  
agreement, when ratified by an affirmative vote of not fewer than 50271  
six members of the board, shall constitute the findings and order 50272  
of the board with respect to the matter addressed in the 50273  
agreement. If the board refuses to ratify a consent agreement, the 50274  
admissions and findings contained in the consent agreement shall 50275  
be of no force or effect. 50276

A telephone conference call may be utilized for ratification 50277  
of a consent agreement that revokes or suspends an individual's 50278  
certificate to practice. The telephone conference call shall be 50279  
considered a special meeting under division (F) of section 121.22 50280  
of the Revised Code. 50281

If the board takes disciplinary action against an individual 50282  
under division (B) of this section for a second or subsequent plea 50283  
of guilty to, or judicial finding of guilt of, a violation of 50284  
section 2919.123 of the Revised Code, the disciplinary action 50285  
shall consist of a suspension of the individual's certificate to 50286  
practice for a period of at least one year or, if determined 50287  
appropriate by the board, a more serious sanction involving the 50288  
individual's certificate to practice. Any consent agreement 50289  
entered into under this division with an individual that pertains 50290  
to a second or subsequent plea of guilty to, or judicial finding 50291

of guilt of, a violation of that section shall provide for a 50292  
suspension of the individual's certificate to practice for a 50293  
period of at least one year or, if determined appropriate by the 50294  
board, a more serious sanction involving the individual's 50295  
certificate to practice. 50296

(D) For purposes of divisions (B)(10), (12), and (14) of this 50297  
section, the commission of the act may be established by a finding 50298  
by the board, pursuant to an adjudication under Chapter 119. of 50299  
the Revised Code, that the individual committed the act. The board 50300  
does not have jurisdiction under those divisions if the trial 50301  
court renders a final judgment in the individual's favor and that 50302  
judgment is based upon an adjudication on the merits. The board 50303  
has jurisdiction under those divisions if the trial court issues 50304  
an order of dismissal upon technical or procedural grounds. 50305

(E) The sealing of conviction records by any court shall have 50306  
no effect upon a prior board order entered under this section or 50307  
upon the board's jurisdiction to take action under this section 50308  
if, based upon a plea of guilty, a judicial finding of guilt, or a 50309  
judicial finding of eligibility for intervention in lieu of 50310  
conviction, the board issued a notice of opportunity for a hearing 50311  
prior to the court's order to seal the records. The board shall 50312  
not be required to seal, destroy, redact, or otherwise modify its 50313  
records to reflect the court's sealing of conviction records. 50314

(F)(1) The board shall investigate evidence that appears to 50315  
show that a person has violated any provision of this chapter or 50316  
any rule adopted under it. Any person may report to the board in a 50317  
signed writing any information that the person may have that 50318  
appears to show a violation of any provision of this chapter or 50319  
any rule adopted under it. In the absence of bad faith, any person 50320  
who reports information of that nature or who testifies before the 50321  
board in any adjudication conducted under Chapter 119. of the 50322  
Revised Code shall not be liable in damages in a civil action as a 50323

result of the report or testimony. Each complaint or allegation of 50324  
a violation received by the board shall be assigned a case number 50325  
and shall be recorded by the board. 50326

(2) Investigations of alleged violations of this chapter or 50327  
any rule adopted under it shall be supervised by the supervising 50328  
member elected by the board in accordance with section 4731.02 of 50329  
the Revised Code and by the secretary as provided in section 50330  
4731.39 of the Revised Code. The president may designate another 50331  
member of the board to supervise the investigation in place of the 50332  
supervising member. No member of the board who supervises the 50333  
investigation of a case shall participate in further adjudication 50334  
of the case. 50335

(3) In investigating a possible violation of this chapter or 50336  
any rule adopted under this chapter, the board may administer 50337  
oaths, order the taking of depositions, inspect and copy any 50338  
books, accounts, papers, records, or documents, issue subpoenas, 50339  
and compel the attendance of witnesses and production of books, 50340  
accounts, papers, records, documents, and testimony, except that a 50341  
subpoena for patient record information shall not be issued 50342  
without consultation with the attorney general's office and 50343  
approval of the secretary and supervising member of the board. 50344  
Before issuance of a subpoena for patient record information, the 50345  
secretary and supervising member shall determine whether there is 50346  
probable cause to believe that the complaint filed alleges a 50347  
violation of this chapter or any rule adopted under it and that 50348  
the records sought are relevant to the alleged violation and 50349  
material to the investigation. The subpoena may apply only to 50350  
records that cover a reasonable period of time surrounding the 50351  
alleged violation. 50352

On failure to comply with any subpoena issued by the board 50353  
and after reasonable notice to the person being subpoenaed, the 50354  
board may move for an order compelling the production of persons 50355

or records pursuant to the Rules of Civil Procedure. 50356

A subpoena issued by the board may be served by a sheriff, 50357  
the sheriff's deputy, or a board employee designated by the board. 50358  
Service of a subpoena issued by the board may be made by 50359  
delivering a copy of the subpoena to the person named therein, 50360  
reading it to the person, or leaving it at the person's usual 50361  
place of residence. When the person being served is a person whose 50362  
practice is authorized by this chapter, service of the subpoena 50363  
may be made by certified mail, restricted delivery, return receipt 50364  
requested, and the subpoena shall be deemed served on the date 50365  
delivery is made or the date the person refuses to accept 50366  
delivery. 50367

A sheriff's deputy who serves a subpoena shall receive the 50368  
same fees as a sheriff. Each witness who appears before the board 50369  
in obedience to a subpoena shall receive the fees and mileage 50370  
provided for under section 119.094 of the Revised Code. 50371

(4) All hearings and investigations of the board shall be 50372  
considered civil actions for the purposes of section 2305.252 of 50373  
the Revised Code. 50374

(5) Information received by the board pursuant to an 50375  
investigation is confidential and not subject to discovery in any 50376  
civil action. 50377

The board shall conduct all investigations and proceedings in 50378  
a manner that protects the confidentiality of patients and persons 50379  
who file complaints with the board. The board shall not make 50380  
public the names or any other identifying information about 50381  
patients or complainants unless proper consent is given or, in the 50382  
case of a patient, a waiver of the patient privilege exists under 50383  
division (B) of section 2317.02 of the Revised Code, except that 50384  
consent or a waiver of that nature is not required if the board 50385  
possesses reliable and substantial evidence that no bona fide 50386



physician-patient relationship exists. 50387

The board may share any information it receives pursuant to 50388  
an investigation, including patient records and patient record 50389  
information, with law enforcement agencies, other licensing 50390  
boards, and other governmental agencies that are prosecuting, 50391  
adjudicating, or investigating alleged violations of statutes or 50392  
administrative rules. An agency or board that receives the 50393  
information shall comply with the same requirements regarding 50394  
confidentiality as those with which the state medical board must 50395  
comply, notwithstanding any conflicting provision of the Revised 50396  
Code or procedure of the agency or board that applies when it is 50397  
dealing with other information in its possession. In a judicial 50398  
proceeding, the information may be admitted into evidence only in 50399  
accordance with the Rules of Evidence, but the court shall require 50400  
that appropriate measures are taken to ensure that confidentiality 50401  
is maintained with respect to any part of the information that 50402  
contains names or other identifying information about patients or 50403  
complainants whose confidentiality was protected by the state 50404  
medical board when the information was in the board's possession. 50405  
Measures to ensure confidentiality that may be taken by the court 50406  
include sealing its records or deleting specific information from 50407  
its records. 50408

(6) On a quarterly basis, the board shall prepare a report 50409  
that documents the disposition of all cases during the preceding 50410  
three months. The report shall contain the following information 50411  
for each case with which the board has completed its activities: 50412

(a) The case number assigned to the complaint or alleged 50413  
violation; 50414

(b) The type of certificate to practice, if any, held by the 50415  
individual against whom the complaint is directed; 50416

(c) A description of the allegations contained in the 50417

complaint; 50418

(d) The disposition of the case. 50419

The report shall state how many cases are still pending and 50420  
shall be prepared in a manner that protects the identity of each 50421  
person involved in each case. The report shall be a public record 50422  
under section 149.43 of the Revised Code. 50423

(G) If the secretary and supervising member determine both of 50424  
the following, they may recommend that the board suspend an 50425  
individual's certificate to practice without a prior hearing: 50426

(1) That there is clear and convincing evidence that an 50427  
individual has violated division (B) of this section; 50428

(2) That the individual's continued practice presents a 50429  
danger of immediate and serious harm to the public. 50430

Written allegations shall be prepared for consideration by 50431  
the board. The board, upon review of those allegations and by an 50432  
affirmative vote of not fewer than six of its members, excluding 50433  
the secretary and supervising member, may suspend a certificate 50434  
without a prior hearing. A telephone conference call may be 50435  
utilized for reviewing the allegations and taking the vote on the 50436  
summary suspension. 50437

The board shall issue a written order of suspension by 50438  
certified mail or in person in accordance with section 119.07 of 50439  
the Revised Code. The order shall not be subject to suspension by 50440  
the court during pendency of any appeal filed under section 119.12 50441  
of the Revised Code. If the individual subject to the summary 50442  
suspension requests an adjudicatory hearing by the board, the date 50443  
set for the hearing shall be within fifteen days, but not earlier 50444  
than seven days, after the individual requests the hearing, unless 50445  
otherwise agreed to by both the board and the individual. 50446

Any summary suspension imposed under this division shall 50447

remain in effect, unless reversed on appeal, until a final 50448  
adjudicative order issued by the board pursuant to this section 50449  
and Chapter 119. of the Revised Code becomes effective. The board 50450  
shall issue its final adjudicative order within seventy-five days 50451  
after completion of its hearing. A failure to issue the order 50452  
within seventy-five days shall result in dissolution of the 50453  
summary suspension order but shall not invalidate any subsequent, 50454  
final adjudicative order. 50455

(H) If the board takes action under division (B)(9), (11), or 50456  
(13) of this section and the judicial finding of guilt, guilty 50457  
plea, or judicial finding of eligibility for intervention in lieu 50458  
of conviction is overturned on appeal, upon exhaustion of the 50459  
criminal appeal, a petition for reconsideration of the order may 50460  
be filed with the board along with appropriate court documents. 50461  
Upon receipt of a petition of that nature and supporting court 50462  
documents, the board shall reinstate the individual's certificate 50463  
to practice. The board may then hold an adjudication under Chapter 50464  
119. of the Revised Code to determine whether the individual 50465  
committed the act in question. Notice of an opportunity for a 50466  
hearing shall be given in accordance with Chapter 119. of the 50467  
Revised Code. If the board finds, pursuant to an adjudication held 50468  
under this division, that the individual committed the act or if 50469  
no hearing is requested, the board may order any of the sanctions 50470  
identified under division (B) of this section. 50471

(I) The certificate to practice issued to an individual under 50472  
this chapter and the individual's practice in this state are 50473  
automatically suspended as of the date of the individual's second 50474  
or subsequent plea of guilty to, or judicial finding of guilt of, 50475  
a violation of section 2919.123 of the Revised Code, or the date 50476  
the individual pleads guilty to, is found by a judge or jury to be 50477  
guilty of, or is subject to a judicial finding of eligibility for 50478  
intervention in lieu of conviction in this state or treatment or 50479

intervention in lieu of conviction in another jurisdiction for any 50480  
of the following criminal offenses in this state or a 50481  
substantially equivalent criminal offense in another jurisdiction: 50482  
aggravated murder, murder, voluntary manslaughter, felonious 50483  
assault, kidnapping, rape, sexual battery, gross sexual 50484  
imposition, aggravated arson, aggravated robbery, or aggravated 50485  
burglary. Continued practice after suspension shall be considered 50486  
practicing without a certificate. 50487

The board shall notify the individual subject to the 50488  
suspension by certified mail or in person in accordance with 50489  
section 119.07 of the Revised Code. If an individual whose 50490  
certificate is automatically suspended under this division fails 50491  
to make a timely request for an adjudication under Chapter 119. of 50492  
the Revised Code, the board shall do whichever of the following is 50493  
applicable: 50494

(1) If the automatic suspension under this division is for a 50495  
second or subsequent plea of guilty to, or judicial finding of 50496  
guilt of, a violation of section 2919.123 of the Revised Code, the 50497  
board shall enter an order suspending the individual's certificate 50498  
to practice for a period of at least one year or, if determined 50499  
appropriate by the board, imposing a more serious sanction 50500  
involving the individual's certificate to practice. 50501

(2) In all circumstances in which division (I)(1) of this 50502  
section does not apply, enter a final order permanently revoking 50503  
the individual's certificate to practice. 50504

(J) If the board is required by Chapter 119. of the Revised 50505  
Code to give notice of an opportunity for a hearing and if the 50506  
individual subject to the notice does not timely request a hearing 50507  
in accordance with section 119.07 of the Revised Code, the board 50508  
is not required to hold a hearing, but may adopt, by an 50509  
affirmative vote of not fewer than six of its members, a final 50510  
order that contains the board's findings. In that final order, the 50511

board may order any of the sanctions identified under division (A) 50512  
or (B) of this section. 50513

(K) Any action taken by the board under division (B) of this 50514  
section resulting in a suspension from practice shall be 50515  
accompanied by a written statement of the conditions under which 50516  
the individual's certificate to practice may be reinstated. The 50517  
board shall adopt rules governing conditions to be imposed for 50518  
reinstatement. Reinstatement of a certificate suspended pursuant 50519  
to division (B) of this section requires an affirmative vote of 50520  
not fewer than six members of the board. 50521

(L) When the board refuses to grant a certificate to an 50522  
applicant, revokes an individual's certificate to practice, 50523  
refuses to register an applicant, or refuses to reinstate an 50524  
individual's certificate to practice, the board may specify that 50525  
its action is permanent. An individual subject to a permanent 50526  
action taken by the board is forever thereafter ineligible to hold 50527  
a certificate to practice and the board shall not accept an 50528  
application for reinstatement of the certificate or for issuance 50529  
of a new certificate. 50530

(M) Notwithstanding any other provision of the Revised Code, 50531  
all of the following apply: 50532

(1) The surrender of a certificate issued under this chapter 50533  
shall not be effective unless or until accepted by the board. A 50534  
telephone conference call may be utilized for acceptance of the 50535  
surrender of an individual's certificate to practice. The 50536  
telephone conference call shall be considered a special meeting 50537  
under division (F) of section 121.22 of the Revised Code. 50538  
Reinstatement of a certificate surrendered to the board requires 50539  
an affirmative vote of not fewer than six members of the board. 50540

(2) An application for a certificate made under the 50541  
provisions of this chapter may not be withdrawn without approval 50542

of the board. 50543

(3) Failure by an individual to renew a certificate of 50544  
registration in accordance with this chapter shall not remove or 50545  
limit the board's jurisdiction to take any disciplinary action 50546  
under this section against the individual. 50547

(N) Sanctions shall not be imposed under division (B)(28) of 50548  
this section against any person who waives deductibles and 50549  
copayments as follows: 50550

(1) In compliance with the health benefit plan that expressly 50551  
allows such a practice. Waiver of the deductibles or copayments 50552  
shall be made only with the full knowledge and consent of the plan 50553  
purchaser, payer, and third-party administrator. Documentation of 50554  
the consent shall be made available to the board upon request. 50555

(2) For professional services rendered to any other person 50556  
authorized to practice pursuant to this chapter, to the extent 50557  
allowed by this chapter and rules adopted by the board. 50558

(O) Under the board's investigative duties described in this 50559  
section and subject to division (F) of this section, the board 50560  
shall develop and implement a quality intervention program 50561  
designed to improve through remedial education the clinical and 50562  
communication skills of individuals authorized under this chapter 50563  
to practice medicine and surgery, osteopathic medicine and 50564  
surgery, and podiatric medicine and surgery. In developing and 50565  
implementing the quality intervention program, the board may do 50566  
all of the following: 50567

(1) Offer in appropriate cases as determined by the board an 50568  
educational and assessment program pursuant to an investigation 50569  
the board conducts under this section; 50570

(2) Select providers of educational and assessment services, 50571  
including a quality intervention program panel of case reviewers; 50572

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

**Sec. 4731.293.** (A) The state medical board may issue, without examination, a ~~visiting medical~~ clinical research faculty certificate to any person who applies for the certificate and provides to the board all of the following:

(1) Evidence satisfactory to the board of all of the following:

(a) That the applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country ~~and;~~

(b) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;

(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed

in the international medical education directory; 50603

(d) That the applicant will be permitted to work only under 50604  
the authority of the department director or chairperson of a 50605  
teaching hospital affiliated with the medical school where the 50606  
applicant's teaching and research activities will occur. 50607

(2) An affidavit and supporting documentation from the dean 50608  
of the medical school or the department director or chairperson of 50609  
a teaching hospital affiliated with the school that the applicant 50610  
is qualified to perform teaching and research activities; 50611

(3) A description from the medical school or teaching 50612  
hospital of the scope of practice in which the applicant will be 50613  
involved, including the types of teaching, research, and 50614  
procedures in which the applicant will be engaged; 50615

(4) A description of the type and amount of patient contact 50616  
that will occur in connection with the applicant's teaching and 50617  
research activities. ~~Except as provided in division (E) of this~~ 50618  
~~section, the board shall not issue more than one visiting medical~~ 50619  
~~faculty certificate to any particular person.~~ 50620

(B) An applicant for a ~~visiting medical~~ an initial clinical 50621  
research faculty certificate ~~shall submit evidence satisfactory to~~ 50622  
~~the board that the applicant meets the requirements of division~~ 50623  
~~(A) of this section. The applicant shall pay a fee of three~~ 50624  
~~hundred seventy-five dollars. The board shall maintain a register~~ 50625  
~~of all persons who hold a visiting medical faculty certificate.~~ 50626

(C) The holder of a ~~visiting medical~~ clinical research 50627  
faculty certificate may practice medicine and surgery or 50628  
osteopathic medicine and surgery only as is incidental to the 50629  
certificate holder's teaching or research duties at the medical 50630  
school or ~~the~~ a teaching hospital's hospital affiliated with the 50631  
school. The board may revoke a certificate on receiving proof 50632  
satisfactory to the board that the certificate holder ~~of the~~ 50633



~~certificate~~ has engaged in practice in this state outside the 50634  
scope of the certificate or that there are grounds for action 50635  
against the certificate holder under section 4731.22 of the 50636  
Revised Code. 50637

(D) A ~~visiting medical clinical research~~ faculty certificate 50638  
is valid for ~~the shorter of~~ three years ~~or the duration of~~, except 50639  
that the certificate ceases to be valid if the holder's 50640  
appointment to the academic staff of the school is no longer 50641  
valid. ~~The certificate may not be renewed.~~ 50642

(E) ~~If a person was granted a visiting medical faculty~~ 50643  
~~certificate before the effective date of this amendment, the~~ 50644  
~~person may apply for a second visiting medical faculty~~ 50645  
~~certificate, unless the person's first certificate was revoked.~~ 50646  
~~The board may issue the second certificate if the applicant~~ 50647  
~~complies with division (B) of this section~~ (1) A clinical research 50648  
faculty certificate may be renewed for an additional three-year 50649  
period. There is no limit on the number of times a certificate may 50650  
be renewed. A person seeking renewal of a certificate shall apply 50651  
to the board and is eligible for renewal if the applicant does all 50652  
of the following: 50653

(a) Pays a renewal fee of three hundred seventy-five dollars; 50654

(b) Provides to the board an affidavit and supporting 50655  
documentation from the dean of the medical school or the 50656  
department director or chairperson of a teaching hospital 50657  
affiliated with the school that the applicant is in compliance 50658  
with the applicant's current clinical research faculty 50659  
certificate; 50660

(c) Provides evidence satisfactory to the board of all of the 50661  
following: 50662

(i) That the applicant continues to maintain a current, 50663  
unrestricted license to practice medicine and surgery or 50664

osteopathic medicine and surgery issued by another state or 50665  
country; 50666

(ii) That the applicant's initial appointment to serve in 50667  
this state on the academic staff of a medical school is still 50668  
valid or has been renewed; 50669

(iii) That the applicant has satisfied the same continuing 50670  
medical education requirements set forth in section 4731.281 of 50671  
the Revised Code that apply to a person who holds a certificate to 50672  
practice medicine and surgery or osteopathic medicine and surgery 50673  
issued under this chapter. 50674

(2) Regardless of whether the certificate has expired, a 50675  
person who was granted a visiting medical faculty certificate 50676  
under this section as it existed immediately prior to the 50677  
effective date of this amendment may apply for a clinical research 50678  
faculty certificate as a renewal. The board may issue the clinical 50679  
research faculty certificate if the applicant meets the 50680  
requirements of division (E)(1) of this section. The board may not 50681  
issue a clinical research faculty certificate if the visiting 50682  
medical faculty certificate was revoked. 50683

(F) The board shall maintain a register of all persons who 50684  
hold clinical research faculty certificates. 50685

(G) The board may adopt any rules it considers necessary to 50686  
implement this section. The rules shall be adopted in accordance 50687  
with Chapter 119. of the Revised Code. 50688

**Sec. 4731.297. (A) As used in this section:** 50689

(1) "Academic medical center" means a medical school and its 50690  
affiliated teaching hospitals and clinics partnering to do all of 50691  
the following: 50692

(a) Provide the highest quality of patient care from expert 50693  
physicians; 50694

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(b) Conduct groundbreaking research leading to medical</u>             | 50695 |
| <u>advancements for current and future patients;</u>                      | 50696 |
| <u>(c) Provide medical education and graduate medical education</u>       | 50697 |
| <u>to educate and train physicians.</u>                                   | 50698 |
| <u>(2) "Affiliated physician group practice" means a medical</u>          | 50699 |
| <u>practice that consists of one or more physicians authorized under</u>  | 50700 |
| <u>this chapter to practice medicine and surgery or osteopathic</u>       | 50701 |
| <u>medicine and surgery and that is affiliated with an academic</u>       | 50702 |
| <u>medical center to further the objectives described in divisions</u>    | 50703 |
| <u>(A)(1)(a) to (c) of this section.</u>                                  | 50704 |
| <u>(B) The state medical board shall issue, without examination,</u>      | 50705 |
| <u>to an applicant who meets the requirements of this section a</u>       | 50706 |
| <u>certificate of conceded eminence authorizing the practice of</u>       | 50707 |
| <u>medicine and surgery or osteopathic medicine and surgery as part</u>   | 50708 |
| <u>of the applicant's employment with an academic medical center in</u>   | 50709 |
| <u>this state or affiliated physician group practice in this state.</u>   | 50710 |
| <u>(C) To be eligible for a certificate of conceded eminence, an</u>      | 50711 |
| <u>applicant shall provide to the board all of the following:</u>         | 50712 |
| <u>(1) Evidence satisfactory to the board of all of the</u>               | 50713 |
| <u>following:</u>                                                         | 50714 |
| <u>(a) That the applicant is an international medical graduate</u>        | 50715 |
| <u>who holds a medical degree from an educational institution listed</u>  | 50716 |
| <u>in the international medical education directory;</u>                  | 50717 |
| <u>(b) That the applicant has been appointed to serve in this</u>         | 50718 |
| <u>state as a full-time faculty member of a medical school accredited</u> | 50719 |
| <u>by the liaison committee on medical education or an osteopathic</u>    | 50720 |
| <u>medical school accredited by the American osteopathic association;</u> | 50721 |
| <u>(c) That the applicant has accepted an offer of employment</u>         | 50722 |
| <u>with an academic medical center in this state or affiliated</u>        | 50723 |
| <u>physician group practice in this state;</u>                            | 50724 |

- (d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery; 50725  
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- (e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following: 50728  
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- (i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials. 50731  
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- (ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board. 50735  
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- (iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project. 50738  
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- (iv) The applicant has received nationally or internationally recognized prizes or awards for excellence. 50742  
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- (v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty. 50744  
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- (vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine. 50747  
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- (vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation. 50750  
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- (viii) The applicant has been the recipient of a national institutes of health or other competitive grant award. 50753  
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(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States; 50755  
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(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals; 50761  
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(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice. 50764  
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(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center; 50767  
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(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice; 50769  
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(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit; 50773  
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(5) A fee of one thousand dollars for the certificate. 50780

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed. 50781  
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(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty. 50785  
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(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code. 50789  
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(F) A certificate of conceded eminence is valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated physician group practice. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the academic medical center or affiliated physician group practice. 50795  
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(G) A certificate of conceded eminence may be renewed for an additional two-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board and is eligible for renewal if the applicant does all of the following: 50801  
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(1) Pays the renewal fee of one thousand dollars; 50806

(2) Provides to the board an affidavit and supporting documentation from the academic medical center or affiliated physician group practice of all of the following: 50807  
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(a) That the applicant's initial appointment to the medical faculty is still valid or has been renewed; 50810  
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(b) That the applicant's clinical practice is consistent with the established standards in the field; 50812  
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(c) That the applicant has demonstrated continued scholarly 50814

achievement; 50815

(d) That the applicant has demonstrated continued 50816  
professional achievement consistent with the academic medical 50817  
center's requirements, established pursuant to standards adopted 50818  
under section 3701.351 of the Revised Code, for physicians with 50819  
staff membership or professional privileges with the academic 50820  
medical center. 50821

(3) Satisfies the same continuing medical education 50822  
requirements set forth in section 4731.281 of the Revised Code 50823  
that apply to a person who holds a certificate to practice 50824  
medicine and surgery or osteopathic medicine and surgery issued 50825  
under this chapter. 50826

(4) Complies with any other requirements established by the 50827  
board. 50828

(H) The board may adopt any rules it considers necessary to 50829  
implement this section. The rules shall be adopted in accordance 50830  
with Chapter 119. of the Revised Code. 50831

**Sec. 4736.01.** As used in this chapter: 50832

(A) "Environmental health science" means the aspect of public 50833  
health science that includes, but is not limited to, the following 50834  
bodies of knowledge: air quality, food quality and protection, 50835  
hazardous and toxic substances, consumer product safety, housing, 50836  
institutional health and safety, community noise control, 50837  
radiation protection, recreational facilities, solid and liquid 50838  
waste management, vector control, drinking water quality, milk 50839  
sanitation, and rabies control. 50840

(B) "Sanitarian" means a person who performs for compensation 50841  
educational, investigational, technical, or administrative duties 50842  
requiring specialized knowledge and skills in the field of 50843  
environmental health science. 50844

(C) "Registered sanitarian" means a person who is registered 50845  
as a sanitarian in accordance with this chapter. 50846

(D) "Sanitarian-in-training" means a person who is registered 50847  
as a sanitarian-in-training in accordance with this chapter. 50848

(E) "Practice of environmental health" means consultation, 50849  
instruction, investigation, inspection, or evaluation by an 50850  
employee of a city health district, a general health district, the 50851  
environmental protection agency, the department of health, or the 50852  
department of agriculture requiring specialized knowledge, 50853  
training, and experience in the field of environmental health 50854  
science, with the primary purpose of improving or conducting 50855  
administration or enforcement under any of the following: 50856

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 50857  
3733. of the Revised Code; 50858

(2) Chapter 3734. of the Revised Code as it pertains to solid 50859  
waste; 50860

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 50861  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 50862

(4) Rules adopted under former section 3701.34 of the Revised 50863  
Code pertaining to rabies control or swimming pools; 50864

(5) Rules adopted under section 3701.935 of the Revised Code 50865  
for school health and safety network inspections and rules adopted 50866  
under section 3707.26 of the Revised Code for sanitary 50867  
inspections. 50868

"Practice of environmental health" does not include sampling, 50869  
testing, controlling of vectors, reporting of observations, or 50870  
other duties that do not require application of specialized 50871  
knowledge and skills in environmental health science performed 50872  
under the supervision of a registered sanitarian. 50873

The state board of sanitarian registration may further define 50874



environmental health science in relation to specific functions in 50875  
the practice of environmental health through rules adopted by the 50876  
board under Chapter 119. of the Revised Code. 50877

**Sec. 4740.03.** (A) The administrative section of the Ohio 50878  
construction industry licensing board annually shall elect from 50879  
among its members a chairperson and other officers as the board, 50880  
by rule, designates. The chairperson shall preside over meetings 50881  
of the administrative section or designate another member to 50882  
preside in the chairperson's absence. The administrative section 50883  
shall hold at least two regular meetings each year, but may meet 50884  
at additional times as specified by rule, at the call of the 50885  
chairperson, or upon the request of two or more members. A 50886  
majority of the members of the administrative section constitutes 50887  
a quorum for the transaction of all business. The administrative 50888  
section may not take any action without the concurrence of at 50889  
least three of its members. 50890

(B)(1) The administrative section shall employ a secretary, 50891  
who is not a member of the board, to serve at the pleasure of the 50892  
administrative section, and shall fix the compensation of the 50893  
secretary. The secretary shall be in the unclassified civil 50894  
service of the state. 50895

(2) The secretary shall do all of the following: 50896

(a) Keep or set standards for and delegate to another person 50897  
the keeping of the minutes, books, and other records and files of 50898  
the board and each section of the board; 50899

(b) Issue all licenses in the name of the board; 50900

(c) Send out all notices, including advance notices of 50901  
meetings of the board and each section of the board, and attend to 50902  
all correspondence of the board and each section of the board, 50903  
under the direction of the administrative section; 50904

(d) Receive and deposit all fees payable pursuant to this 50905  
chapter into the ~~labor~~ industrial compliance operating fund 50906  
created pursuant to section 121.084 of the Revised Code; 50907

(e) Perform all other duties incidental to the office of the 50908  
secretary or properly assigned to the secretary by the 50909  
administrative section of the board. 50910

(3) Before entering upon the discharge of the duties of the 50911  
secretary, the secretary shall file with the treasurer of state a 50912  
bond in the sum of five thousand dollars, payable to the state, to 50913  
ensure the faithful performance of the secretary's duties. The 50914  
board shall pay the premium of the bond in the same manner as it 50915  
pays other expenditures of the board. 50916

(C) Upon the request of the administrative section of the 50917  
board, the director of commerce shall supply the board and its 50918  
sections with personnel, office space, and supplies, as the 50919  
director determines appropriate. The administrative section of the 50920  
board shall employ any additional staff it considers necessary and 50921  
appropriate. 50922

(D) The chairperson of the board or the secretary, or both, 50923  
as authorized by the board, shall approve all vouchers of the 50924  
board. 50925

**Sec. 4740.11.** The Ohio construction industry licensing board 50926  
and its sections shall deposit all receipts and fines collected 50927  
under this chapter into the state treasury to the credit of the 50928  
~~labor~~ industrial compliance operating fund created in section 50929  
121.084 of the Revised Code. 50930

**Sec. 4740.14.** (A) There is hereby created within the 50931  
department of commerce the residential construction advisory 50932  
committee consisting of nine persons the director of commerce 50933  
appoints. The advisory committee shall be made up of the following 50934

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| members:                                                                                                                                                                                                                                                                                                                                                                                                                                     | 50935                                                       |
| (1) Three shall be general contractors who have recognized ability and experience in the construction of residential buildings.                                                                                                                                                                                                                                                                                                              | 50936<br>50937<br>50938                                     |
| (2) Two shall be building officials who have experience administering and enforcing a residential building code.                                                                                                                                                                                                                                                                                                                             | 50939<br>50940                                              |
| (3) One, chosen from a list of three names the Ohio fire chief's association submits, shall be from the fire service certified as a fire safety inspector who has at least ten years of experience enforcing fire or building codes.                                                                                                                                                                                                         | 50941<br>50942<br>50943<br>50944                            |
| (4) One shall be a residential contractor who has recognized ability and experience in the remodeling and construction of residential buildings.                                                                                                                                                                                                                                                                                             | 50945<br>50946<br>50947                                     |
| (5) One shall be an architect registered pursuant to Chapter 4703. of the Revised Code, with recognized ability and experience in the architecture of residential buildings.                                                                                                                                                                                                                                                                 | 50948<br>50949<br>50950                                     |
| (6) One, chosen from a list of three names the Ohio municipal league submits to the director, shall be a mayor of a municipal corporation in which the Ohio residential building code is being enforced in the municipal corporation by a certified building department.                                                                                                                                                                     | 50951<br>50952<br>50953<br>50954<br>50955                   |
| (B) Terms of office shall be for three years, with each term ending on the date three years after the date of appointment. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner provided for initial appointments. Any member appointed to fill a vacancy in an unexpired term shall hold office for the remainder of that term. | 50956<br>50957<br>50958<br>50959<br>50960<br>50961<br>50962 |
| (C) The advisory committee shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                    | 50963                                                       |
| (1) Recommend to the board of building standards a building                                                                                                                                                                                                                                                                                                                                                                                  | 50964                                                       |

code for residential buildings. The committee shall recommend a 50965  
code that it may model on a residential building code a national 50966  
model code organization issues, with adaptations necessary to 50967  
implement the code in this state. If the board of building 50968  
standards decides not to adopt a code the committee recommends, 50969  
the committee shall revise the code and resubmit it until the 50970  
board adopts a code the committee recommends as the state 50971  
residential building code; 50972

(2) Advise the board regarding the establishment of standards 50973  
for certification of building officials who enforce the state 50974  
residential building code; 50975

(3) Assist the board in providing information and guidance to 50976  
residential contractors and building officials who enforce the 50977  
state residential building code; 50978

(4) Advise the board regarding the interpretation of the 50979  
state residential building code; 50980

(5) Provide other assistance the committee considers 50981  
necessary; 50982

(6) Provide the board with a written report of the 50983  
committee's findings for each consideration required by division 50984  
(D) of this section. 50985

(D) The committee shall not make its recommendation to the 50986  
board pursuant to divisions (C)(1), (2), and (4) of this section 50987  
until the advisory committee has considered all of the following: 50988

(1) The impact that the state residential building code may 50989  
have upon the health, safety, and welfare of the public; 50990

(2) The economic reasonableness of the residential building 50991  
code; 50992

(3) The technical feasibility of the residential building 50993  
code; 50994

(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing. 50995  
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(E) The advisory committee may provide the board with any rule the committee recommends to update or amend the state residential building code or any rule that the committee recommends to update or amend the state residential building code after receiving a petition described in division (A)(2) of section 3781.12 of the Revised Code. 50997  
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(F) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the ~~labor~~ industrial compliance operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that fund. 51003  
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(G) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code. 51013  
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**Sec. 4743.05.** Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, ~~and~~ 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters. 51015  
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At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and 51024  
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regulatory fund to the nurse education assistance fund created in 51026  
section 3333.28 of the Revised Code the amount certified to the 51027  
director under division (B) of section 4723.08 of the Revised 51028  
Code. 51029

At the end of each quarter, the director shall transfer from 51030  
the occupational licensing and regulatory fund to the certified 51031  
public accountant education assistance fund created in section 51032  
4701.26 of the Revised Code the amount certified to the director 51033  
under division (H)(2) of section 4701.10 of the Revised Code. 51034

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 51035  
an initial state-certified general real estate appraiser 51036  
certificate, an initial state-certified residential real estate 51037  
appraiser certificate, an initial state-licensed residential real 51038  
estate appraiser license, or an initial state-registered real 51039  
estate appraiser assistant registration in writing to the 51040  
superintendent of real estate on a form the superintendent 51041  
prescribes. The application shall include the address of the 51042  
applicant's principal place of business and all other addresses at 51043  
which the applicant currently engages in the business of preparing 51044  
real estate appraisals and the address of the applicant's current 51045  
residence. The superintendent shall retain the applicant's current 51046  
residence address in a separate record which ~~shall~~ does not 51047  
constitute a public record for purposes of section ~~149.03~~ 149.43 51048  
of the Revised Code. The application shall indicate whether the 51049  
applicant seeks certification as a general real estate appraiser 51050  
or as a residential real estate appraiser, licensure as a 51051  
residential real estate appraiser, or registration as a real 51052  
estate appraiser assistant and be accompanied by the prescribed 51053  
examination and certification, registration, or licensure fees set 51054  
forth in section 4763.09 of the Revised Code. The application also 51055  
shall include a pledge, signed by the applicant, that the 51056  
applicant will comply with the standards set forth in this 51057

chapter; and a statement that the applicant understands the types 51058  
of misconduct for which disciplinary proceedings may be initiated 51059  
against the applicant pursuant to this chapter. 51060

(b) Upon the filing of an application and payment of any 51061  
examination and certification, registration, or licensure fees, 51062  
the superintendent of real estate shall request the superintendent 51063  
of the bureau of criminal identification and investigation, or a 51064  
vendor approved by the bureau, to conduct a criminal records check 51065  
based on the applicant's fingerprints in accordance with ~~division~~ 51066  
~~(A)(11)~~ of section 109.572 of the Revised Code. Notwithstanding 51067  
division (K) of section 121.08 of the Revised Code, the 51068  
superintendent of real estate shall request that criminal record 51069  
information from the federal bureau of investigation be obtained 51070  
as part of the criminal records check. Any fee required under 51071  
division (C)(3) of section 109.572 of the Revised Code shall be 51072  
paid by the applicant. 51073

(2) For purposes of providing funding for the real estate 51074  
appraiser recovery fund established by section 4763.16 of the 51075  
Revised Code, the real estate appraiser board shall levy an 51076  
assessment against each person issued an initial certificate, 51077  
registration, or license and against current licensees, 51078  
registrants, and certificate holders, as required by board rule. 51079  
The assessment is in addition to the application and examination 51080  
fees for initial applicants required by division (A)(1) of this 51081  
section and the renewal fees required for current certificate 51082  
holders, registrants, and licensees. The superintendent of real 51083  
estate shall deposit the assessment into the state treasury to the 51084  
credit of the real estate appraiser recovery fund. The assessment 51085  
for initial certificate holders, registrants, and licensees shall 51086  
be paid prior to the issuance of a certificate, registration, or 51087  
license, and for current certificate holders, registrants, and 51088  
licensees, at the time of renewal. 51089

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.



(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(b) The appraiser's business in this state is of a temporary nature.

(c) The appraiser registers with the board pursuant to this division.

An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year.

(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant, or licensee arising from the applicant's, certificate holder's, registrant's, or licensee's activities as a certificate holder,

registrant, or licensee, the plaintiff, in the exercise of due 51152  
diligence, cannot effect personal service upon the applicant, 51153  
certificate holder, registrant, or licensee. 51154

(F) The superintendent shall not issue a certificate, 51155  
registration, or license to, or recognize on a temporary basis an 51156  
appraiser from another state that is a corporation, partnership, 51157  
or association. This prohibition shall not be construed to prevent 51158  
a certificate holder or licensee from signing an appraisal report 51159  
on behalf of a corporation, partnership, or association. 51160

(G) Every person licensed, registered, or certified under 51161  
this chapter shall notify the superintendent, on a form provided 51162  
by the superintendent, of a change in the address of the 51163  
licensee's, registrant's, or certificate holder's principal place 51164  
of business or residence within thirty days of the change. If a 51165  
licensee's, registrant's, or certificate holder's license, 51166  
registration, or certificate is revoked or not renewed, the 51167  
licensee, registrant, or certificate holder immediately shall 51168  
return the annual and any renewal certificate, registration, or 51169  
license to the superintendent. 51170

(H)(1) The superintendent shall not issue a certificate, 51171  
registration, or license to any person, or recognize on a 51172  
temporary basis an appraiser from another state, who does not meet 51173  
applicable minimum criteria for state certification, registration, 51174  
or licensure prescribed by federal law or rule. 51175

(2) The superintendent shall not issue a general real estate 51176  
appraiser certificate, residential real estate appraiser 51177  
certificate, residential real estate appraiser license, or real 51178  
estate appraiser assistant registration to any person who has been 51179  
convicted of or pleaded guilty to any criminal offense involving 51180  
theft, receiving stolen property, embezzlement, forgery, fraud, 51181  
passing bad checks, money laundering, or drug trafficking, or any 51182  
criminal offense involving money or securities, including a 51183

violation of an existing or former law of this state, any other 51184  
state, or the United States that substantially is equivalent to 51185  
such an offense. However, if the applicant has pleaded guilty to 51186  
or been convicted of such an offense, the superintendent shall not 51187  
consider the offense if the applicant has proven to the 51188  
superintendent, by a preponderance of the evidence, that the 51189  
applicant's activities and employment record since the conviction 51190  
show that the applicant is honest, truthful, and of good 51191  
reputation, and there is no basis in fact for believing that the 51192  
applicant will commit such an offense again. 51193

**Sec. 4765.02.** (A)(1) There is hereby created the state board 51194  
of emergency medical, fire, and transportation services within the 51195  
division of emergency medical services of the department of public 51196  
safety. The board shall consist of the members specified in this 51197  
section who are residents of this state. The governor, with the 51198  
advice and consent of the senate, shall appoint all members of the 51199  
board, except the employee of the department of public safety 51200  
designated by the director of public safety under this section to 51201  
be a member of the board. In making the appointments, the governor 51202  
shall appoint only members with background or experience in 51203  
emergency medical services or trauma care and shall attempt to 51204  
include members representing urban and rural areas, various 51205  
geographical regions of the state, and various schools of 51206  
training. 51207

(2) One member of the board shall be a physician certified by 51208  
the American board of emergency medicine or the American 51209  
osteopathic board of emergency medicine who is active in the 51210  
practice of emergency medicine and is actively involved with an 51211  
emergency medical service organization. The governor shall appoint 51212  
this member from among three persons nominated by the Ohio chapter 51213  
of the American college of emergency physicians and three persons 51214  
nominated by the Ohio osteopathic association. One member shall be 51215

a physician certified by the American board of surgery or the 51216  
American osteopathic board of surgery who is active in the 51217  
practice of trauma surgery and is actively involved with emergency 51218  
medical services. The governor shall appoint this member from 51219  
among three persons nominated by the Ohio chapter of the American 51220  
college of surgeons and three persons nominated by the Ohio 51221  
osteopathic association. One member shall be a physician certified 51222  
by the American academy of pediatrics or American osteopathic 51223  
board of pediatrics who is active in the practice of pediatric 51224  
emergency medicine and actively involved with an emergency medical 51225  
service organization. The governor shall appoint this member from 51226  
among three persons nominated by the Ohio chapter of the American 51227  
academy of pediatrics and three persons nominated by the Ohio 51228  
osteopathic association. ~~One member shall be the administrator of~~ 51229  
~~an adult or pediatric trauma center. The governor shall appoint~~ 51230  
~~this member from among three persons nominated by the OHA: the~~ 51231  
~~association for hospitals and health systems, three persons~~ 51232  
~~nominated by the Ohio osteopathic association, three persons~~ 51233  
~~nominated by the association of Ohio children's hospitals, and~~ 51234  
~~three persons nominated by the health forum of Ohio. One member~~ 51235  
~~shall be the administrator of a hospital that is not a trauma~~ 51236  
~~center located in this state. The governor shall appoint this~~ 51237  
member from among three persons nominated by OHA: the association 51238  
for hospitals and health systems, three persons nominated by the 51239  
Ohio osteopathic association, and three persons nominated by the 51240  
association of Ohio children's hospitals, ~~and three persons~~ 51241  
~~nominated by the health forum of Ohio. One member shall be a~~ 51242  
registered nurse with EMS certification who ~~is in the active~~ 51243  
~~practice of emergency nursing~~ performs mobile intensive care or 51244  
air medical transport. The governor shall appoint this member from 51245  
among three persons nominated by the Ohio nurses association and 51246  
three persons nominated by the Ohio state council of the emergency 51247  
nurses association. One member shall be the chief of a fire 51248

department that is also an emergency medical service organization 51249  
in which more than fifty per cent of the persons who provide 51250  
emergency medical services are full-time paid employees. The 51251  
governor shall appoint this member from among three persons 51252  
nominated by the Ohio fire chiefs' association. One member shall 51253  
be the chief of a fire department that is also an emergency 51254  
medical service organization in which more than fifty per cent of 51255  
the persons who provide emergency medical services are volunteers. 51256  
The governor shall appoint this member from among three persons 51257  
nominated by the Ohio fire chiefs' association. One member shall 51258  
be a person who is certified to teach under section 4765.23 of the 51259  
Revised Code ~~or, if the board has not yet certified persons to~~ 51260  
~~teach under that section, a person who is qualified to be~~ 51261  
~~certified to teach under that section and holds a valid~~ 51262  
certificate to practice as an EMT, advanced EMT, or paramedic. The 51263  
governor shall appoint this member from among three persons 51264  
nominated by the Ohio emergency medical technician instructors 51265  
association and the Ohio instructor/coordinators' society. One 51266  
member shall be an ~~EMT basic, one shall be an EMT-I~~ EMT, advanced 51267  
EMT, or paramedic, and one member shall be a paramedic. The 51268  
governor shall appoint these members from among three ~~EMTs basic,~~ 51269  
~~three EMTs-I,~~ EMTs or advanced EMTs and three paramedics nominated 51270  
by the Ohio association of professional fire fighters ~~and three~~ 51271  
~~EMTs basic, three EMTs-I, and three paramedics nominated by the~~ 51272  
~~northern Ohio fire fighters.~~ One member shall be an ~~EMT basic, one~~ 51273  
~~shall be an EMT-I~~ EMT, advanced EMT, or paramedic, and one member 51274  
shall be a paramedic ~~whom the.~~ The governor shall appoint these 51275  
members from among three ~~EMTs basic, three EMTs-I,~~ EMTs or 51276  
advanced EMTs and three paramedics nominated by the Ohio state 51277  
firefighter's association. One member shall be a person whom the 51278  
governor shall appoint from among an ~~EMT basic, an EMT-I, and~~ EMT, 51279  
an advanced EMT, or a paramedic nominated by the Ohio association 51280  
of emergency medical services or the Ohio ambulance and medical 51281

transportation association. One member shall be an EMT, an 51282  
advanced EMT, or a paramedic, whom the governor shall appoint from 51283  
among three persons nominated by the Ohio ambulance and medical 51284  
transportation association. One member shall be a paramedic, whom 51285  
the governor shall appoint from among three persons nominated by 51286  
the Ohio ambulance and medical transportation association. The 51287  
~~governor shall appoint one member who is an EMT basic, EMT-I, or~~ 51288  
~~paramedic affiliated with an emergency medical services~~ 51289  
~~organization. One member shall be a member of the Ohio ambulance~~ 51290  
~~association whom the governor shall appoint from among three~~ 51291  
~~persons nominated by the Ohio ambulance association. One member~~ 51292  
~~shall be a physician certified by the American board of surgery,~~ 51293  
~~American board of osteopathic surgery, American osteopathic board~~ 51294  
~~of emergency medicine, or American board of emergency medicine who~~ 51295  
~~is the chief medical officer of an air medical agency and is~~ 51296  
~~currently active in providing emergency medical services. The~~ 51297  
~~governor shall appoint this member from among three persons~~ 51298  
~~nominated by the Ohio association of air medical services. One~~ 51299  
member shall be the owner or operator of a private emergency 51300  
medical service organization whom the governor shall appoint from 51301  
among three persons nominated by the Ohio ambulance and medical 51302  
transportation association. One member shall be a provider of 51303  
mobile intensive care unit transportation in this state whom the 51304  
governor shall appoint from among three persons nominated by the 51305  
Ohio association of critical care transport and three persons 51306  
nominated by the Ohio ambulance and transportation association. 51307  
One member shall be a provider of air-medical transportation in 51308  
this state whom the governor shall appoint from among three 51309  
persons nominated by the Ohio association of critical care 51310  
transport and three persons nominated by the Ohio ambulance and 51311  
medical transportation association. One member shall be the owner 51312  
or operator of a nonemergency medical service organization in this 51313  
state that provides ambulette services whom the governor shall 51314

appoint from among three persons nominated by the Ohio ambulance and medical transportation association. 51315  
51316

The governor may refuse to appoint any of the persons 51317  
nominated by one or more organizations under division (A)(2) of 51318  
this section, except the employee of the department of public 51319  
safety designated by the director of public safety under this 51320  
section to be a member of the board. In that event, the 51321  
organization or organizations shall continue to nominate the 51322  
required number of persons until the governor appoints to the 51323  
board one or more of the persons nominated by the organization or 51324  
organizations. 51325

The director of public safety shall designate an employee of 51326  
the department of public safety to serve as a member of the board 51327  
at the director's pleasure. This member shall serve as a liaison 51328  
between the department and the division of emergency medical 51329  
services in cooperation with the executive director of the board. 51330

~~Initial appointments to the board by the governor and the 51331  
director of public safety shall be made within ninety days after 51332  
November 12, 1992. Of the initial appointments by the governor, 51333  
five shall be for terms ending one year after November 12, 1992, 51334  
six shall be for terms ending two years after November 12, 1992, 51335  
and six shall be for terms ending three years after November 12, 51336  
1992. Within ninety days after the effective date of this 51337  
amendment, the governor shall appoint the member of the board who 51338  
is the chief medical officer of an air medical agency for an 51339  
initial term ending November 12, 2000. Thereafter, terms 51340~~

(B) Terms of office of all members appointed by the governor 51341  
shall be for three years, each term ending on the same day of the 51342  
same month as did the term it succeeds. Each member shall hold 51343  
office from the date of appointment until the end of the term for 51344  
which the member was appointed. A member shall continue in office 51345  
subsequent to the expiration date of the member's term until the 51346

member's successor takes office, or until a period of sixty days 51347  
has elapsed, whichever occurs first. 51348

Each vacancy shall be filled in the same manner as the 51349  
original appointment. A member appointed to fill a vacancy 51350  
occurring prior to the expiration of the term for which the 51351  
member's predecessor was appointed shall hold office for the 51352  
remainder of the unexpired term. 51353

The term of a member shall expire if the member ceases to 51354  
meet any of the requirements to be appointed as that member. The 51355  
governor may remove any member from office for neglect of duty, 51356  
malfeasance, misfeasance, or nonfeasance, after an adjudication 51357  
hearing held in accordance with Chapter 119. of the Revised Code. 51358

(C) The members of the board shall serve without compensation 51359  
but shall be reimbursed for their actual and necessary expenses 51360  
incurred in carrying out their duties as board members. 51361

(D) The board shall organize by annually selecting a chair 51362  
and vice-chair from among its members. The board may adopt bylaws 51363  
to regulate its affairs. A majority of all members of the board 51364  
shall constitute a quorum. No action shall be taken without the 51365  
concurrence of a majority of all members of the board. The board 51366  
shall meet at least four times annually and at the call of the 51367  
chair. The chair shall call a meeting on the request of the 51368  
executive director or the medical director of the board or on the 51369  
written request of five members. The board shall maintain written 51370  
or electronic records of its meetings. 51371

(E) Upon twenty-four hours' notice from a member of the 51372  
board, the member's employer shall release the member from the 51373  
member's employment duties to attend meetings of the full board. 51374  
Nothing in this ~~paragraph~~ division requires the employer of a 51375  
member of the board to compensate the member for time the member 51376  
is released from employment duties under this paragraph, but any 51377



civil immunity, workers' compensation, disability, or similar 51378  
coverage that applies to a member of the board as a result of the 51379  
member's employment shall continue to apply while the member is 51380  
released from employment duties under this paragraph. 51381

**Sec. 4765.03.** (A) The director of public safety shall appoint 51382  
a full-time executive director for the state board of emergency 51383  
medical and transportation services. The executive director shall 51384  
be knowledgeable in emergency medical services and trauma care and 51385  
shall serve at the pleasure of the director of public safety. The 51386  
director of public safety shall appoint the executive director 51387  
from among three persons nominated by the board. The director of 51388  
public safety may refuse, for cause, to appoint any of the board's 51389  
nominees. If the director fails to appoint any of the board's 51390  
nominees, the board shall continue to nominate groups of three 51391  
persons until the director does appoint one of the board's 51392  
nominees. The executive director shall serve as the chief 51393  
executive officer of the board and as the executive director of 51394  
the division of emergency medical services. The executive director 51395  
shall attend each meeting of the board, except the board may 51396  
exclude the executive director from discussions concerning the 51397  
employment or performance of the executive director or medical 51398  
director of the board. The executive director shall give a surety 51399  
bond to the state in such sum as the board determines, conditioned 51400  
on the faithful performance of the duties of the executive 51401  
director's office. The executive director shall receive a salary 51402  
from the board and shall be reimbursed for actual and necessary 51403  
expenses incurred in carrying out duties as executive director. 51404  
51405

The executive director shall submit a report to the director 51406  
of public safety at least every three months regarding the status 51407  
of emergency medical services in this state. The executive 51408  
director shall meet with the director of public safety at the 51409

director's request. 51410

(B) The board shall appoint a medical director, who shall 51411  
serve at the pleasure of the board. The medical director shall be 51412  
a physician certified by the American board of emergency medicine 51413  
or the American osteopathic board of emergency medicine who is 51414  
active in the practice of emergency medicine and has been actively 51415  
involved with an emergency medical service organization for at 51416  
least five years prior to being appointed. The board shall 51417  
consider any recommendations for this appointment from the Ohio 51418  
chapter of the American college of emergency physicians, the Ohio 51419  
chapter of the American college of surgeons, the Ohio chapter of 51420  
the American academy of pediatrics, the Ohio osteopathic 51421  
association, and the Ohio state medical association. 51422

The medical director shall direct the executive director and 51423  
advise the board with regard to adult and pediatric trauma and 51424  
emergency medical services issues. The medical director shall 51425  
attend each meeting of the board, except the board may exclude the 51426  
medical director from discussions concerning the appointment or 51427  
performance of the medical director or executive director of the 51428  
board. The medical director shall be employed and paid by the 51429  
board and shall be reimbursed for actual and necessary expenses 51430  
incurred in carrying out duties as medical director. 51431

(C) The board may appoint employees as it determines 51432  
necessary. The board shall prescribe the duties and titles of its 51433  
employees. 51434

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 51435  
training committee of the state board of emergency medical, fire, 51436  
and transportation services is hereby created and shall consist of 51437  
the members of the board who are chiefs of fire departments, and 51438  
the members of the board who are emergency medical 51439  
technicians-basic, emergency medical technicians-intermediate, and 51440

emergency medical technicians-paramedic appointed from among 51441  
persons nominated by the Ohio association of professional fire 51442  
fighters or the northern Ohio fire fighters and from among persons 51443  
nominated by the Ohio state firefighter's association. Each member 51444  
of the committee, except the chairperson, may designate a person 51445  
with fire experience to serve in that member's place. The members 51446  
of the committee or their designees shall select a chairperson 51447  
from among the members or their designees. 51448

The committee may conduct investigations in the course of 51449  
discharging its duties under this chapter. In the course of an 51450  
investigation, the committee may issue subpoenas. If a person 51451  
subpoenaed fails to comply with the subpoena, the committee may 51452  
authorize its chairperson to apply to the court of common pleas in 51453  
the county where the person to be subpoenaed resides for an order 51454  
compelling compliance in the same manner as compliance with a 51455  
subpoena issued by the court is compelled. 51456

(B) The trauma committee of the state board of emergency 51457  
medical, fire, and transportation services is hereby created and 51458  
shall consist of the following members appointed by the director 51459  
of public safety: 51460

(1) A physician who is certified by the American board of 51461  
surgery or American osteopathic board of surgery and actively 51462  
practices general trauma surgery, appointed from among three 51463  
persons nominated by the Ohio chapter of the American college of 51464  
surgeons, three persons nominated by the Ohio state medical 51465  
association, and three persons nominated by the Ohio osteopathic 51466  
association; 51467

(2) A physician who is certified by the American board of 51468  
surgery or the American osteopathic board of surgery and actively 51469  
practices orthopedic trauma surgery, appointed from among three 51470  
persons nominated by the Ohio orthopedic society and three persons 51471

nominated by the Ohio osteopathic association; 51472

(3) A physician who is certified by the American board of 51473  
neurological surgeons or the American osteopathic board of surgery 51474  
and actively practices neurosurgery on trauma victims, appointed 51475  
from among three persons nominated by the Ohio state neurological 51476  
society and three persons nominated by the Ohio osteopathic 51477  
association; 51478

(4) A physician who is certified by the American board of 51479  
surgeons or American osteopathic board of surgeons and actively 51480  
specializes in treating burn victims, appointed from among three 51481  
persons nominated by the Ohio chapter of the American college of 51482  
surgeons and three persons nominated by the Ohio osteopathic 51483  
association; 51484

(5) A dentist who is certified by the American board of oral 51485  
and maxillofacial surgery and actively practices oral and 51486  
maxillofacial surgery, appointed from among three persons 51487  
nominated by the Ohio dental association; 51488

(6) A physician who is certified by the American board of 51489  
physical medicine and rehabilitation or American osteopathic board 51490  
of rehabilitation medicine and actively provides rehabilitative 51491  
care to trauma victims, appointed from among three persons 51492  
nominated by the Ohio society of physical medicine and 51493  
rehabilitation and three persons nominated by the Ohio osteopathic 51494  
association; 51495

(7) A physician who is certified by the American board of 51496  
surgery or American osteopathic board of surgery with special 51497  
qualifications in pediatric surgery and actively practices 51498  
pediatric trauma surgery, appointed from among three persons 51499  
nominated by the Ohio chapter of the American academy of 51500  
pediatrics and three persons nominated by the Ohio osteopathic 51501  
association; 51502

(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association;

(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, or American board of emergency medicine, is sub-boarded in pediatric emergency medicine, actively practices pediatric emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics, three persons nominated by the Ohio chapter of the American college of emergency physicians, and three persons nominated by the Ohio osteopathic association;

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, or American board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among three persons nominated by the Ohio association of air medical services;

(11) A coroner or medical examiner appointed from among three people nominated by the Ohio state coroners' association;

(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio association of trauma nurse coordinators;

(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the emergency nurses' association;

(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among three persons nominated by the alliance of Ohio trauma registrars; 51534  
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(15) The administrator of an adult or pediatric trauma center, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio; 51537  
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(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio; 51543  
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(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association; 51550  
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(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association; 51553  
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(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio association of professional firefighters, three persons nominated by the northern Ohio fire fighters, three persons nominated by the Ohio state firefighters' association, and three persons nominated by the Ohio association of emergency medical services; 51556  
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(20) A person who actively advocates for trauma victims, appointed from three persons nominated by the Ohio brain injury 51563  
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association and three persons nominated by the governor's council 51565  
on people with disabilities; 51566

(21) A physician or nurse who has substantial administrative 51567  
responsibility for trauma care provided in or by an adult or 51568  
pediatric trauma center, appointed from among three persons 51569  
nominated by OHA: the association for hospitals and health 51570  
systems, three persons nominated by the Ohio osteopathic 51571  
association, three persons nominated by the association of Ohio 51572  
children's hospitals, and three persons nominated by the health 51573  
forum of Ohio; 51574

(22) Three representatives of hospitals that are not trauma 51575  
centers and actively provide emergency care to trauma patients, 51576  
appointed from among three persons nominated by OHA: the 51577  
association for hospitals and health systems, three persons 51578  
nominated by the Ohio osteopathic association, three persons 51579  
nominated by the association of Ohio children's hospitals, and 51580  
three persons nominated by the health forum of Ohio. The 51581  
representatives may be hospital administrators, physicians, 51582  
nurses, or other clinical professionals. 51583

Members of the committee shall have substantial experience in 51584  
the categories they represent, shall be residents of this state, 51585  
and may be members of the state board of emergency medical, fire, 51586  
and transportation services. In appointing members of the 51587  
committee, the director shall attempt to include members 51588  
representing urban and rural areas, various geographical areas of 51589  
the state, and various schools of training. The director shall not 51590  
appoint to the committee more than one member who is employed by 51591  
or practices at the same hospital, health system, or emergency 51592  
medical service organization. 51593

The director may refuse to appoint any of the persons 51594  
nominated by an organization or organizations under this division. 51595  
In that event, the organization or organizations shall continue to 51596

nominate the required number of persons until the director 51597  
appoints to the committee one or more of the persons nominated by 51598  
the organization or organizations. 51599

Initial appointments to the committee shall be made by the 51600  
director not later than ninety days after November 3, 2000. 51601  
Members of the committee shall serve at the pleasure of the 51602  
director, except that any member of the committee who ceases to be 51603  
qualified for the position to which the member was appointed shall 51604  
cease to be a member of the committee. Vacancies on the committee 51605  
shall be filled in the same manner as original appointments. 51606

The members of the committee shall serve without compensation 51607  
but shall be reimbursed for actual and necessary expenses incurred 51608  
in carrying out duties as members of the committee. 51609

The committee shall select a chairperson and vice-chairperson 51610  
from among its members. A majority of all members of the committee 51611  
shall constitute a quorum. No action shall be taken without the 51612  
concurrence of a majority of all members of the committee. The 51613  
committee shall meet at the call of the chair, upon written 51614  
request of five members of the committee, and at the direction of 51615  
the state board of emergency medical, fire, and transportation 51616  
services. The committee shall not meet at times or locations that 51617  
conflict with meetings of the board. The executive director and 51618  
medical director of the state board of emergency medical, fire, 51619  
and transportation services may participate in any meeting of the 51620  
committee and shall do so at the request of the committee. 51621

The committee shall advise and assist the state board of 51622  
emergency medical, fire, and transportation services in matters 51623  
related to adult and pediatric trauma care and the establishment 51624  
and operation of the state trauma registry. In matters relating to 51625  
the state trauma registry, the board and the committee shall 51626  
consult with trauma registrars from adult and pediatric trauma 51627  
centers in the state. The committee may appoint a subcommittee to 51628



advise and assist with the trauma registry. The subcommittee may 51629  
include persons with expertise relevant to the trauma registry who 51630  
are not members of the board or committee. 51631

(C) The state board of emergency medical, fire, and 51632  
transportation services may appoint other committees and 51633  
subcommittees as it considers necessary. 51634

(D) The state board of emergency medical, fire, and 51635  
transportation services, and any of its committees or 51636  
subcommittees, may request assistance from any state agency. The 51637  
board and its committees and subcommittees may permit persons who 51638  
are not members of those bodies to participate in deliberations of 51639  
those bodies, but no person who is not a member of the board shall 51640  
vote on the board and no person who is not a member of a committee 51641  
created under division (A) or (B) of this section shall vote on 51642  
that committee. 51643

(E) Sections 101.82 to 101.87 of the Revised Code do not 51644  
apply to the committees established under division (A) or (B) of 51645  
this section. 51646

**Sec. 4765.05.** (A) As used in this section, "prehospital 51647  
emergency medical services" means an emergency medical services 51648  
system that provides medical services to patients who require 51649  
immediate assistance, because of illness or injury, prior to their 51650  
arrival at an emergency medical facility. 51651

(B) The state board of emergency medical, fire, and 51652  
transportation services shall divide the state geographically into 51653  
prehospital emergency medical services regions for purposes of 51654  
overseeing the delivery of adult and pediatric prehospital 51655  
emergency medical services. For each prehospital emergency medical 51656  
services region, the state board of emergency medical, fire, and 51657  
transportation services shall appoint either a physician to serve 51658  
as the regional director or a physician advisory board to serve as 51659

the regional advisory board. The state board of emergency medical, 51660  
fire, and transportation services shall specify the duties of each 51661  
regional director and regional advisory board. Regional directors 51662  
and members of regional advisory boards shall serve without 51663  
compensation, but shall be reimbursed for actual and necessary 51664  
expenses incurred in carrying out duties as regional directors and 51665  
members of regional advisory boards. 51666

(C) Nothing in this section shall be construed to limit in 51667  
any way the ability of a hospital to determine the market area of 51668  
that hospital. 51669

**Sec. 4765.06.** (A) The state board of emergency medical, fire, 51670  
and transportation services shall establish an emergency medical 51671  
services incidence reporting system for the collection of 51672  
information regarding the delivery of emergency medical services 51673  
in this state and the frequency at which the services are 51674  
provided. All emergency medical service organizations shall submit 51675  
to the board any information that the board determines is 51676  
necessary for maintaining the incidence reporting system. 51677

(B) The board shall establish a state trauma registry to be 51678  
used for the collection of information regarding the care of adult 51679  
and pediatric trauma victims in this state. The registry shall 51680  
provide for the reporting of adult and pediatric trauma-related 51681  
deaths, identification of adult and pediatric trauma patients, 51682  
monitoring of adult and pediatric trauma patient care data, 51683  
determination of the total amount of uncompensated adult and 51684  
pediatric trauma care provided annually by each facility that 51685  
provides care to trauma victims, and collection of any other 51686  
information specified by the board. All persons designated by the 51687  
board shall submit to the board any information it determines is 51688  
necessary for maintaining the state trauma registry. At the 51689  
request of the board any state agency possessing information 51690

regarding adult or pediatric trauma care shall provide the 51691  
information to the board. The board shall maintain the state 51692  
trauma registry in accordance with rules adopted under section 51693  
4765.11 of the Revised Code. 51694

Rules relating to the state trauma registry adopted under 51695  
this section and section 4765.11 of the Revised Code shall not 51696  
prohibit the operation of other trauma registries and may provide 51697  
for the reporting of information to the state trauma registry by 51698  
or through other trauma registries in a manner consistent with 51699  
information otherwise reported to the state trauma registry. Other 51700  
trauma registries may report aggregate information to the state 51701  
trauma registry, provided the information can be matched to the 51702  
person that reported it. Information maintained by another trauma 51703  
registry and reported to the state trauma registry in lieu of 51704  
being reported directly to the state trauma registry is a public 51705  
record and shall be maintained, made available to the public, held 51706  
in confidence, risk adjusted, and not subject to discovery or 51707  
introduction into evidence in a civil action as provided in 51708  
section 149.43 of the Revised Code and this section. Any person 51709  
who provides, maintains, or risk adjusts such information shall 51710  
comply with this section and rules adopted under it in performing 51711  
that function and has the same immunities with respect to that 51712  
function as a person who performs that function with respect to 51713  
the state trauma registry. 51714

(C) The board and any employee or contractor of the board or 51715  
the department of public safety shall not make public information 51716  
it receives under Chapter 4765. of the Revised Code that 51717  
identifies or would tend to identify a specific recipient of 51718  
emergency medical services or adult or pediatric trauma care. 51719

(D) Not later than two years after ~~the effective date of this~~ 51720  
~~amendment~~ November 3, 2000, the board shall adopt and implement 51721  
rules under section 4765.11 of the Revised Code that provide 51722

written standards and procedures for risk adjustment of 51723  
information received by the board under Chapter 4765. of the 51724  
Revised Code. The rules shall be developed in consultation with 51725  
appropriate medical, hospital, and emergency medical service 51726  
organizations and may provide for risk adjustment by a contractor 51727  
of the board. Before risk adjustment standards and procedures are 51728  
implemented, no member of the board and no employee or contractor 51729  
of the board or the department of public safety shall make public 51730  
information received by the board under Chapter 4765. of the 51731  
Revised Code that identifies or would tend to identify a specific 51732  
provider of emergency medical services or adult or pediatric 51733  
trauma care. After risk adjustment standards and procedures are 51734  
implemented, the board shall make public such information only on 51735  
a risk adjusted basis. 51736

(E) The board shall adopt rules under section 4765.11 of the 51737  
Revised Code that specify procedures for ensuring the 51738  
confidentiality of information that is not to be made public under 51739  
this section. The rules shall specify the circumstances in which 51740  
deliberations of the persons performing risk adjustment functions 51741  
under this section are not open to the public and records of those 51742  
deliberations are maintained in confidence. Nothing in this 51743  
section prohibits the board from making public statistical 51744  
information that does not identify or tend to identify a specific 51745  
recipient or provider of emergency medical services or adult or 51746  
pediatric trauma care. 51747

(F) No provider that furnishes information to the board with 51748  
respect to any patient the provider examined or treated shall, 51749  
because of this furnishing, be deemed liable in damages to any 51750  
person or be held to answer for betrayal of a professional 51751  
confidence in the absence of willful or wanton misconduct. No such 51752  
information shall be subject to introduction in evidence in any 51753  
civil action against the provider. No provider that furnishes 51754

information to the board shall be liable for the misuse or 51755  
improper release of the information by the board or any other 51756  
person. 51757

No person who performs risk adjustment functions under this 51758  
section shall, because of performing such functions, be held 51759  
liable in a civil action for betrayal of professional confidence 51760  
or otherwise in the absence of willful or wanton misconduct. 51761

**Sec. 4765.07.** (A) The state board of emergency medical, fire, 51762  
and transportation services shall adopt rules under section 51763  
4765.11 of the Revised Code to establish and administer a grant 51764  
program under which grants are distributed according to the 51765  
following priorities: 51766

(1) First priority shall be given to emergency medical 51767  
service organizations for the training of personnel, for the 51768  
purchase of equipment and vehicles, and to improve the 51769  
availability, accessibility, and quality of emergency medical 51770  
services in this state. In this category, the board shall give 51771  
priority to grants that fund training and equipping of emergency 51772  
medical service personnel. 51773

(2) Second priority shall be given to entities that research, 51774  
test, and evaluate medical procedures and systems related to adult 51775  
and pediatric trauma care. 51776

(3) Third priority shall be given to entities that research 51777  
the causes, nature, and effects of traumatic injuries, educate the 51778  
public about injury prevention, and implement, test, and evaluate 51779  
injury prevention strategies. 51780

(4) Fourth priority shall be given to entities that research, 51781  
test, and evaluate procedures that promote the rehabilitation, 51782  
retraining, and reemployment of adult or pediatric trauma victims 51783  
and social service support mechanisms for adult or pediatric 51784

|                                                                                                                                                                                                                                                               |       |
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| trauma victims and their families.                                                                                                                                                                                                                            | 51785 |
| (5) Fifth priority shall be given to entities that conduct research on, test, or evaluate one or more of the following:                                                                                                                                       | 51786 |
| (a) Procedures governing the performance of emergency medical services in this state;                                                                                                                                                                         | 51787 |
| (b) The training of emergency medical service personnel;                                                                                                                                                                                                      | 51788 |
| (c) The staffing of emergency medical service organizations.                                                                                                                                                                                                  | 51789 |
| (6) For grants distributed for the grant award years occurring not later than the award year ending June 30, 2017, sixth priority shall be given to entities that operate paramedic training programs and are seeking national accreditation of the programs. | 51792 |
| (B) To be eligible for a grant distributed pursuant to division (A)(6) of this section, an applicant for the grant shall meet all of the following conditions:                                                                                                | 51793 |
| (1) Hold a certificate of accreditation issued by the board under section 4765.17 of the Revised Code to operate a paramedic training program;                                                                                                                | 51794 |
| (2) Be seeking initial national accreditation of the program from an accrediting organization approved by the board;                                                                                                                                          | 51795 |
| (3) Apply for the national accreditation on or after February 25, 2010.                                                                                                                                                                                       | 51796 |
| (C) The grant program shall be funded from the trauma and emergency medical services <del>grants</del> fund created by section 4513.263 of the Revised Code.                                                                                                  | 51797 |
| <b>Sec. 4765.08.</b> The state board of emergency medical, <u>fire, and transportation</u> services shall prepare a statewide emergency medical services plan and shall revise the plan as necessary.                                                         | 51798 |
| The board shall prepare a plan for the statewide regulation                                                                                                                                                                                                   | 51799 |
|                                                                                                                                                                                                                                                               | 51800 |
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of emergency medical services during periods of disaster. The plan 51814  
shall be consistent with the statewide emergency medical services 51815  
plan required under this section and with the statewide emergency 51816  
operations plan required under section 5502.22 of the Revised 51817  
Code. The board shall submit the plan to the emergency management 51818  
agency created under section 5502.22 of the Revised Code. The 51819  
board shall cooperate with the agency in any other manner the 51820  
agency considers necessary to develop and implement the statewide 51821  
emergency operations plan. 51822

**Sec. 4765.09.** The state board of emergency medical, fire, and 51823  
transportation services shall prepare recommendations for the 51824  
operation of ambulance service organizations, air medical 51825  
organizations, and emergency medical service organizations. Within 51826  
thirty days following the preparation or modification of 51827  
recommendations, the board shall notify the board of county 51828  
commissioners of any county, the board of township trustees of any 51829  
township, the board of trustees of any joint ambulance district, 51830  
or the board of trustees of any joint emergency medical services 51831  
district in which there exist ambulance service organizations, air 51832  
medical organizations, or emergency medical service organizations 51833  
of any board recommendations for the operation of such 51834  
organizations. The recommendations shall include, but not be 51835  
limited to: 51836

(A) The definition and classification of ambulances and 51837  
medical aircraft; 51838

(B) The design, equipment, and supplies for ambulances and 51839  
medical aircraft, including special equipment, supplies, training, 51840  
and staffing required to assist pediatric and geriatric emergency 51841  
victims; 51842

(C) The minimum number and type of personnel for the 51843  
operation of ambulances and medical aircraft; 51844

(D) The communication systems necessary for the operation of 51845  
ambulances and medical aircraft; 51846

(E) Reports to be made by persons holding certificates of 51847  
accreditation or approval issued under section 4765.17 of the 51848  
Revised Code and certificates to practice issued under section 51849  
4765.30 of the Revised Code to ascertain compliance with this 51850  
chapter and the rules and recommendations adopted thereunder and 51851  
to ascertain the quantity and quality of ambulance service 51852  
organizations, air medical organizations, and emergency medical 51853  
service organizations throughout the state. 51854

**Sec. 4765.10.** (A) The state board of emergency medical, fire, 51855  
and transportation services shall do all of the following: 51856

(1) Administer and enforce the provisions of this chapter and 51857  
the rules adopted under it; 51858

(2) Approve, in accordance with procedures established in 51859  
rules adopted under section 4765.11 of the Revised Code, 51860  
examinations that demonstrate competence to have a certificate to 51861  
practice renewed without completing a continuing education 51862  
program; 51863

(3) Advise applicants for state or federal emergency medical 51864  
services funds, review and comment on applications for these 51865  
funds, and approve the use of all state and federal funds 51866  
designated solely for emergency medical service programs unless 51867  
federal law requires another state agency to approve the use of 51868  
all such federal funds; 51869

(4) Serve as a statewide clearinghouse for discussion, 51870  
inquiry, and complaints concerning emergency medical services; 51871

(5) Make recommendations to the general assembly on 51872  
legislation to improve the delivery of emergency medical services; 51873

(6) Maintain a toll-free long distance telephone number 51874



through which it shall respond to questions about emergency 51875  
medical services; 51876

(7) Work with appropriate state offices in coordinating the 51877  
training of firefighters and emergency medical service personnel. 51878  
Other state offices that are involved in the training of 51879  
firefighters or emergency medical service personnel shall 51880  
cooperate with the board and its committees and subcommittees to 51881  
achieve this goal. 51882

(8) Provide a liaison to the state emergency operation center 51883  
during those periods when a disaster, as defined in section 51884  
5502.21 of the Revised Code, has occurred in this state and the 51885  
governor has declared an emergency as defined in that section. 51886

(B) The board may do any of the following: 51887

(1) Investigate complaints concerning emergency medical 51888  
services and emergency medical service organizations as it 51889  
determines necessary; 51890

(2) Enter into reciprocal agreements with other states that 51891  
have standards for accreditation of emergency medical services 51892  
training programs and for certification of first responders, 51893  
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 51894  
inspectors that are substantially similar to those established 51895  
under this chapter and the rules adopted under it; 51896

(3) Establish a statewide public information system and 51897  
public education programs regarding emergency medical services; 51898

(4) Establish an injury prevention program. 51899

**Sec. 4765.101.** (A) The state board of emergency medical, 51900  
fire, and transportation services shall investigate any allegation 51901  
that a person has violated this chapter or a rule adopted under 51902  
it. 51903

Any person may submit to the board a written complaint 51904

regarding an alleged violation of this chapter or a rule adopted 51905  
under it. In the absence of fraud or bad faith, no person 51906  
submitting a complaint to the board or testifying in an 51907  
adjudication hearing conducted in accordance with Chapter 119. of 51908  
the Revised Code with regard to such an alleged violation shall be 51909  
liable to any person in damages in a civil action as a result of 51910  
submitting the complaint or providing testimony. 51911

(B) In investigating an allegation, the board may do any of 51912  
the following: 51913

(1) Administer oaths; 51914

(2) Order the taking of depositions; 51915

(3) Issue subpoenas; 51916

(4) Compel the attendance of witnesses and production of 51917  
books, accounts, papers, records, documents, and testimony. 51918

(C) A subpoena for patient record information shall not be 51919  
issued without consultation with the attorney general's office and 51920  
approval of the executive director of the board. Before issuance 51921  
of a subpoena for patient record information, the executive 51922  
director shall determine whether there is probable cause to 51923  
believe that the complaint filed alleges a violation of this 51924  
chapter or any rule adopted under it and that the records sought 51925  
are relevant to the alleged violation and material to the 51926  
investigation. The subpoena may apply only to records that cover a 51927  
reasonable period of time surrounding the alleged violation. 51928

(D) On failure to comply with any subpoena issued by the 51929  
board and after reasonable notice to the person being subpoenaed, 51930  
the board may move, pursuant to the Rules of Civil Procedure, for 51931  
an order compelling the production of persons or records. 51932

(E) A subpoena issued by the board may be served by a 51933  
sheriff, the sheriff's deputy, or an investigator for the division 51934

of emergency medical services of the department of public safety. 51935  
Service of a subpoena issued by the board may be made by 51936  
delivering a copy of the subpoena to the person named in it, 51937  
reading it to the person, or leaving it at the person's usual 51938  
place of residence. When the person being served is an individual 51939  
authorized by this chapter to practice emergency medical services, 51940  
service of the subpoena may be made by certified mail, restricted 51941  
delivery, return receipt requested, and the subpoena shall be 51942  
deemed served on the date delivery is made or on the date that the 51943  
person refuses to accept delivery. 51944

**Sec. 4765.102.** (A) As used in this section, "licensing 51945  
agency" means any entity that has the authority pursuant to Title 51946  
XLVII of the Revised Code to issue a license, and any other agency 51947  
of this or another state, other than the Ohio supreme court, that 51948  
has the authority to issue a license that authorizes an individual 51949  
to engage in an occupation or profession. "Licensing agency" 51950  
includes an administrative officer that has authority to issue a 51951  
license that authorizes an individual to engage in an occupation 51952  
or profession. 51953

(B) Except as provided in divisions (C) and (D) of this 51954  
section and section 4765.111 of the Revised Code, all information 51955  
the state board of emergency medical, fire, and transportation 51956  
services receives pursuant to an investigation, including 51957  
information regarding an alleged violation of this chapter or 51958  
rules adopted under it or a complaint submitted under division (A) 51959  
of section 4765.101 of the Revised Code, is confidential, and is 51960  
not subject to discovery in any civil action, during the course of 51961  
the investigation and any adjudication proceedings that result 51962  
from the investigation. Upon completion of the investigation and 51963  
any resulting adjudication proceedings, the information is a 51964  
matter of public record for purposes of section 149.43 of the 51965  
Revised Code. 51966

(C) The board may release information otherwise made 51967  
confidential by division (B) of this section to law enforcement 51968  
officers or licensing agencies of this or another state that are 51969  
prosecuting, adjudicating, or investigating the holder of a 51970  
certificate issued under this chapter or a person who allegedly 51971  
engaged in the unauthorized provision of emergency medical 51972  
services. 51973

A law enforcement officer or licensing agency with 51974  
information disclosed by the board under this division shall not 51975  
divulge the information other than for the purpose of an 51976  
adjudication by a court or licensing agency to which the subject 51977  
of the adjudication is a party. 51978

(D) If an investigation conducted under section 4765.101 of 51979  
the Revised Code requires a review of patient records, the 51980  
investigation and proceedings related to it shall be conducted in 51981  
such a manner as to protect patient confidentiality. The board 51982  
shall not make public the name or any other identifying 51983  
information about a patient unless proper consent is given in 51984  
accordance with rules adopted by the board. If the patient is less 51985  
than eighteen years of age, the board shall obtain consent from 51986  
the patient's parent, guardian, or custodian. 51987

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 51988  
and transportation services shall adopt, and may amend and 51989  
rescind, rules in accordance with Chapter 119. of the Revised Code 51990  
and division (C) of this section that establish all of the 51991  
following: 51992

(1) Procedures for its governance and the control of its 51993  
actions and business affairs; 51994

(2) Standards for the performance of emergency medical 51995  
services by first responders, emergency medical technicians-basic, 51996  
emergency medical technicians-intermediate, and emergency medical 51997

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| technicians-paramedic;                                             | 51998 |
| (3) Application fees for certificates of accreditation,            | 51999 |
| certificates of approval, certificates to teach, and certificates  | 52000 |
| to practice, which shall be deposited into the trauma and          | 52001 |
| emergency medical services fund created in section 4513.263 of the | 52002 |
| Revised Code;                                                      | 52003 |
| (4) Criteria for determining when the application or renewal       | 52004 |
| fee for a certificate to practice may be waived because an         | 52005 |
| applicant cannot afford to pay the fee;                            | 52006 |
| (5) Procedures for issuance and renewal of certificates of         | 52007 |
| accreditation, certificates of approval, certificates to teach,    | 52008 |
| and certificates to practice, including any procedures necessary   | 52009 |
| to ensure that adequate notice of renewal is provided in           | 52010 |
| accordance with division (D) of section 4765.30 of the Revised     | 52011 |
| Code;                                                              | 52012 |
| (6) Procedures for suspending or revoking certificates of          | 52013 |
| accreditation, certificates of approval, certificates to teach,    | 52014 |
| and certificates to practice;                                      | 52015 |
| (7) Grounds for suspension or revocation of a certificate to       | 52016 |
| practice issued under section 4765.30 of the Revised Code and for  | 52017 |
| taking any other disciplinary action against a first responder,    | 52018 |
| EMT-basic, EMT-I, or paramedic;                                    | 52019 |
| (8) Procedures for taking disciplinary action against a first      | 52020 |
| responder, EMT-basic, EMT-I, or paramedic;                         | 52021 |
| (9) Standards for certificates of accreditation and                | 52022 |
| certificates of approval;                                          | 52023 |
| (10) Qualifications for certificates to teach;                     | 52024 |
| (11) Requirements for a certificate to practice;                   | 52025 |
| (12) The curricula, number of hours of instruction and             | 52026 |
| training, and instructional materials to be used in adult and      | 52027 |

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| pediatric emergency medical services training programs and adult   | 52028 |
| and pediatric emergency medical services continuing education      | 52029 |
| programs;                                                          | 52030 |
| (13) Procedures for conducting courses in recognizing              | 52031 |
| symptoms of life-threatening allergic reactions and in calculating | 52032 |
| proper dosage levels and administering injections of epinephrine   | 52033 |
| to adult and pediatric patients who suffer life-threatening        | 52034 |
| allergic reactions;                                                | 52035 |
| (14) Examinations for certificates to practice;                    | 52036 |
| (15) Procedures for administering examinations for                 | 52037 |
| certificates to practice;                                          | 52038 |
| (16) Procedures for approving examinations that demonstrate        | 52039 |
| competence to have a certificate to practice renewed without       | 52040 |
| completing an emergency medical services continuing education      | 52041 |
| program;                                                           | 52042 |
| (17) Procedures for granting extensions and exemptions of          | 52043 |
| emergency medical services continuing education requirements;      | 52044 |
| (18) Procedures for approving the additional emergency             | 52045 |
| medical services first responders are authorized by division (C)   | 52046 |
| of section 4765.35 of the Revised Code to perform, EMTs-basic are  | 52047 |
| authorized by division (C) of section 4765.37 of the Revised Code  | 52048 |
| to perform, EMTs-I are authorized by division (B)(5) of section    | 52049 |
| 4765.38 of the Revised Code to perform, and paramedics are         | 52050 |
| authorized by division (B)(6) of section 4765.39 of the Revised    | 52051 |
| Code to perform;                                                   | 52052 |
| (19) Standards and procedures for implementing the                 | 52053 |
| requirements of section 4765.06 of the Revised Code, including     | 52054 |
| designations of the persons who are required to report information | 52055 |
| to the board and the types of information to be reported;          | 52056 |
| (20) Procedures for administering the emergency medical            | 52057 |

services grant program established under section 4765.07 of the Revised Code; 52058  
52059

(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board; 52060  
52061

(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel; 52062  
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52064

(23) The manner in which a patient, or a patient's parent, guardian, or custodian may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code; 52065  
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(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code; 52069  
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(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates. 52073  
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(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following: 52079  
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(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code; 52082  
52083  
52084

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code; 52085  
52086  
52087

(3) Requirements that a person must meet to receive a certificate to practice as a first responder pursuant to division (A)(2) of section 4765.30 of the Revised Code;

(4) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

**Sec. 4765.111.** Except as provided in this section or sections 4765.112 to 4765.116 of the Revised Code, the state board of emergency medical, fire, and transportation services shall conduct disciplinary proceedings regarding the holder of a certificate issued under this chapter in accordance with rules adopted by the board under section 4765.11 of the Revised Code.



The board and a holder of a certificate are the parties to a hearing conducted under this chapter. Either party may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the commencement of the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension of time to provide the list and copies.

Failure to timely provide a list or copies requested in accordance with this section shall result in exclusion from the hearing of the witnesses, testimony, or documents.

**Sec. 4765.112.** (A) The state board of emergency medical, fire, and transportation services, by an affirmative vote of the majority of its members, may suspend without a prior hearing a certificate to practice issued under this chapter if the board determines that there is clear and convincing evidence that continued practice by the certificate holder presents a danger of immediate and serious harm to the public and that the certificate holder has done any of the following:

(1) Furnished false, fraudulent, or misleading information to the board;

(2) Engaged in activities that exceed those permitted by the individual's certificate;

(3) In a court of this or any other state or federal court been convicted of, pleaded guilty to, or been the subject of a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of

eligibility for intervention in lieu of conviction for, a felony 52149  
or for a misdemeanor committed in the course of practice or 52150  
involving gross immorality or moral turpitude. 52151

(B) Immediately following the decision to impose a summary 52152  
suspension, the board, in accordance with section 119.07 of the 52153  
Revised Code, shall issue a written order of suspension, cause it 52154  
to be delivered to the certificate holder, and notify the 52155  
certificate holder of the opportunity for a hearing. If timely 52156  
requested by the certificate holder, a hearing shall be conducted 52157  
in accordance with section 4765.115 of the Revised Code. 52158

**Sec. 4765.113.** If the state board of emergency medical, fire, 52159  
and transportation services imposes a suspension on the basis of a 52160  
conviction, judicial finding, or plea as described in division 52161  
(A)(3) of section 4765.112 of the Revised Code that is overturned 52162  
on appeal, the certificate holder, on exhaustion of the criminal 52163  
appeal process, may file with the board a petition for 52164  
reconsideration of the suspension along with appropriate court 52165  
documents. On receipt of the petition and documents, the board 52166  
shall reinstate the certificate holder's certificate to practice. 52167

**Sec. 4765.114.** (A) A certificate to practice emergency 52168  
medical services issued under this chapter is automatically 52169  
suspended on the certificate holder's conviction of, plea of 52170  
guilty to, or judicial finding of guilt of any of the following: 52171  
aggravated murder, murder, voluntary manslaughter, felonious 52172  
assault, kidnapping, rape, sexual battery, gross sexual 52173  
imposition, aggravated arson, aggravated burglary, aggravated 52174  
robbery, or a substantially equivalent offense committed in this 52175  
or another jurisdiction. Continued practice after the suspension 52176  
is practicing without a certificate. 52177

(B) If the state board of emergency medical, fire, and 52178

transportation services has knowledge that an automatic suspension 52179  
has occurred, it shall notify, in accordance with section 119.07 52180  
of the Revised Code, the certificate holder of the suspension and 52181  
of the opportunity for a hearing. If timely requested by the 52182  
certificate holder, a hearing shall be conducted in accordance 52183  
with section 4765.115 of the Revised Code. 52184

**Sec. 4765.115.** (A) A suspension order issued under section 52185  
4765.112 or automatic suspension under section 4765.114 of the 52186  
Revised Code is not subject to suspension by a court prior to a 52187  
hearing under this section or during the pendency of any appeal 52188  
filed under section 119.12 of the Revised Code. 52189

(B) A suspension order issued under section 4765.112 or 52190  
automatic suspension under section 4765.114 of the Revised Code 52191  
remains in effect, unless reversed by the state board of emergency 52192  
medical, fire, and transportation services, until a final 52193  
adjudication order issued by the board pursuant to this section 52194  
becomes effective. 52195

(C) Hearings requested pursuant to section 4765.112 or 52196  
4765.114 of the Revised Code shall be conducted under this section 52197  
in accordance with Chapter 119. of the Revised Code. 52198

(D) A hearing under this section shall be held not later than 52199  
forty-five days but not earlier than forty days after the 52200  
certificate holder requests it, unless another date is agreed to 52201  
by the certificate holder and the board. 52202

(E) After completion of an adjudication hearing, the board 52203  
may adopt, by an affirmative vote of the majority of its members, 52204  
a final adjudication order that imposes any of the following 52205  
sanctions: 52206

(1) Suspension of the holder's certificate to practice; 52207

(2) Revocation of the holder's certificate to practice; 52208

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (3) Issuance of a written reprimand;                                                                                                                                                                                                                                                                                                                                                                        | 52209                                                       |
| (4) A refusal to renew or a limitation on the holder's certificate to practice.                                                                                                                                                                                                                                                                                                                             | 52210<br>52211                                              |
| The board shall issue its final adjudication order not later than forty-five days after completion of an adjudication hearing.                                                                                                                                                                                                                                                                              | 52212<br>52213                                              |
| If the board does not issue a final order within that time period, the suspension order is void, but any final adjudication order subsequently issued is not affected.                                                                                                                                                                                                                                      | 52214<br>52215<br>52216                                     |
| (F) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the certificate to practice may be reinstated. Reinstatement of a certificate suspended under this section requires an affirmative vote by the majority of the members of the board.                                                 | 52217<br>52218<br>52219<br>52220<br>52221<br>52222          |
| (G) When the board revokes or refuses to reinstate a certificate to practice, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a certificate of the type revoked or refused, and the board shall not accept from the individual an application for reinstatement of the certificate or for a new certificate. | 52223<br>52224<br>52225<br>52226<br>52227<br>52228<br>52229 |
| <b>Sec. 4765.116.</b> If a certificate holder subject to a suspension order issued by the state board of emergency medical, <u>fire, and transportation</u> services under section 4765.112 or an automatic suspension order under section 4765.114 of the Revised Code fails to make a timely request for a hearing, the following apply:                                                                  | 52230<br>52231<br>52232<br>52233<br>52234<br>52235          |
| (A) In the case of a certificate holder subject to a summary suspension order, the board is not required to hold a hearing, but may adopt, by an affirmative vote of a majority of its members, a                                                                                                                                                                                                           | 52236<br>52237<br>52238                                     |

final order that contains the board's findings. In the final 52239  
order, the board may order any of the sanctions listed in division 52240  
(E) of section 4765.115 of the Revised Code. 52241

(B) In the case of a certificate holder subject to an 52242  
automatic suspension order, the board may adopt, by an affirmative 52243  
vote of a majority of its members, a final order that permanently 52244  
revokes the holder's certificate to practice. 52245

**Sec. 4765.12.** (A) Not later than two years after ~~the~~ 52246  
~~effective date of this section~~ November 3, 2000, the state board 52247  
of emergency medical and transportation services shall develop and 52248  
distribute guidelines for the care of trauma victims by emergency 52249  
medical service personnel and for the conduct of peer review and 52250  
quality assurance programs by emergency medical service 52251  
organizations. The guidelines shall be consistent with the state 52252  
trauma triage protocols adopted in rules under sections 4765.11 52253  
and 4765.40 of the Revised Code and shall place emphasis on the 52254  
special needs of pediatric and geriatric trauma victims. In 52255  
developing the guidelines, the board shall consult with entities 52256  
with interests in trauma and emergency medical services and shall 52257  
consider any relevant guidelines adopted by national 52258  
organizations, including the American college of surgeons, 52259  
American college of emergency physicians, and American academy of 52260  
pediatrics. The board shall distribute the guidelines, and 52261  
amendments to the guidelines, to each emergency medical service 52262  
organization, regional director, regional physician advisory 52263  
board, certified emergency medical service instructor, and person 52264  
who regularly provides medical direction to emergency medical 52265  
service personnel in this state. 52266

(B) Not later than three years after ~~the effective date of~~ 52267  
~~this section~~ November 3, 2000, each emergency medical service 52268  
organization in this state shall implement ongoing peer review and 52269

quality assurance programs designed to improve the availability 52270  
and quality of the emergency medical services it provides. The 52271  
form and content of the programs shall be determined by each 52272  
emergency medical service organization. In implementing the 52273  
programs, each emergency medical service organization shall 52274  
consider how to improve its ability to provide effective trauma 52275  
care, particularly for pediatric and geriatric trauma victims, and 52276  
shall take into account the trauma care guidelines developed by 52277  
the state board of emergency medical, fire, and transportation 52278  
services under this section. 52279

Information generated solely for use in a peer review or 52280  
quality assurance program conducted on behalf of an emergency 52281  
medical service organization is not a public record under section 52282  
149.43 of the Revised Code. Such information, and any discussion 52283  
conducted in the course of a peer review or quality assurance 52284  
program conducted on behalf of an emergency medical service 52285  
organization, is not subject to discovery in a civil action and 52286  
shall not be introduced into evidence in a civil action against 52287  
the emergency medical service organization on whose behalf the 52288  
information was generated or the discussion occurred. 52289

No emergency medical service organization on whose behalf a 52290  
peer review or quality assurance program is conducted, and no 52291  
person who conducts such a program, because of performing such 52292  
functions, shall be liable in a civil action for betrayal of 52293  
professional confidence or otherwise in the absence of willful or 52294  
wanton misconduct. 52295

**Sec. 4765.15.** A person seeking to operate an emergency 52296  
medical services training program shall submit a completed 52297  
application for accreditation to the state board of emergency 52298  
medical, fire, and transportation services on a form the board 52299  
shall prescribe and furnish. The application shall be accompanied 52300

by the appropriate application fee established in rules adopted 52301  
under section 4765.11 of the Revised Code. 52302

A person seeking to operate an emergency medical services 52303  
continuing education program shall submit a completed application 52304  
for approval to the board on a form the board shall prescribe and 52305  
furnish. The application shall be accompanied by the appropriate 52306  
application fee established in rules adopted under section 4765.11 52307  
of the Revised Code. 52308

The board shall administer the accreditation and approval 52309  
processes pursuant to rules adopted under section 4765.11 of the 52310  
Revised Code. In administering these processes, the board may 52311  
authorize other persons to evaluate applications for accreditation 52312  
or approval and may accept the recommendations made by those 52313  
persons. 52314

The board may cause an investigation to be made into the 52315  
accuracy of the information submitted in any application for 52316  
accreditation or approval. If an investigation indicates that 52317  
false, misleading, or incomplete information has been submitted to 52318  
the board in connection with any application for accreditation or 52319  
approval, the board shall conduct a hearing on the matter in 52320  
accordance with Chapter 119. of the Revised Code. 52321

**Sec. 4765.16.** (A) All courses offered through an emergency 52322  
medical services training program or an emergency medical services 52323  
continuing education program, other than ambulance driving, shall 52324  
be developed under the direction of a physician who specializes in 52325  
emergency medicine. Each course that deals with trauma care shall 52326  
be developed in consultation with a physician who specializes in 52327  
trauma surgery. Except as specified by the state board of 52328  
emergency medical, fire, and transportation services pursuant to 52329  
rules adopted under section 4765.11 of the Revised Code, each 52330  
course offered through a training program or continuing education 52331

program shall be taught by a person who holds the appropriate certificate to teach issued under section 4765.23 of the Revised Code.

(B) A training program for first responders shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in both of the following areas for at least the number of hours established by the board's rules:

(1) Emergency victim care;

(2) Reading and interpreting a trauma victim's vital signs.

(C) A training program for emergency medical technicians-basic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in each of the following areas for at least the number of hours established by the board's rules:

(1) Emergency victim care;

(2) Reading and interpreting a trauma victim's vital signs;

(3) Triage protocols for adult and pediatric trauma victims;

(4) In-hospital training;

(5) Clinical training;

(6) Training as an ambulance driver.

Each operator of a training program for emergency medical technicians-basic shall allow any pupil in the twelfth grade in a secondary school who is at least seventeen years old and who otherwise meets the requirements for admission into such a training program to be admitted to and complete the program and, as part of the training, to ride in an ambulance with emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. Each emergency medical service organization



shall allow pupils participating in training programs to ride in 52362  
an ambulance with emergency medical technicians-basic, advanced 52363  
emergency medical technicians-intermediate, and emergency medical 52364  
technicians-paramedic. 52365

(D) A training program for emergency medical 52366  
technicians-intermediate shall meet the standards established in 52367  
rules adopted by the board under section 4765.11 of the Revised 52368  
Code. The program shall include, or require as a prerequisite, the 52369  
training specified in division (C) of this section and courses in 52370  
each of the following areas for at least the number of hours 52371  
established by the board's rules: 52372

(1) Recognizing symptoms of life-threatening allergic 52373  
reactions and in calculating proper dosage levels and 52374  
administering injections of epinephrine to persons who suffer 52375  
life-threatening allergic reactions, conducted in accordance with 52376  
rules adopted by the board under section 4765.11 of the Revised 52377  
Code; 52378

(2) Venous access procedures; 52379

(3) Cardiac monitoring and electrical interventions to 52380  
support or correct the cardiac function. 52381

(E) A training program for emergency medical 52382  
technicians-paramedic shall meet the standards established in 52383  
rules adopted by the board under section 4765.11 of the Revised 52384  
Code. The program shall include, or require as a prerequisite, the 52385  
training specified in divisions (C) and (D) of this section and 52386  
courses in each of the following areas for at least the number of 52387  
hours established by the board's rules: 52388

(1) Medical terminology; 52389

(2) Venous access procedures; 52390

(3) Airway procedures; 52391

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| (4) Patient assessment and triage;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 52392                                                                                                                      |
| (5) Acute cardiac care, including administration of<br>parenteral injections, electrical interventions, and other<br>emergency medical services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 52393<br>52394<br>52395                                                                                                    |
| (6) Emergency and trauma victim care beyond that required<br>under division (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 52396<br>52397                                                                                                             |
| (7) Clinical training beyond that required under division (C)<br>of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 52398<br>52399                                                                                                             |
| (F) A continuing education program for first responders,<br>EMTs-basic, EMTs-I, or paramedics shall meet the standards<br>established in rules adopted by the board under section 4765.11 of<br>the Revised Code. A continuing education program shall include<br>instruction and training in subjects established by the board's<br>rules for at least the number of hours established by the board's<br>rules.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 52400<br>52401<br>52402<br>52403<br>52404<br>52405<br>52406                                                                |
| <b>Sec. 4765.17.</b> (A) The state board of emergency medical, <u>fire,</u><br><u>and transportation</u> services shall issue the appropriate<br>certificate of accreditation or certificate of approval to an<br>applicant who is of good reputation and meets the requirements of<br>section 4765.16 of the Revised Code. The board shall grant or deny<br>a certificate of accreditation or certificate of approval within<br>one hundred twenty days of receipt of the application. The board<br>may issue or renew a certificate of accreditation or certificate<br>of approval on a provisional basis to an applicant who is of good<br>reputation and is in substantial compliance with the requirements<br>of section 4765.16 of the Revised Code. The board shall inform an<br>applicant receiving such a certificate of the conditions that must<br>be met to complete compliance with section 4765.16 of the Revised<br>Code. | 52407<br>52408<br>52409<br>52410<br>52411<br>52412<br>52413<br>52414<br>52415<br>52416<br>52417<br>52418<br>52419<br>52420 |
| (B) Except as provided in division (C) of this section, a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 52421                                                                                                                      |

certificate of accreditation or certificate of approval is valid 52422  
for up to five years and may be renewed by the board pursuant to 52423  
procedures and standards established in rules adopted under 52424  
section 4765.11 of the Revised Code. An application for renewal 52425  
shall be accompanied by the appropriate renewal fee established in 52426  
rules adopted under section 4765.11 of the Revised Code. 52427

(C) A certificate of accreditation or certificate of approval 52428  
issued on a provisional basis is valid for the length of time 52429  
established by the board. If the board finds that the holder of 52430  
such a certificate has met the conditions it specifies under 52431  
division (A) of this section, the board shall issue the 52432  
appropriate certificate of accreditation or certificate of 52433  
approval. 52434

(D) A certificate of accreditation is valid only for the 52435  
emergency medical services training program or programs for which 52436  
it is issued. The holder of a certificate of accreditation may 52437  
apply to operate additional training programs in accordance with 52438  
rules adopted by the board under section 4765.11 of the Revised 52439  
Code. Any additional training programs shall expire on the 52440  
expiration date of the applicant's current certificate. A 52441  
certificate of approval is valid only for the emergency medical 52442  
services continuing education program for which it is issued. 52443  
Neither is transferable. 52444

(E) The holder of a certificate of accreditation or a 52445  
certificate of approval may offer courses at more than one 52446  
location in accordance with rules adopted under section 4765.11 of 52447  
the Revised Code. 52448

**Sec. 4765.18.** The state board of emergency medical, fire, and 52449  
transportation services may suspend or revoke a certificate of 52450  
accreditation or a certificate of approval issued under section 52451  
4765.17 of the Revised Code for any of the following reasons: 52452

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (A) Violation of this chapter or any rule adopted under it;                                                                                                                                                                                                                                                                                                                                          | 52453                                                       |
| (B) Furnishing of false, misleading, or incomplete information to the board;                                                                                                                                                                                                                                                                                                                         | 52454<br>52455                                              |
| (C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;                                                                                                                                                         | 52456<br>52457<br>52458<br>52459                            |
| (D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;                                                                                                                          | 52460<br>52461<br>52462<br>52463<br>52464                   |
| (E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval;                                                                                                                                                                                                                                                                                | 52465<br>52466                                              |
| (F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program; | 52467<br>52468<br>52469<br>52470<br>52471<br>52472<br>52473 |
| (G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;                                                                                                                                                                                                                                                                                 | 52474<br>52475                                              |
| (H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;                                                                                                                                                                                                                                     | 52476<br>52477<br>52478                                     |
| (I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin.                                                                                                                                                                                                                                                                                   | 52479<br>52480                                              |
| <b>Sec. 4765.22.</b> A person seeking a certificate to teach in an emergency medical services training program or an emergency                                                                                                                                                                                                                                                                       | 52481<br>52482                                              |

medical services continuing education program shall submit a 52483  
completed application for certification to the state board of 52484  
emergency medical, fire, and transportation services on a form the 52485  
board shall prescribe and furnish. The application shall be 52486  
accompanied by the appropriate application fee established in 52487  
rules adopted under section 4765.11 of the Revised Code. 52488

**Sec. 4765.23.** The state board of emergency medical, fire, and 52489  
transportation services shall issue a certificate to teach in an 52490  
emergency medical services training program or an emergency 52491  
medical services continuing education program to any applicant who 52492  
it determines meets the qualifications established in rules 52493  
adopted under section 4765.11 of the Revised Code. The certificate 52494  
shall indicate each type of instruction and training the 52495  
certificate holder may teach under the certificate. 52496

A certificate to teach shall have a certification cycle 52497  
established by the board and may be renewed by the board pursuant 52498  
to rules adopted under section 4765.11 of the Revised Code. An 52499  
application for renewal shall be accompanied by the appropriate 52500  
renewal fee established in rules adopted under section 4765.11 of 52501  
the Revised Code. 52502

The board may suspend or revoke a certificate to teach 52503  
pursuant to rules adopted under section 4765.11 of the Revised 52504  
Code. 52505

**Sec. 4765.28.** A person seeking a certificate to practice as a 52506  
first responder, emergency medical technician-basic, emergency 52507  
medical technician-intermediate, or emergency medical 52508  
technician-paramedic shall submit a completed application for 52509  
certification to the state board of emergency medical, fire, and 52510  
transportation services on a form the board shall prescribe and 52511  
furnish. Except as provided in division (B) of section 4765.29 of 52512

the Revised Code, the application shall include evidence that the 52513  
applicant received the appropriate certificate of completion 52514  
pursuant to section 4765.24 of the Revised Code. The application 52515  
shall be accompanied by the appropriate application fee 52516  
established in rules adopted under section 4765.11 of the Revised 52517  
Code, unless the board waives the fee on determining pursuant to 52518  
those rules that the applicant cannot afford to pay the fee. 52519

**Sec. 4765.29.** (A) The state board of emergency medical, fire, 52520  
and transportation services shall provide for the examination of 52521  
applicants for certification to practice as first responders, 52522  
emergency medical technicians-basic, emergency medical 52523  
technicians-intermediate, and emergency medical 52524  
technicians-paramedic. The examinations shall be established by 52525  
the board in rules adopted under section 4765.11 of the Revised 52526  
Code. The board may administer the examinations or contract with 52527  
other persons to administer the examinations. In either case, the 52528  
examinations shall be administered pursuant to procedures 52529  
established in rules adopted under section 4765.11 of the Revised 52530  
Code and shall be offered at various locations in the state 52531  
selected by the board. 52532

Except as provided in division (B) of this section, an 52533  
applicant shall not be permitted to take an examination for the 52534  
same certificate to practice more than three times since last 52535  
receiving the certificate of completion pursuant to section 52536  
4765.24 of the Revised Code that qualifies the applicant to take 52537  
the examination unless the applicant receives another certificate 52538  
of completion that qualifies the applicant to take the 52539  
examination. 52540

(B) On request of an applicant who fails three examinations 52541  
for the same certificate to practice, the board may direct the 52542  
applicant to complete a specific portion of an accredited 52543

emergency medical services training program. If the applicant 52544  
provides satisfactory proof to the board that the applicant has 52545  
successfully completed that portion of the program, the applicant 52546  
shall be permitted to take the examination. 52547

**Sec. 4765.30.** (A)(1) The state board of emergency medical, 52548  
fire, and transportation services shall issue a certificate to 52549  
practice as a first responder to an applicant who meets all of the 52550  
following conditions: 52551

(a) Except as provided in division (A)(2) of this section, is 52552  
a volunteer for a nonprofit emergency medical service organization 52553  
or a nonprofit fire department; 52554

(b) Holds the appropriate certificate of completion issued in 52555  
accordance with section 4765.24 of the Revised Code; 52556

(c) Passes the appropriate examination conducted under 52557  
section 4765.29 of the Revised Code; 52558

(d) Is not in violation of any provision of this chapter or 52559  
the rules adopted under it; 52560

(e) Meets any other certification requirements established in 52561  
rules adopted under section 4765.11 of the Revised Code. 52562

(2) The board may waive the requirement to be a volunteer for 52563  
a nonprofit entity if the applicant meets other requirements 52564  
established in rules adopted under division (B)(3) of section 52565  
4765.11 of the Revised Code relative to a person's eligibility to 52566  
practice as a first responder. 52567

(B) The state board of emergency medical, fire, and 52568  
transportation services shall issue a certificate to practice as 52569  
an emergency medical technician-basic to an applicant who meets 52570  
all of the following conditions: 52571

(1) Holds a certificate of completion in emergency medical 52572  
services training-basic issued in accordance with section 4765.24 52573

|                                                                                                                                                                                                                                                                                                                                                                    |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| of the Revised Code;                                                                                                                                                                                                                                                                                                                                               | 52574                                              |
| (2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;                                                                                                                                                                                                                                            | 52575<br>52576<br>52577                            |
| (3) Is not in violation of any provision of this chapter or the rules adopted under it;                                                                                                                                                                                                                                                                            | 52578<br>52579                                     |
| (4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.                                                                                                                                                                                                                                             | 52580<br>52581                                     |
| (C) The state board of emergency medical, <u>fire, and transportation</u> services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions:                                                                                      | 52582<br>52583<br>52584<br>52585<br>52586          |
| (1) Holds a certificate to practice as an emergency medical technician-basic;                                                                                                                                                                                                                                                                                      | 52587<br>52588                                     |
| (2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;                                                                                                                                                                                                                                                 | 52589<br>52590                                     |
| (3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;                                                                                                                                                                                                                                                                        | 52591<br>52592                                     |
| (4) Is not in violation of any provision of this chapter or the rules adopted under it;                                                                                                                                                                                                                                                                            | 52593<br>52594                                     |
| (5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.                                                                                                                                                                                                                                             | 52595<br>52596                                     |
| (D) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration. | 52597<br>52598<br>52599<br>52600<br>52601<br>52602 |
| An application for renewal shall be accompanied by the                                                                                                                                                                                                                                                                                                             | 52603                                              |



appropriate renewal fee established in rules adopted under section 52604  
4765.11 of the Revised Code, unless the board waives the fee on 52605  
determining pursuant to those rules that the applicant cannot 52606  
afford to pay the fee. Except as provided in division (B) of 52607  
section 4765.31 of the Revised Code, the application shall include 52608  
evidence of either of the following: 52609

(1) That the applicant received a certificate of completion 52610  
from the appropriate emergency medical services continuing 52611  
education program pursuant to section 4765.24 of the Revised Code; 52612

(2) That the applicant has successfully passed an examination 52613  
that demonstrates the competence to have a certificate renewed 52614  
without completing an emergency medical services continuing 52615  
education program. The board shall approve such examinations in 52616  
accordance with rules adopted under section 4765.11 of the Revised 52617  
Code. 52618

(E) The board shall not require an applicant for renewal of a 52619  
certificate to practice to take an examination as a condition of 52620  
renewing the certificate. This division does not preclude the use 52621  
of examinations by operators of approved emergency medical 52622  
services continuing education programs as a condition for issuance 52623  
of a certificate of completion in emergency medical services 52624  
continuing education. 52625

**Sec. 4765.31.** (A) Except as provided in division (B) of this 52626  
section, a first responder, emergency medical technician-basic, 52627  
emergency medical technician-intermediate, and emergency medical 52628  
technician-paramedic shall complete an emergency medical services 52629  
continuing education program or pass an examination approved by 52630  
the state board of emergency medical, fire, and transportation 52631  
services under division (A) of section 4765.10 of the Revised Code 52632  
prior to the expiration of the individual's certificate to 52633  
practice. Completion of the continuing education requirements for 52634

EMTs-I or paramedics satisfies the continuing education 52635  
requirements for renewing the certificate to practice as an 52636  
EMT-basic held by an EMT-I or paramedic. 52637

(B)(1) An applicant for renewal of a certificate to practice 52638  
may apply to the board, in writing, for an extension to complete 52639  
the continuing education requirements established under division 52640  
(A) of this section. The board may grant such an extension and 52641  
determine the length of the extension. The board may authorize the 52642  
applicant to continue to practice during the extension as if the 52643  
certificate to practice had not expired. 52644

(2) An applicant for renewal of a certificate to practice may 52645  
apply to the board, in writing, for an exemption from the 52646  
continuing education requirements established under division (A) 52647  
of this section. The board may exempt an individual or a group of 52648  
individuals from all or any part of the continuing education 52649  
requirements due to active military service, unusual circumstance, 52650  
emergency, special hardship, or any other cause considered 52651  
reasonable by the board. 52652

(C) Decisions of whether to grant an extension or exemption 52653  
under division (B) of this section shall be made by the board 52654  
pursuant to procedures established in rules adopted under section 52655  
4765.11 of the Revised Code. 52656

**Sec. 4765.32.** A current, valid certificate of accreditation 52657  
issued under the provisions of former section 3303.11 or 3303.23 52658  
of the Revised Code shall remain valid until one year after the 52659  
expiration date of the certificate as determined by the provisions 52660  
of those sections and shall confer the same privileges and impose 52661  
the same responsibilities and requirements as a certificate of 52662  
accreditation issued by the state board of emergency medical, 52663  
fire, and transportation services under section 4765.17 of the 52664  
Revised Code. 52665

A certificate to practice as an emergency medical technician-ambulance that is valid on November 24, 1995, shall be considered a certificate to practice as an emergency medical technician-basic. A certificate to practice as an advanced emergency medical technician-ambulance that is valid on November 24, 1995, shall be considered a certificate to practice as an emergency medical technician-intermediate.

**Sec. 4765.33.** The state board of emergency medical, fire, and transportation services may suspend or revoke certificates to practice issued under section 4765.30 of the Revised Code, and may take other disciplinary action against first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic pursuant to rules adopted under section 4765.11 of the Revised Code.

**Sec. 4765.37.** (A) An emergency medical technician-basic shall perform the emergency medical services described in this section in accordance with this chapter and any rules adopted under it by the state board of emergency medical, fire, and transportation services.

(B) An emergency medical technician-basic may operate, or be responsible for operation of, an ambulance and may provide emergency medical services to patients. In an emergency, an EMT-basic may determine the nature and extent of illness or injury and establish priority for required emergency medical services. An EMT-basic may render emergency medical services such as opening and maintaining an airway, giving positive pressure ventilation, cardiac resuscitation, electrical interventions with automated defibrillators to support or correct the cardiac function and other methods determined by the board, controlling of hemorrhage, treatment of shock, immobilization of fractures, bandaging,

assisting in childbirth, management of mentally disturbed 52697  
patients, initial care of poison and burn patients, and 52698  
determining triage of adult and pediatric trauma victims. Where 52699  
patients must in an emergency be extricated from entrapment, an 52700  
EMT-basic may assess the extent of injury and render all possible 52701  
emergency medical services and protection to the entrapped 52702  
patient; provide light rescue services if an ambulance has not 52703  
been accompanied by a specialized unit; and after extrication, 52704  
provide additional care in sorting of the injured in accordance 52705  
with standard emergency procedures. 52706

(C) An EMT-basic may perform any other emergency medical 52707  
services approved pursuant to rules adopted under section 4765.11 52708  
of the Revised Code. The board shall determine whether the nature 52709  
of any such service requires that an EMT-basic receive 52710  
authorization prior to performing the service. 52711

(D)(1) Except as provided in division (D)(2) of this section, 52712  
if the board determines under division (C) of this section that a 52713  
service requires prior authorization, the service shall be 52714  
performed only pursuant to the written or verbal authorization of 52715  
a physician or of the cooperating physician advisory board, or 52716  
pursuant to an authorization transmitted through a direct 52717  
communication device by a physician or registered nurse designated 52718  
by a physician. 52719

(2) If communications fail during an emergency situation or 52720  
the required response time prohibits communication, an EMT-basic 52721  
may perform services subject to this division, if, in the judgment 52722  
of the EMT-basic, the life of the patient is in immediate danger. 52723  
Services performed under these circumstances shall be performed in 52724  
accordance with the protocols for triage of adult and pediatric 52725  
trauma victims established in rules adopted under sections 4765.11 52726  
and 4765.40 of the Revised Code and any applicable protocols 52727  
adopted by the emergency medical service organization with which 52728

the EMT-basic is affiliated. 52729

**Sec. 4765.38.** (A) An emergency medical 52730  
technician-intermediate shall perform the emergency medical 52731  
services described in this section in accordance with this chapter 52732  
and any rules adopted under it. 52733

(B) An EMT-I may do any of the following: 52734

(1) Establish and maintain an intravenous lifeline that has 52735  
been approved by a cooperating physician or physician advisory 52736  
board; 52737

(2) Perform cardiac monitoring; 52738

(3) Perform electrical interventions to support or correct 52739  
the cardiac function; 52740

(4) Administer epinephrine; 52741

(5) Determine triage of adult and pediatric trauma victims; 52742

(6) Perform any other emergency medical services approved 52743  
pursuant to rules adopted under section 4765.11 of the Revised 52744  
Code. 52745

(C)(1) Except as provided in division (C)(2) of this section, 52746  
the services described in division (B) of this section shall be 52747  
performed by an EMT-I only pursuant to the written or verbal 52748  
authorization of a physician or of the cooperating physician 52749  
advisory board, or pursuant to an authorization transmitted 52750  
through a direct communication device by a physician or registered 52751  
nurse designated by a physician. 52752

(2) If communications fail during an emergency situation or 52753  
the required response time prohibits communication, an EMT-I may 52754  
perform any of the services described in division (B) of this 52755  
section, if, in the judgment of the EMT-I, the life of the patient 52756  
is in immediate danger. Services performed under these 52757

circumstances shall be performed in accordance with the protocols 52758  
for triage of adult and pediatric trauma victims established in 52759  
rules adopted under sections 4765.11 and 4765.40 of the Revised 52760  
Code and any applicable protocols adopted by the emergency medical 52761  
service organization with which the EMT-I is affiliated. 52762

(D) In addition to, and in the course of, providing emergency 52763  
medical treatment, an emergency medical technician-intermediate 52764  
may withdraw blood as provided under sections 1547.11, 4506.17, 52765  
and 4511.19 of the Revised Code. An emergency medical 52766  
technician-intermediate shall withdraw blood in accordance with 52767  
this chapter and any rules adopted under it by the state board of 52768  
emergency medical and transportation services. 52769

**Sec. 4765.39.** (A) An emergency medical technician-paramedic 52770  
shall perform the emergency medical services described in this 52771  
section in accordance with this chapter and any rules adopted 52772  
under it. 52773

(B) A paramedic may do any of the following: 52774

(1) Perform cardiac monitoring; 52775

(2) Perform electrical interventions to support or correct 52776  
the cardiac function; 52777

(3) Perform airway procedures; 52778

(4) Perform relief of pneumothorax; 52779

(5) Administer appropriate drugs and intravenous fluids; 52780

(6) Determine triage of adult and pediatric trauma victims; 52781

(7) Perform any other emergency medical services, including 52782  
life support or intensive care techniques, approved pursuant to 52783  
rules adopted under section 4765.11 of the Revised Code. 52784

(C)(1) Except as provided in division (C)(2) of this section, 52785  
the services described in division (B) of this section shall be 52786

performed by a paramedic only pursuant to the written or verbal 52787  
authorization of a physician or of the cooperating physician 52788  
advisory board, or pursuant to an authorization transmitted 52789  
through a direct communication device by a physician or registered 52790  
nurse designated by a physician. 52791

(2) If communications fail during an emergency situation or 52792  
the required response time prohibits communication, a paramedic 52793  
may perform any of the services described in division (B) of this 52794  
section, if, in the paramedic's judgment, the life of the patient 52795  
is in immediate danger. Services performed under these 52796  
circumstances shall be performed in accordance with the protocols 52797  
for triage of adult and pediatric trauma victims established in 52798  
rules adopted under sections 4765.11 and 4765.40 of the Revised 52799  
Code and any applicable protocols adopted by the emergency medical 52800  
service organization with which the paramedic is affiliated. 52801

(D) In addition to, and in the course of, providing emergency 52802  
medical treatment, an emergency medical technician-paramedic may 52803  
withdraw blood as provided under sections 1547.11, 4506.17, and 52804  
4511.19 of the Revised Code. An emergency medical 52805  
technician-paramedic shall withdraw blood in accordance with this 52806  
chapter and any rules adopted under it by the state board of 52807  
emergency medical, fire, and transportation services. 52808

**Sec. 4765.40.** (A)(1) Not later than two years after ~~the~~ 52809  
~~effective date of this amendment~~ November 3, 2000, the state board 52810  
of emergency medical, fire, and transportation services shall 52811  
adopt rules under section 4765.11 of the Revised Code establishing 52812  
written protocols for the triage of adult and pediatric trauma 52813  
victims. The rules shall define adult and pediatric trauma in a 52814  
manner that is consistent with section 4765.01 of the Revised 52815  
Code, minimizes overtriage and undertriage, and emphasizes the 52816  
special needs of pediatric and geriatric trauma patients. 52817

(2) The state triage protocols adopted under division (A) of 52818  
this section shall require a trauma victim to be transported 52819  
directly to an adult or pediatric trauma center that is qualified 52820  
to provide appropriate adult or pediatric trauma care, unless one 52821  
or more of the following exceptions applies: 52822

(a) It is medically necessary to transport the victim to 52823  
another hospital for initial assessment and stabilization before 52824  
transfer to an adult or pediatric trauma center; 52825

(b) It is unsafe or medically inappropriate to transport the 52826  
victim directly to an adult or pediatric trauma center due to 52827  
adverse weather or ground conditions or excessive transport time; 52828

(c) Transporting the victim to an adult or pediatric trauma 52829  
center would cause a shortage of local emergency medical service 52830  
resources; 52831

(d) No appropriate adult or pediatric trauma center is able 52832  
to receive and provide adult or pediatric trauma care to the 52833  
trauma victim without undue delay; 52834

(e) Before transport of a patient begins, the patient 52835  
requests to be taken to a particular hospital that is not a trauma 52836  
center or, if the patient is less than eighteen years of age or is 52837  
not able to communicate, such a request is made by an adult member 52838  
of the patient's family or a legal representative of the patient. 52839

(3)(a) The state triage protocols adopted under division (A) 52840  
of this section shall require trauma patients to be transported to 52841  
an adult or pediatric trauma center that is able to provide 52842  
appropriate adult or pediatric trauma care, but shall not require 52843  
a trauma patient to be transported to a particular trauma center. 52844  
The state triage protocols shall establish one or more procedures 52845  
for evaluating whether an injury victim requires or would benefit 52846  
from adult or pediatric trauma care, which procedures shall be 52847  
applied by emergency medical service personnel based on the 52848



patient's medical needs. In developing state trauma triage 52849  
protocols, the board shall consider relevant model triage rules 52850  
and shall consult with the commission on minority health, regional 52851  
directors, regional physician advisory boards, and appropriate 52852  
medical, hospital, and emergency medical service organizations. 52853

(b) Before the joint committee on agency rule review 52854  
considers state triage protocols for trauma victims proposed by 52855  
the state board of emergency medical, fire, and transportation 52856  
services, or amendments thereto, the board shall send a copy of 52857  
the proposal to the Ohio chapter of the American college of 52858  
emergency physicians, the Ohio chapter of the American college of 52859  
surgeons, the Ohio chapter of the American academy of pediatrics, 52860  
OHA: the association for hospitals and health systems, the Ohio 52861  
osteopathic association, and the association of Ohio children's 52862  
hospitals and shall hold a public hearing at which it must 52863  
consider the appropriateness of the protocols to minimize 52864  
overtriage and undertriage of trauma victims. 52865

(c) The board shall provide copies of the state triage 52866  
protocols, and amendments to the protocols, to each emergency 52867  
medical service organization, regional director, regional 52868  
physician advisory board, certified emergency medical service 52869  
instructor, and person who regularly provides medical direction to 52870  
emergency medical service personnel in the state; to each medical 52871  
service organization in other jurisdictions that regularly provide 52872  
emergency medical services in this state; and to others upon 52873  
request. 52874

(B)(1) The state board of emergency medical, fire, and 52875  
transportation services shall approve regional protocols for the 52876  
triage of adult and pediatric trauma victims, and amendments to 52877  
such protocols, that are submitted to the board as provided in 52878  
division (B)(2) of this section and provide a level of adult and 52879  
pediatric trauma care comparable to the state triage protocols 52880

adopted under division (A) of this section. The board shall not 52881  
otherwise approve regional triage protocols for trauma victims. 52882  
The board shall not approve regional triage protocols for regions 52883  
that overlap and shall resolve any such disputes by apportioning 52884  
the overlapping territory among appropriate regions in a manner 52885  
that best serves the medical needs of the residents of that 52886  
territory. The trauma committee of the board shall have reasonable 52887  
opportunity to review and comment on regional triage protocols and 52888  
amendments to such protocols before the board approves or 52889  
disapproves them. 52890

(2) Regional protocols for the triage of adult and pediatric 52891  
trauma victims, and amendments to such protocols, shall be 52892  
submitted in writing to the state board of emergency medical, 52893  
fire, and transportation services by the regional physician 52894  
advisory board or regional director, as appropriate, that serves a 52895  
majority of the population in the region in which the protocols 52896  
apply. Prior to submitting regional triage protocols, or an 52897  
amendment to such protocols, to the state board of emergency 52898  
medical, fire, and transportation services, a regional physician 52899  
advisory board or regional director shall consult with each of the 52900  
following that regularly serves the region in which the protocols 52901  
apply: 52902

(a) Other regional physician advisory boards and regional 52903  
directors; 52904

(b) Hospitals that operate an emergency facility; 52905

(c) Adult and pediatric trauma centers; 52906

(d) Professional societies of physicians who specialize in 52907  
adult or pediatric emergency medicine or adult or pediatric trauma 52908  
surgery; 52909

(e) Professional societies of nurses who specialize in adult 52910  
or pediatric emergency nursing or adult or pediatric trauma 52911

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| surgery;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 52912                                                                                  |
| (f) Professional associations or labor organizations of<br>emergency medical service personnel;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 52913<br>52914                                                                         |
| (g) Emergency medical service organizations and medical<br>directors of such organizations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 52915<br>52916                                                                         |
| (h) Certified emergency medical service instructors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 52917                                                                                  |
| (3) Regional protocols for the triage of adult and pediatric<br>trauma victims approved under division (B)(2) of this section<br>shall require patients to be transported to a trauma center that<br>is able to provide an appropriate level of adult or pediatric<br>trauma care; shall not discriminate among trauma centers for<br>reasons not related to a patient's medical needs; shall seek to<br>minimize undertriage and overtriage; may include any of the<br>exceptions in division (A)(2) of this section; and supersede the<br>state triage protocols adopted under division (A) of this section<br>in the region in which the regional protocols apply. | 52918<br>52919<br>52920<br>52921<br>52922<br>52923<br>52924<br>52925<br>52926<br>52927 |
| (4) Upon approval of regional protocols for the triage of<br>adult and pediatric trauma victims under division (B)(2) of this<br>section, or an amendment to such protocols, the state board of<br>emergency medical, <u>fire, and transportation</u> services shall provide<br>written notice of the approval and a copy of the protocols or<br>amendment to each entity in the region in which the protocols<br>apply to which the board is required to send a copy of the state<br>triage protocols adopted under division (A) of this section.                                                                                                                    | 52928<br>52929<br>52930<br>52931<br>52932<br>52933<br>52934<br>52935                   |
| (C)(1) The state board of emergency medical, <u>fire, and<br/><u>transportation</u></u> services shall review the state triage protocols<br>adopted under division (A) of this section at least every three<br>years to determine if they are causing overtriage or undertriage<br>of trauma patients, and shall modify them as necessary to minimize<br>overtriage and undertriage.                                                                                                                                                                                                                                                                                  | 52936<br>52937<br>52938<br>52939<br>52940<br>52941                                     |
| (2) Each regional physician advisory board or regional                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 52942                                                                                  |

director that has had regional triage protocols approved under 52943  
division (B)(2) of this section shall review the protocols at 52944  
least every three years to determine if they are causing 52945  
overtriage or undertriage of trauma patients and shall submit an 52946  
appropriate amendment to the state board, as provided in division 52947  
(B) of this section, as necessary to minimize overtriage and 52948  
undertriage. The state board shall approve the amendment if it 52949  
will reduce overtriage or undertriage while complying with 52950  
division (B) of this section, and shall not otherwise approve the 52951  
amendment. 52952

(D) No provider of emergency medical services or person who 52953  
provides medical direction to emergency medical service personnel 52954  
in this state shall fail to comply with the state triage protocols 52955  
adopted under division (A) of this section or applicable regional 52956  
triage protocols approved under division (B)(2) of this section. 52957

(E) The state board of emergency medical, fire, and 52958  
transportation services shall adopt rules under section 4765.11 of 52959  
the Revised Code that provide for enforcement of the state triage 52960  
protocols adopted under division (A) of this section and regional 52961  
triage protocols approved under division (B)(2) of this section, 52962  
and for education regarding those protocols for emergency medical 52963  
service organizations and personnel, regional directors and 52964  
regional physician advisory boards, emergency medical service 52965  
instructors, and persons who regularly provide medical direction 52966  
to emergency medical service personnel in this state. 52967

**Sec. 4765.42.** Each emergency medical service organization 52968  
shall give notice of the name of its medical director or the names 52969  
of the members of its cooperating physician advisory board to the 52970  
state board of emergency medical, fire, and transportation 52971  
services. The notice shall be made in writing. 52972

**Sec. 4765.48.** The attorney general, the prosecuting attorney 52973  
of the county, or the city director of law shall, upon complaint 52974  
of the state board of emergency medical, fire, and transportation 52975  
services, prosecute to termination or bring an action for 52976  
injunction against any person violating this chapter or the rules 52977  
adopted under it. The common pleas court in which an action for 52978  
injunction is filed has the jurisdiction to grant injunctive 52979  
relief upon a showing that the respondent named in the complaint 52980  
is in violation of this chapter or the rules adopted under it. 52981

**Sec. 4765.49.** (A) A first responder, emergency medical 52982  
technician-basic, emergency medical technician-intermediate, or 52983  
emergency medical technician-paramedic is not liable in damages in 52984  
a civil action for injury, death, or loss to person or property 52985  
resulting from the individual's administration of emergency 52986  
medical services, unless the services are administered in a manner 52987  
that constitutes willful or wanton misconduct. A physician or 52988  
registered nurse designated by a physician, who is advising or 52989  
assisting in the emergency medical services by means of any 52990  
communication device or telemetering system, is not liable in 52991  
damages in a civil action for injury, death, or loss to person or 52992  
property resulting from the individual's advisory communication or 52993  
assistance, unless the advisory communication or assistance is 52994  
provided in a manner that constitutes willful or wanton 52995  
misconduct. Medical directors and members of cooperating physician 52996  
advisory boards of emergency medical service organizations are not 52997  
liable in damages in a civil action for injury, death, or loss to 52998  
person or property resulting from their acts or omissions in the 52999  
performance of their duties, unless the act or omission 53000  
constitutes willful or wanton misconduct. 53001

(B) A political subdivision, joint ambulance district, joint 53002  
emergency medical services district, or other public agency, and 53003

any officer or employee of a public agency or of a private 53004  
organization operating under contract or in joint agreement with 53005  
one or more political subdivisions, that provides emergency 53006  
medical services, or that enters into a joint agreement or a 53007  
contract with the state, any political subdivision, joint 53008  
ambulance district, or joint emergency medical services district 53009  
for the provision of emergency medical services, is not liable in 53010  
damages in a civil action for injury, death, or loss to person or 53011  
property arising out of any actions taken by a first responder, 53012  
EMT-basic, EMT-I, or paramedic working under the officer's or 53013  
employee's jurisdiction, or for injury, death, or loss to person 53014  
or property arising out of any actions of licensed medical 53015  
personnel advising or assisting the first responder, EMT-basic, 53016  
EMT-I, or paramedic, unless the services are provided in a manner 53017  
that constitutes willful or wanton misconduct. 53018

(C) A student who is enrolled in an emergency medical 53019  
services training program accredited under section 4765.17 of the 53020  
Revised Code or an emergency medical services continuing education 53021  
program approved under that section is not liable in damages in a 53022  
civil action for injury, death, or loss to person or property 53023  
resulting from either of the following: 53024

(1) The student's administration of emergency medical 53025  
services or patient care or treatment, if the services, care, or 53026  
treatment is administered while the student is under the direct 53027  
supervision and in the immediate presence of an EMT-basic, EMT-I, 53028  
paramedic, registered nurse, or physician and while the student is 53029  
receiving clinical training that is required by the program, 53030  
unless the services, care, or treatment is provided in a manner 53031  
that constitutes willful or wanton misconduct; 53032

(2) The student's training as an ambulance driver, unless the 53033  
driving is done in a manner that constitutes willful or wanton 53034  
misconduct. 53035

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 53036  
holds a valid commercial driver's license issued pursuant to 53037  
Chapter 4506. of the Revised Code or driver's license issued 53038  
pursuant to Chapter 4507. of the Revised Code and who is employed 53039  
by an emergency medical service organization that is not owned or 53040  
operated by a political subdivision as defined in section 2744.01 53041  
of the Revised Code, is not liable in damages in a civil action 53042  
for injury, death, or loss to person or property that is caused by 53043  
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 53044  
or other operator while responding to or completing a call for 53045  
emergency medical services, unless the operation constitutes 53046  
willful or wanton misconduct or does not comply with the 53047  
precautions of section 4511.03 of the Revised Code. An emergency 53048  
medical service organization is not liable in damages in a civil 53049  
action for any injury, death, or loss to person or property that 53050  
is caused by the operation of an ambulance by its employee or 53051  
agent, if this division grants the employee or agent immunity from 53052  
civil liability for the injury, death, or loss. 53053

(E) An employee or agent of an emergency medical service 53054  
organization who receives requests for emergency medical services 53055  
that are directed to the organization, dispatches first 53056  
responders, EMTs-basic, EMTs-I, or paramedics in response to those 53057  
requests, communicates those requests to those employees or agents 53058  
of the organization who are authorized to dispatch first 53059  
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 53060  
combination of these functions for the organization, is not liable 53061  
in damages in a civil action for injury, death, or loss to person 53062  
or property resulting from the individual's acts or omissions in 53063  
the performance of those duties for the organization, unless an 53064  
act or omission constitutes willful or wanton misconduct. 53065

(F) A person who is performing the functions of a first 53066  
responder, EMT-basic, EMT-I, or paramedic under the authority of 53067

the laws of a state that borders this state and who provides 53068  
emergency medical services to or transportation of a patient in 53069  
this state is not liable in damages in a civil action for injury, 53070  
death, or loss to person or property resulting from the person's 53071  
administration of emergency medical services, unless the services 53072  
are administered in a manner that constitutes willful or wanton 53073  
misconduct. A physician or registered nurse designated by a 53074  
physician, who is licensed to practice in the adjoining state and 53075  
who is advising or assisting in the emergency medical services by 53076  
means of any communication device or telemetering system is not 53077  
liable in damages in a civil action for injury, death, or loss to 53078  
person or property resulting from the person's advisory 53079  
communication or assistance, unless the advisory communication or 53080  
assistance is provided in a manner that constitutes willful or 53081  
wanton misconduct. 53082

(G) A person certified under section 4765.23 of the Revised 53083  
Code to teach in an emergency medical services training program or 53084  
emergency medical services continuing education program, and a 53085  
person who teaches at the Ohio fire academy established under 53086  
section 3737.33 of the Revised Code or in a fire service training 53087  
program described in division (A) of section 4765.55 of the 53088  
Revised Code, is not liable in damages in a civil action for 53089  
injury, death, or loss to person or property resulting from the 53090  
person's acts or omissions in the performance of the person's 53091  
duties, unless an act or omission constitutes willful or wanton 53092  
misconduct. 53093

(H) In the accreditation of emergency medical services 53094  
training programs or approval of emergency medical services 53095  
continuing education programs, the state board of emergency 53096  
medical, fire, and transportation services and any person or 53097  
entity authorized by the board to evaluate applications for 53098  
accreditation or approval are not liable in damages in a civil 53099



action for injury, death, or loss to person or property resulting 53100  
from their acts or omissions in the performance of their duties, 53101  
unless an act or omission constitutes willful or wanton 53102  
misconduct. 53103

(I) A person authorized by an emergency medical service 53104  
organization to review the performance of first responders, 53105  
EMTs-basic, EMTs-I, and paramedics or to administer quality 53106  
assurance programs is not liable in damages in a civil action for 53107  
injury, death, or loss to person or property resulting from the 53108  
person's acts or omissions in the performance of the person's 53109  
duties, unless an act or omission constitutes willful or wanton 53110  
misconduct. 53111

**Sec. 4765.55.** (A) The executive director of the state board 53112  
of emergency medical, fire, and transportation services, with the 53113  
advice and counsel of the firefighter and fire safety inspector 53114  
training committee of the state board of emergency medical, fire, 53115  
and transportation services, shall assist in the establishment and 53116  
maintenance by any state agency, or any county, township, city, 53117  
village, school district, or educational service center of a fire 53118  
service training program for the training of all persons in 53119  
positions of any fire training certification level approved by the 53120  
executive director, including full-time paid firefighters, 53121  
part-time paid firefighters, volunteer firefighters, and fire 53122  
safety inspectors in this state. The executive director, with the 53123  
advice and counsel of the committee, shall adopt rules to regulate 53124  
those firefighter and fire safety inspector training programs, and 53125  
other training programs approved by the executive director. The 53126  
rules may include, but need not be limited to, training 53127  
curriculum, certification examinations, training schedules, 53128  
minimum hours of instruction, attendance requirements, required 53129  
equipment and facilities, basic physical requirements, and methods 53130  
of training for all persons in positions of any fire training 53131

certification level approved by the executive director, including 53132  
full-time paid firefighters, part-time paid firefighters, 53133  
volunteer firefighters, and fire safety inspectors. The rules 53134  
adopted to regulate training programs for volunteer firefighters 53135  
shall not require more than thirty-six hours of training. 53136

The executive director, with the advice and counsel of the 53137  
committee, shall provide for the classification and chartering of 53138  
fire service training programs in accordance with rules adopted 53139  
under division (B) of this section, and may take action against 53140  
any chartered training program or applicant, in accordance with 53141  
rules adopted under divisions (B)(4) and (5) of this section, for 53142  
failure to meet standards set by the adopted rules. 53143

(B) The executive director, with the advice and counsel of 53144  
the firefighter and fire safety inspector training committee of 53145  
the state board of emergency medical, fire, and transportation 53146  
services, shall adopt, and may amend or rescind, rules under 53147  
Chapter 119. of the Revised Code that establish all of the 53148  
following: 53149

(1) Requirements for, and procedures for chartering, the 53150  
training programs regulated by this section; 53151

(2) Requirements for, and requirements and procedures for 53152  
obtaining and renewing, an instructor certificate to teach the 53153  
training programs and continuing education classes regulated by 53154  
this section; 53155

(3) Requirements for, and requirements and procedures for 53156  
obtaining and renewing, any of the fire training certificates 53157  
regulated by this section; 53158

(4) Grounds and procedures for suspending, revoking, 53159  
restricting, or refusing to issue or renew any of the certificates 53160  
or charters regulated by this section, which grounds shall be 53161  
limited to one of the following: 53162

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (a) Failure to satisfy the education or training requirements of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 53163<br>53164                                                       |
| (b) Conviction of a felony offense;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 53165                                                                |
| (c) Conviction of a misdemeanor involving moral turpitude;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 53166                                                                |
| (d) Conviction of a misdemeanor committed in the course of practice;                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 53167<br>53168                                                       |
| (e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.                                                                                                                                                                                                                                                                                                                                                                                           | 53169<br>53170<br>53171                                              |
| (5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;                                                                                                                                         | 53172<br>53173<br>53174<br>53175<br>53176<br>53177                   |
| (6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;                                                                                                                                                                                                                                                                                                                                               | 53178<br>53179<br>53180                                              |
| (7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;                                                                                                                                                                                                                                                                                                                                                                                                     | 53181<br>53182                                                       |
| (8) Certification cycles for which the certificates and charters regulated by this section are valid.                                                                                                                                                                                                                                                                                                                                                                                                                           | 53183<br>53184                                                       |
| (C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, <u>fire, and transportation</u> services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary | 53185<br>53186<br>53187<br>53188<br>53189<br>53190<br>53191<br>53192 |

action against an instructor certificate holder or applicant in 53193  
accordance with rules adopted under division (B) of this section. 53194  
The executive director, with the advice and counsel of the 53195  
committee, shall charter or renew the charter of any training 53196  
program that the executive director determines meets the 53197  
qualifications established in rules adopted under division (B) of 53198  
this section, and may take disciplinary action against the holder 53199  
of a charter in accordance with rules adopted under division (B) 53200  
of this section. 53201

(D) The executive director shall issue or renew a fire 53202  
training certificate for a firefighter, a fire safety inspector, 53203  
or another position of any fire training certification level 53204  
approved by the executive director, to any applicant that the 53205  
executive director determines meets the qualifications established 53206  
in rules adopted under division (B) of this section and may take 53207  
disciplinary actions against a certificate holder or applicant in 53208  
accordance with rules adopted under division (B) of this section. 53209

(E) Certificates issued under this section shall be on a form 53210  
prescribed by the executive director, with the advice and counsel 53211  
of the firefighter and fire safety inspector training committee of 53212  
the state board of emergency medical, fire, and transportation 53213  
services. 53214

(F)(1) The executive director, with the advice and counsel of 53215  
the firefighter and fire safety inspector training committee of 53216  
the state board of emergency medical, fire, and transportation 53217  
services, shall establish criteria for evaluating the standards 53218  
maintained by other states and the branches of the United States 53219  
military for firefighter, fire safety inspector, and fire 53220  
instructor training programs, and other training programs 53221  
recognized by the executive director, to determine whether the 53222  
standards are equivalent to those established under this section 53223  
and shall establish requirements and procedures for issuing a 53224

certificate to each person who presents proof to the executive 53225  
director of having satisfactorily completed a training program 53226  
that meets those standards. 53227

(2) The executive director, with the committee's advice and 53228  
counsel, shall adopt rules establishing requirements and 53229  
procedures for issuing a fire training certificate in lieu of 53230  
completing a chartered training program. 53231

(G) Nothing in this section invalidates any other section of 53232  
the Revised Code relating to the fire training academy. Section 53233  
4765.11 of the Revised Code does not affect any powers and duties 53234  
granted to the executive director under this section. 53235

**Sec. 4765.56.** On receipt of a notice pursuant to section 53236  
3123.43 of the Revised Code, the state board of emergency medical, 53237  
fire, and transportation services shall comply with sections 53238  
3123.41 to 3123.50 of the Revised Code and any applicable rules 53239  
adopted under section 3123.63 of the Revised Code with respect to 53240  
a certificate to practice issued pursuant to this chapter. 53241

**Sec. 4766.01.** As used in this chapter: 53242

(A) "Advanced life support" means treatment described in 53243  
section 4765.39 of the Revised Code that a paramedic is certified 53244  
to perform. 53245

(B) "Air medical service organization" means an organization 53246  
that furnishes, conducts, maintains, advertises, promotes, or 53247  
otherwise engages in providing medical services with a rotorcraft 53248  
air ambulance or fixed wing air ambulance. 53249

(C) "Air medical transportation" means the transporting of a 53250  
patient by rotorcraft air ambulance or fixed wing air ambulance 53251  
with appropriately licensed and certified medical personnel. 53252

(D) "Ambulance" means any motor vehicle that is specifically 53253

designed, constructed, or modified and equipped and is intended to 53254  
be used to provide basic life support, intermediate life support, 53255  
advanced life support, or mobile intensive care unit services and 53256  
transportation upon the streets or highways of this state of 53257  
persons who are seriously ill, injured, wounded, or otherwise 53258  
incapacitated or helpless. "Ambulance" does not include air 53259  
medical transportation or a vehicle designed and used solely for 53260  
the transportation of nonstretcher-bound persons, whether 53261  
hospitalized or handicapped or whether ambulatory or confined to a 53262  
wheelchair. 53263

(E) "Ambulette" means a motor vehicle that is specifically 53264  
designed, constructed, or modified and equipped and is intended to 53265  
be used for transportation upon the streets or highways of this 53266  
state of persons who require use of a wheelchair. 53267

(F) "Basic life support" means treatment described in section 53268  
4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to 53269  
perform. 53270

(G) "Disaster situation" means any condition or situation 53271  
described by rule of the ~~Ohio~~ state board of emergency medical, 53272  
fire, and transportation board services as a mass casualty, major 53273  
emergency, natural disaster, or national emergency. 53274

(H) "Emergency medical service organization" means an 53275  
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ advanced EMTs, or 53276  
paramedics, or a combination of ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ advanced 53277  
EMTs, and paramedics, to provide medical care to victims of 53278  
illness or injury. An emergency medical service organization 53279  
includes, but is not limited to, a commercial ambulance service 53280  
organization, a hospital, and a funeral home. 53281

(I) "~~EMT-basic~~ EMT," "~~EMT-I~~ advanced EMT," and "paramedic" 53282  
have the same meanings as in section 4765.01 of the Revised Code. 53283

(J) "Fixed wing air ambulance" means a fixed wing aircraft 53284

that is specifically designed, constructed, or modified and 53285  
equipped and is intended to be used as a means of air medical 53286  
transportation. 53287

(K) "Intermediate life support" means treatment described in 53288  
section 4765.38 of the Revised Code that an ~~EMT-I~~ advanced EMT is 53289  
certified to perform. 53290

(L) "Major emergency" means any emergency event that cannot 53291  
be resolved through the use of locally available emergency 53292  
resources. 53293

(M) "Mass casualty" means an emergency event that results in 53294  
ten or more persons being injured, incapacitated, made ill, or 53295  
killed. 53296

(N) "Medical emergency" means an unforeseen event affecting 53297  
an individual in such a manner that a need for immediate care is 53298  
created. 53299

(O) "Mobile intensive care unit" means an ambulance used only 53300  
for maintaining specialized or intensive care treatment and used 53301  
primarily for interhospital transports of patients whose 53302  
conditions require care beyond the scope of a paramedic as 53303  
provided in section 4765.39 of the Revised Code. 53304

(P)(1) "Nonemergency medical service organization" means a 53305  
person that does both of the following: 53306

(a) Provides services to the public on a regular basis for 53307  
the purpose of transporting individuals who require the use of a 53308  
wheelchair or are confined to a wheelchair to receive health care 53309  
services at health care facilities or health care practitioners' 53310  
offices in nonemergency circumstances; 53311

(b) Provides the services for a fee, regardless of whether 53312  
the fee is paid by the person being transported, a third party 53313  
payer, as defined in section 3702.51 of the Revised Code, or any 53314

other person or government entity. 53315

(2) "Nonemergency medical service organization" does not 53316  
include a health care facility, as defined in section 1751.01 of 53317  
the Revised Code, that provides ambulance services only to 53318  
patients of that facility. 53319

(Q) "Nontransport vehicle" means a motor vehicle operated by 53320  
a licensed emergency medical service organization not as an 53321  
ambulance, but as a vehicle for providing services in conjunction 53322  
with the ambulances operated by the organization or other 53323  
emergency medical service organizations. 53324

(R) "Patient" means any individual who as a result of illness 53325  
or injury needs medical attention, whose physical or mental 53326  
condition is such that there is imminent danger of loss of life or 53327  
significant health impairment, who may be otherwise incapacitated 53328  
or helpless as a result of a physical or mental condition, or 53329  
whose physical condition requires the use of a wheelchair. 53330

(S) "Rotorcraft air ambulance" means a helicopter or other 53331  
aircraft capable of vertical takeoffs, vertical landings, and 53332  
hovering that is specifically designed, constructed, or modified 53333  
and equipped and is intended to be used as a means of air medical 53334  
transportation. 53335

**Sec. 4766.03.** (A) The ~~Ohio~~ state board of emergency medical, 53336  
fire, and transportation board services shall adopt rules, in 53337  
accordance with Chapter 119. of the Revised Code, implementing the 53338  
requirements of this chapter. The rules shall include provisions 53339  
relating to the following: 53340

(1) Requirements for an emergency medical service 53341  
organization to receive a permit for an ambulance or nontransport 53342  
vehicle; 53343

(2) Requirements for an emergency medical service 53344



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|--------------------------------------------------------------------|-------|
| organization to receive a license as a basic life-support,         | 53345 |
| intermediate life-support, advanced life-support, or mobile        | 53346 |
| intensive care unit organization;                                  | 53347 |
| (3) Requirements for a nonemergency medical service                | 53348 |
| organization to receive a permit for an ambulette vehicle;         | 53349 |
| (4) Requirements for a nonemergency medical service                | 53350 |
| organization to receive a license for an ambulette service;        | 53351 |
| (5) Requirements for an air medical service organization to        | 53352 |
| receive a permit for a rotorcraft air ambulance or fixed wing air  | 53353 |
| ambulance;                                                         | 53354 |
| (6) Requirements for licensure of air medical service              | 53355 |
| organizations;                                                     | 53356 |
| (7) Forms for applications and renewals of licenses and            | 53357 |
| permits;                                                           | 53358 |
| (8) Requirements for record keeping of service responses made      | 53359 |
| by licensed emergency medical service organizations;               | 53360 |
| (9) Fee amounts for licenses and permits, and their renewals;      | 53361 |
| (10) Inspection requirements for licensees' vehicles or            | 53362 |
| aircraft, records, and physical facilities;                        | 53363 |
| (11) Fee amounts for inspections of ambulances, ambulettes,        | 53364 |
| rotorcraft air ambulances, fixed wing air ambulances, and          | 53365 |
| nontransport vehicles;                                             | 53366 |
| (12) Requirements for ambulances and nontransport vehicles         | 53367 |
| used by licensed emergency medical service organizations, for      | 53368 |
| ambulette vehicles used by licensed nonemergency medical service   | 53369 |
| organizations, and for rotorcraft air ambulances or fixed wing air | 53370 |
| ambulances used by licensed air medical service organizations that | 53371 |
| specify for each type of vehicle or aircraft the types of          | 53372 |
| equipment that must be carried, the communication systems that     | 53373 |
| must be maintained, and the personnel who must staff the vehicle   | 53374 |

or aircraft; 53375

(13) The level of care each type of emergency medical service organization, nonemergency medical service organization, and air medical service organization is authorized to provide; 53376  
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(14) Eligibility requirements for employment as an ambulance driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulance driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment. 53379  
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(15) Any other rules that the board determines necessary for the implementation and enforcement of this chapter. 53386  
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(B) In the rules for ambulances and nontransport vehicles adopted under division (A)(12) of this section, the board may establish requirements that vary according to whether the emergency medical service organization using the vehicles is licensed as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization. 53388  
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(C) A mobile intensive care unit that is not dually certified to provide advanced life-support and meets the requirements of the rules adopted under this section is not required to carry immobilization equipment, including board splint kits, traction splints, backboards, backboard straps, cervical immobilization devices, cervical collars, stair chairs, folding cots, or other types of immobilization equipment determined by the board to be unnecessary for mobile intensive care units. 53394  
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A mobile intensive care unit is exempt from the emergency medical technician staffing requirements of section 4765.43 of the Revised Code when it is staffed by at least one physician or registered nurse and another person, designated by a physician, 53402  
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who holds a valid license or certificate to practice in a health 53406  
care profession, and when at least one of the persons staffing the 53407  
mobile intensive care unit is a registered nurse whose training 53408  
meets or exceeds the training required for a paramedic. 53409

**Sec. 4766.04.** (A) Except as otherwise provided in this 53410  
chapter, no person shall furnish, operate, conduct, maintain, 53411  
advertise, engage in, or propose or profess to engage in the 53412  
business or service in this state of transporting persons who are 53413  
seriously ill, injured, or otherwise incapacitated or who require 53414  
the use of a wheelchair or are confined to a wheelchair unless the 53415  
person is licensed pursuant to this section. 53416

(B) To qualify for a license as a basic life-support, 53417  
intermediate life-support, advanced life-support, or mobile 53418  
intensive care unit organization, an emergency medical service 53419  
organization shall do all of the following: 53420

(1) Apply for a permit for each ambulance and nontransport 53421  
vehicle owned or leased as provided in section 4766.07 of the 53422  
Revised Code; 53423

(2) Meet all requirements established in rules adopted by the 53424  
~~Ohio~~ state board of emergency medical, fire, and transportation 53425  
~~board services~~ regarding ambulances and nontransport vehicles, 53426  
including requirements pertaining to equipment, communications 53427  
systems, staffing, and level of care the particular organization 53428  
is permitted to render; 53429

(3) Maintain the appropriate type and amount of insurance as 53430  
specified in section 4766.06 of the Revised Code; 53431

(4) Meet all other requirements established under rules 53432  
adopted by the board for the particular license. 53433

(C) To qualify for a license to provide ambulette service, a 53434  
nonemergency medical service organization shall do all of the 53435

|                                                                                                                                                                                                                                                                                                                                                                               |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                    | 53436                                              |
| (1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code;                                                                                                                                                                                                                                                                 | 53437<br>53438                                     |
| (2) Meet all requirements established in rules adopted by the <del>Ohio state board of emergency</del> <u>medical, fire, and transportation board services</u> regarding ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render;                                              | 53439<br>53440<br>53441<br>53442<br>53443          |
| (3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;                                                                                                                                                                                                                                                                | 53444<br>53445                                     |
| (4) Meet all other requirements established under rules adopted by the board for the license.                                                                                                                                                                                                                                                                                 | 53446<br>53447                                     |
| (D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following:                                                                                                                                                                                                                                        | 53448<br>53449<br>53450                            |
| (1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code;                                                                                                                                                                                                                     | 53451<br>53452<br>53453                            |
| (2) Meet all requirements established in rules adopted by the <del>Ohio state board of emergency</del> <u>medical, fire, and transportation board services</u> regarding rotorcraft air ambulances and fixed wing air ambulances, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render; | 53454<br>53455<br>53456<br>53457<br>53458<br>53459 |
| (3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;                                                                                                                                                                                                                                                                | 53460<br>53461                                     |
| (4) Meet all other requirements established under rules adopted by the board for the license.                                                                                                                                                                                                                                                                                 | 53462<br>53463                                     |
| (E) An emergency medical service organization that applies for a license as a basic life-support, intermediate life-support,                                                                                                                                                                                                                                                  | 53464<br>53465                                     |

advanced life-support, or mobile intensive care unit organization; 53466  
a nonemergency medical service organization that applies for a 53467  
license to provide ambulette service; or an air medical service 53468  
organization that applies for a license to provide air medical 53469  
transportation shall submit a completed application to the board, 53470  
on a form provided by the board for each particular license, 53471  
together with the appropriate fees established under section 53472  
4766.05 of the Revised Code. The application form shall include 53473  
all of the following: 53474

(1) The name and business address of the operator of the 53475  
organization for which licensure is sought; 53476

(2) The name under which the applicant will operate the 53477  
organization; 53478

(3) A list of the names and addresses of all officers and 53479  
directors of the organization; 53480

(4) For emergency medical service organizations and 53481  
nonemergency medical service organizations, a description of each 53482  
vehicle to be used, including the make, model, year of 53483  
manufacture, mileage, vehicle identification number, and the color 53484  
scheme, insignia, name, monogram, or other distinguishing 53485  
characteristics to be used to designate the applicant's vehicle; 53486

(5) For air medical service organizations using fixed wing 53487  
air ambulances, a description of each aircraft to be used, 53488  
including the make, model, year of manufacture, and aircraft hours 53489  
on airframe; 53490

(6) For air medical service organizations using rotorcraft 53491  
air ambulances, a description of each aircraft to be used, 53492  
including the make, model, year of manufacture, aircraft hours on 53493  
airframe, aircraft identification number, and the color scheme, 53494  
insignia, name, monogram, or other distinguishing characteristics 53495  
to be used to designate the applicant's rotorcraft air ambulance; 53496

(7) The location and description of each place from which the organization will operate; 53497  
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(8) A description of the geographic area to be served by the applicant; 53499  
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(9) Any other information the board, by rule, determines necessary. 53501  
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(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send notice of the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code. 53503  
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(G) If an applicant or licensee operates or plans to operate an organization in more than one location under the same or different identities, the applicant or licensee shall apply for and meet all requirements for licensure or renewal of a license, other than payment of a license fee or renewal fee, for operating the organization at each separate location. An applicant or licensee that operates or plans to operate under the same organization identity in separate locations shall pay only a single license fee. 53515  
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(H) An emergency medical service organization that wishes to provide ambulette services to the public must apply for a separate license under division (C) of this section. 53524  
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(I) Each license issued under this section and each permit 53527

issued under section 4766.07 of the Revised Code expires one year 53528  
after the date of issuance and may be renewed in accordance with 53529  
the standard renewal procedures of Chapter 4745. of the Revised 53530  
Code. An application for renewal shall include the license or 53531  
permit renewal fee established under section 4766.05 of the 53532  
Revised Code. An applicant for renewal of a permit also shall 53533  
submit to the board proof of an annual inspection of the vehicle 53534  
or aircraft for which permit renewal is sought. The board shall 53535  
renew a license if the applicant meets the requirements for 53536  
licensure and shall renew a permit if the applicant and vehicle or 53537  
aircraft meet the requirements to maintain a permit for that 53538  
vehicle or aircraft. 53539

(J) Each licensee shall maintain accurate records of all 53540  
service responses conducted. The records shall be maintained on 53541  
forms prescribed by the board and shall contain information as 53542  
specified by rule by the board. 53543

**Sec. 4766.05.** (A) The ~~Ohio~~ state board of emergency medical, 53544  
fire, and transportation board services shall establish by rule a 53545  
license fee, a permit fee for each ambulance, ambulette, 53546  
rotorcraft air ambulance, fixed wing air ambulance, and 53547  
nontransport vehicle owned or leased by the licensee that is or 53548  
will be used as provided in section 4766.07 of the Revised Code, 53549  
and fees for renewals of licenses and permits, taking into 53550  
consideration the actual costs incurred by the board in carrying 53551  
out its duties under this chapter. However, the fee for each 53552  
license and each renewal of a license shall not exceed one hundred 53553  
dollars, and the fee for each permit and each renewal of a permit 53554  
shall not exceed one hundred dollars for each ambulance, 53555  
rotorcraft air ambulance, fixed wing air ambulance, and 53556  
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 53557  
~~a permit shall be twenty five dollars for each ambulette for one~~ 53558  
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 53559

rule the fee, which shall not exceed fifty dollars, for each 53560  
permit and each renewal of a permit for each ambulette. For 53561  
purposes of establishing fees, "actual costs" includes the costs 53562  
of salaries, expenses, inspection equipment, supervision, and 53563  
program administration. 53564

(B) The board shall deposit all fees and other moneys 53565  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 53566  
the Revised Code in the state treasury to the credit of the 53567  
occupational licensing and regulatory fund, which is created by 53568  
section 4743.05 of the Revised Code. All moneys from the fund 53569  
shall be used solely for the salaries and expenses of the board 53570  
incurred in implementing and enforcing this chapter. 53571

(C) The board, subject to the approval of the controlling 53572  
board, may establish fees in excess of the maximum amounts allowed 53573  
under division (A) of this section, but such fees shall not exceed 53574  
those maximum amounts by more than fifty per cent. 53575

**Sec. 4766.07.** (A) Except as otherwise provided by rule of the 53576  
~~Ohio state board of emergency~~ medical, fire, and transportation 53577  
~~board services~~, each emergency medical service organization, 53578  
nonemergency medical service organization, and air medical service 53579  
organization subject to licensure under this chapter shall possess 53580  
a valid permit for each ambulance, ambulette, rotorcraft air 53581  
ambulance, fixed wing air ambulance, and nontransport vehicle it 53582  
owns or leases that is or will be used by the licensee to perform 53583  
the services permitted by the license. Each licensee and license 53584  
applicant shall submit the appropriate fee and an application for 53585  
a permit for each ambulance, ambulette, rotorcraft air ambulance, 53586  
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 53587  
state board of emergency medical, fire, and transportation ~~board~~ 53588  
services on forms provided by the board. The application shall 53589  
include documentation that the vehicle or aircraft meets the 53590



appropriate standards set by the board, that the vehicle or 53591  
aircraft has been inspected pursuant to division (C) of this 53592  
section, that the permit applicant maintains insurance as provided 53593  
in section 4766.06 of the Revised Code, and that the vehicle or 53594  
aircraft and permit applicant meet any other requirements 53595  
established under rules adopted by the board. 53596

The ~~Ohio~~ state board of emergency medical, fire, and 53597  
transportation ~~board~~ services may adopt rules in accordance with 53598  
Chapter 119. of the Revised Code to authorize the temporary use of 53599  
a vehicle or aircraft for which a permit is not possessed under 53600  
this section in back-up or disaster situations. 53601

(B)(1) Within sixty days after receiving a completed 53602  
application for a permit, the board shall issue or deny the 53603  
permit. The board shall deny an application if it determines that 53604  
the permit applicant, vehicle, or aircraft does not meet the 53605  
requirements of this chapter and the rules adopted under it that 53606  
apply to permits for ambulances, ambulettes, rotorcraft air 53607  
ambulances, fixed wing air ambulances, and nontransport vehicles. 53608  
The board shall send notice of the denial of an application by 53609  
certified mail to the permit applicant. The permit applicant may 53610  
request a hearing within ten days after receipt of the notice. If 53611  
the board receives a timely request, it shall hold a hearing in 53612  
accordance with Chapter 119. of the Revised Code. 53613

(2) If the board issues the vehicle permit for an ambulance, 53614  
ambulette, or nontransport vehicle, it also shall issue a decal, 53615  
in a form prescribed by rule, to be displayed on the rear window 53616  
of the vehicle. The board shall not issue a decal until all of the 53617  
requirements for licensure and permit issuance have been met. 53618

(3) If the board issues the aircraft permit for a rotorcraft 53619  
air ambulance or fixed wing air ambulance, it also shall issue a 53620  
decal, in a form prescribed by rule, to be displayed on the left 53621

fuselage aircraft window in a manner that complies with all 53622  
applicable federal aviation regulations. The board shall not issue 53623  
a decal until all of the requirements for licensure and permit 53624  
issuance have been met. 53625

(C) In addition to any other requirements that the board 53626  
establishes by rule, a licensee or license applicant applying for 53627  
an initial vehicle or aircraft permit under division (A) of this 53628  
section shall submit to the board the vehicle or aircraft for 53629  
which the permit is sought. Thereafter, a licensee shall annually 53630  
submit to the board each vehicle or aircraft for which a permit 53631  
has been issued. 53632

(1) The board shall conduct a physical inspection of an 53633  
ambulance, ambulette, or nontransport vehicle to determine its 53634  
roadworthiness and compliance with standard motor vehicle 53635  
requirements. 53636

(2) The board shall conduct a physical inspection of the 53637  
medical equipment, communication system, and interior of an 53638  
ambulance to determine the operational condition and safety of the 53639  
equipment and the ambulance's interior and to determine whether 53640  
the ambulance is in compliance with the federal requirements for 53641  
ambulance construction that were in effect at the time the 53642  
ambulance was manufactured, as specified by the general services 53643  
administration in the various versions of its publication titled 53644  
"federal specification for the star-of-life ambulance, 53645  
KKK-A-1822." 53646

(3) The board shall conduct a physical inspection of the 53647  
equipment, communication system, and interior of an ambulette to 53648  
determine the operational condition and safety of the equipment 53649  
and the ambulette's interior and to determine whether the 53650  
ambulette is in compliance with state requirements for ambulette 53651  
construction. The board shall determine by rule requirements for 53652  
the equipment, communication system, interior, and construction of 53653

an ambulette. 53654

(4) The board shall conduct a physical inspection of the 53655  
medical equipment, communication system, and interior of a 53656  
rotorcraft air ambulance or fixed wing air ambulance to determine 53657  
the operational condition and safety of the equipment and the 53658  
aircraft's interior. 53659

(5) The board shall issue a certificate to the applicant for 53660  
each vehicle or aircraft that passes the inspection and may assess 53661  
a fee for each inspection, as established by the board. 53662

(6) The board shall adopt rules regarding the implementation 53663  
and coordination of inspections. The rules may permit the board to 53664  
contract with a third party to conduct the inspections required of 53665  
the board under this section. 53666

**Sec. 4766.08.** (A) The ~~Ohio~~ state board of emergency medical, 53667  
fire, and transportation board ~~may~~ services, pursuant to an 53668  
adjudication conducted in accordance with Chapter 119. of the 53669  
Revised Code, may suspend or revoke any license or permit or 53670  
renewal thereof issued under this chapter for any one or 53671  
combination of the following causes: 53672

(1) Violation of this chapter or any rule adopted thereunder; 53673

(2) Refusal to permit the board to inspect a vehicle or 53674  
aircraft used under the terms of a permit or to inspect the 53675  
records or physical facilities of a licensee; 53676

(3) Failure to meet the ambulance, ambulette, rotorcraft air 53677  
ambulance, fixed wing air ambulance, and nontransport vehicle 53678  
requirements specified in this chapter or the rules adopted 53679  
thereunder; 53680

(4) Violation of an order issued by the board; 53681

(5) Failure to comply with any of the terms of an agreement 53682  
entered into with the board regarding the suspension or revocation 53683

of a license or permit or the imposition of a penalty under this 53684  
section. 53685

(B) If the board determines that the records, record-keeping 53686  
procedures, or physical facilities of a licensee, or an ambulance, 53687  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 53688  
nontransport vehicle for which a valid permit has been issued, do 53689  
not meet the standards specified in this chapter and the rules 53690  
adopted thereunder, the board shall notify the licensee of any 53691  
deficiencies within thirty days of finding the deficiencies. If 53692  
the board determines that the deficiencies exist and they remain 53693  
uncorrected after thirty days, the board may suspend the license, 53694  
vehicle permit, or aircraft permit. The licensee, notwithstanding 53695  
the suspension under this division, may operate until all appeals 53696  
have been exhausted. 53697

(C) At the discretion of the board, a licensee whose license 53698  
has been suspended or revoked under this section may be ineligible 53699  
to be licensed under this chapter for a period of not more than 53700  
three years from the date of the violation, provided that the 53701  
board shall make no determination on a period of ineligibility 53702  
until all the licensee's appeals relating to the suspension or 53703  
revocation have been exhausted. 53704

(D) The board may, in addition to any other action taken 53705  
under this section and after a hearing conducted pursuant to 53706  
Chapter 119. of the Revised Code, impose a penalty of not more 53707  
than fifteen hundred dollars for any violation specified in this 53708  
section. The attorney general shall institute a civil action for 53709  
the collection of any such penalty imposed. 53710

**Sec. 4766.09.** This chapter does not apply to any of the 53711  
following: 53712

(A) A person rendering services with an ambulance in the 53713  
event of a disaster situation when licensees' vehicles based in 53714

the locality of the disaster situation are incapacitated or 53715  
insufficient in number to render the services needed; 53716

(B) Any person operating an ambulance, ambulette, rotorcraft 53717  
air ambulance, or fixed wing air ambulance outside this state 53718  
unless receiving a person within this state for transport to a 53719  
location within this state; 53720

(C) A publicly owned or operated emergency medical service 53721  
organization and the vehicles it owns or leases and operates, 53722  
except as provided in section 307.051, division (G) of section 53723  
307.055, division (F) of section 505.37, division (B) of section 53724  
505.375, and division (B)(3) of section 505.72 of the Revised 53725  
Code; 53726

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 53727  
wing air ambulance, or nontransport vehicle owned or leased and 53728  
operated by the federal government; 53729

(E) A publicly owned and operated fire department vehicle; 53730

(F) Emergency vehicles owned by a corporation and operating 53731  
only on the corporation's premises, for the sole use by that 53732  
corporation; 53733

(G) An ambulance, nontransport vehicle, or other emergency 53734  
medical service organization vehicle owned and operated by a 53735  
municipal corporation; 53736

(H) A motor vehicle titled in the name of a volunteer rescue 53737  
service organization, as defined in section 4503.172 of the 53738  
Revised Code; 53739

(I) A public emergency medical service organization; 53740

(J) A fire department, rescue squad, or life squad comprised 53741  
of volunteers who provide services without expectation of 53742  
remuneration and do not receive payment for services other than 53743  
reimbursement for expenses; 53744

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| (K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;                                                                                                                     | 53745<br>53746<br>53747                   |
| (L) Emergency medical service personnel who are regulated by the state board of emergency medical, <u>fire, and transportation</u> services under Chapter 4765. of the Revised Code;                                                                                                                | 53748<br>53749<br>53750                   |
| (M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:                                                              | 53751<br>53752<br>53753<br>53754          |
| (1) A public nonemergency medical service organization;                                                                                                                                                                                                                                             | 53755                                     |
| (2) An urban or rural public transit system;                                                                                                                                                                                                                                                        | 53756                                     |
| (3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.                                                                                                                                                                                                | 53757<br>53758                            |
| (N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:                                                                                                                                                                                | 53759<br>53760                            |
| (a) The entity is certified by the department of aging or the department's designee in accordance with section 173.391 of the Revised Code or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code. | 53761<br>53762<br>53763<br>53764<br>53765 |
| (b) The entity meets the requirements of section 4766.14 of the Revised Code.                                                                                                                                                                                                                       | 53766<br>53767                            |
| (c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan.                                                                                                                                                                                               | 53768<br>53769                            |
| (2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:                                                                                                                                                                       | 53770<br>53771                            |
| (a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.                                                                                                                                                                                       | 53772<br>53773                            |

(b) The vehicle does not provide ambulance services that are 53774  
reimbursed under the state medicaid plan. 53775

(0) A vehicle that meets both of the following criteria, 53776  
unless the vehicle provides services that are reimbursed under the 53777  
state medicaid plan: 53778

(1) The vehicle was purchased with funds from a grant made by 53779  
the United States secretary of transportation under 49 U.S.C. 53780  
5310; 53781

(2) The department of transportation holds a lien on the 53782  
vehicle. 53783

**Sec. 4766.10.** This chapter does not invalidate any ordinance 53784  
or resolution adopted by a municipal corporation that establishes 53785  
standards for the licensure of emergency medical service 53786  
organizations as basic life-support, intermediate life-support, or 53787  
advanced life-support service organizations that have their 53788  
principal places of business located within the limits of the 53789  
municipal corporation, as long as the licensure standards meet or 53790  
exceed the standards established in this chapter and the rules 53791  
adopted thereunder. 53792

Emergency medical service organizations licensed by a 53793  
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 53794  
state board of emergency medical, fire, and transportation board 53795  
services, but the fees they pay to the board for licenses, 53796  
permits, and renewals thereof shall not exceed fifty per cent of 53797  
the fee amounts established by the board pursuant to section 53798  
4766.03 of the Revised Code. The board may choose to waive the 53799  
vehicle inspection requirements and inspection fees, but not the 53800  
permit fees, for the vehicles of organizations licensed by a 53801  
municipal corporation. 53802

**Sec. 4766.11.** (A) The ~~Ohio~~ state board of emergency medical, 53803

fire, and transportation board services may investigate alleged 53804  
violations of this chapter or the rules adopted under it and may 53805  
investigate any complaints received regarding alleged violations. 53806

In addition to any other remedies available and regardless of 53807  
whether an adequate remedy at law exists, the board may apply to 53808  
the court of common pleas in the county where a violation of any 53809  
provision of this chapter or any rule adopted pursuant thereto is 53810  
occurring for a temporary or permanent injunction restraining a 53811  
person from continuing to commit that violation. On a showing that 53812  
a person has committed a violation, the court shall grant the 53813  
injunction. 53814

In conducting an investigation under this section, the board 53815  
may issue subpoenas compelling the attendance and testimony of 53816  
witnesses and the production of books, records, and other 53817  
documents pertaining to the investigation. If a person fails to 53818  
obey a subpoena from the board, the board may apply to the court 53819  
of common pleas in the county where the investigation is being 53820  
conducted for an order compelling the person to comply with the 53821  
subpoena. On application by the board, the court shall compel 53822  
obedience by attachment proceedings for contempt, as in the case 53823  
of disobedience of the requirements of a subpoena from the court 53824  
or a refusal to testify therein. 53825

(B) The ~~medical-transportation~~ board may suspend a license 53826  
issued under this chapter without a prior hearing if it determines 53827  
that there is evidence that the license holder is subject to 53828  
action under this section and that there is clear and convincing 53829  
evidence that continued operation by the license holder presents a 53830  
danger of immediate and serious harm to the public. The 53831  
chairperson and executive director of the board shall make a 53832  
preliminary determination and describe the evidence on which they 53833  
made their determination to the board members. The board by 53834



resolution may designate another board member to act in place of 53835  
the chairperson or another employee to act in place of the 53836  
executive director in the event that the chairperson or executive 53837  
director is unavailable or unable to act. Upon review of the 53838  
allegations, the board, by the affirmative vote of ~~at least four a~~ 53839  
majority of its members, may suspend the license without a 53840  
hearing. 53841

~~Any method of communication, including a telephone conference 53842  
call, may be utilized for describing the evidence to the board 53843  
members, for reviewing the allegations, and for voting on the 53844  
suspension. 53845~~

Immediately following the decision by the board to suspend a 53846  
license under this division, the board shall issue a written order 53847  
of suspension and cause it to be delivered in accordance with 53848  
section 119.07 of the Revised Code. If the license holder subject 53849  
to the suspension requests an adjudication hearing by the board, 53850  
the date set for the adjudication shall be within fifteen days but 53851  
not earlier than seven days after the request unless another date 53852  
is agreed to by the license holder and the board. 53853

Any summary suspension imposed under this division remains in 53854  
effect, unless reversed by the board, until a final adjudicative 53855  
order issued by the board pursuant to this section and Chapter 53856  
119. of the Revised Code becomes effective. The board shall issue 53857  
its final adjudicative order not less than ninety days after 53858  
completion of its adjudication hearing. Failure to issue the order 53859  
by that day shall cause the summary suspension order to end, but 53860  
such failure shall not affect the validity of any subsequent final 53861  
adjudication order. 53862

**Sec. 4766.12.** If a county, township, joint ambulance 53863  
district, or joint emergency medical services district chooses to 53864  
have the ~~Ohio~~ state board of emergency medical, fire, and 53865

transportation ~~board~~ services license its emergency medical 53866  
service organizations and issue permits for its vehicles pursuant 53867  
to this chapter, except as may be otherwise provided, all 53868  
provisions of this chapter and all rules adopted by the board 53869  
thereunder are fully applicable. However, a county, township, 53870  
joint ambulance district, or joint emergency medical services 53871  
district is not required to obtain any type of permit from the 53872  
board for any of its nontransport vehicles. 53873

**Sec. 4766.13.** The ~~Ohio~~ state board of emergency medical, 53874  
fire, and transportation board services, by endorsement, may 53875  
license and issue vehicle permits to an emergency medical service 53876  
organization or a nonemergency medical service organization that 53877  
is regulated by another state. To qualify for a license and 53878  
vehicle permits by endorsement, an organization must submit 53879  
evidence satisfactory to the board that it has met standards in 53880  
another state that are equal to or more stringent than the 53881  
standards established by this chapter and the rules adopted under 53882  
it. 53883

**Sec. 4766.15.** (A) An applicant for employment as an ambulette 53884  
driver with an organization licensed pursuant to this chapter 53885  
shall submit proof to the organization of, or give consent to the 53886  
employer to obtain, all of the following: 53887

(1)(a) A valid driver's license issued pursuant to Chapter 53888  
4506. or 4507. of the Revised Code, or its equivalent, if the 53889  
applicant is a resident of another state; 53890

(b) A recent certified abstract of the applicant's record of 53891  
convictions for violations of motor vehicle laws provided by the 53892  
registrar of motor vehicles pursuant to section 4509.05 of the 53893  
Revised Code, or its equivalent, if the applicant is a resident of 53894  
another state. 53895

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization; 53896  
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(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services. 53899  
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(3) The result of a chemical test or tests of the applicant's blood, breath, or urine conducted at a hospital or other institution approved by the board for the purpose of determining the alcohol, drug of abuse, controlled substance, or metabolite of a controlled substance content of the applicant's whole blood, blood serum or plasma, breath, or urine; 53903  
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(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation. 53909  
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(B) An organization may employ an applicant on a temporary provisional basis pending the completion of all of the requirements of this section. The length of the provisional period shall be determined by the board. 53911  
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(C) An organization licensed pursuant to this chapter shall use information received pursuant to this section to determine in accordance with rules adopted by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services under section 4766.03 of the Revised Code whether an applicant is disqualified for employment. 53915  
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No applicant shall be accepted for permanent employment as an ambulette driver by an organization licensed pursuant to this chapter until all of the requirements of division (A) of this section have been met. 53921  
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**Sec. 4766.22.** (A) Not later than forty-five days after the 53925

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|------------------------------------------------------------------------------|-------|
| end of each fiscal year, the <del>Ohio</del> <u>state board of emergency</u> | 53926 |
| <u>medical, fire, and transportation board services</u> shall submit a       | 53927 |
| report to the governor and general assembly that provides all of             | 53928 |
| the following information for that fiscal year:                              | 53929 |
| (1) The number of each of the following the board issued:                    | 53930 |
| (a) Basic life-support organization licenses;                                | 53931 |
| (b) Intermediate life-support organization licenses;                         | 53932 |
| (c) Advanced life-support organization licenses;                             | 53933 |
| (d) Mobile intensive care unit organization licenses;                        | 53934 |
| (e) Ambulette service licenses;                                              | 53935 |
| (f) Air medical service organization licenses;                               | 53936 |
| (g) Ambulance permits;                                                       | 53937 |
| (h) Nontransport vehicle permits;                                            | 53938 |
| (i) Ambulette vehicle permits;                                               | 53939 |
| (j) Rotorcraft air ambulance permits;                                        | 53940 |
| (k) Fixed wing air ambulance permits.                                        | 53941 |
| (2) The amount of fees the board collected for issuing and                   | 53942 |
| renewing each type of license and permit specified in division               | 53943 |
| (A)(1) of this section;                                                      | 53944 |
| (3) The number of inspections the board or a third party on                  | 53945 |
| the board's behalf conducted in connection with each type of                 | 53946 |
| license and permit specified in division (A)(1) of this section              | 53947 |
| and the amount of fees the board collected for the inspections;              | 53948 |
| (4) The number of complaints that were submitted to the                      | 53949 |
| board;                                                                       | 53950 |
| (5) The number of investigations the board conducted under                   | 53951 |
| section 4766.11 of the Revised Code;                                         | 53952 |
| (6) The number of adjudication hearings the board held and                   | 53953 |

the outcomes of the adjudications; 53954

(7) The amount of penalties the board imposed and collected 53955  
under section 4766.08 of the Revised Code; 53956

(8) Other information the board determines reflects the 53957  
board's operations. 53958

(B) The board shall post the annual report required by this 53959  
section on its web site and make it available to the public on 53960  
request. 53961

**Sec. 4773.08.** The ~~public~~ director of health council shall 53962  
adopt rules to implement and administer this chapter. In adopting 53963  
the rules, the ~~council~~ director shall consider any recommendations 53964  
made by the radiation advisory council created under section 53965  
3701.93 of the Revised Code. The rules shall be adopted in 53966  
accordance with Chapter 119. of the Revised Code and shall not be 53967  
less stringent than any applicable standards specified in 42 53968  
C.F.R. 75. The rules shall establish all of the following: 53969

(A) Standards for licensing general x-ray machine operators, 53970  
radiographers, radiation therapy technologists, and nuclear 53971  
medicine technologists; 53972

(B) Application and renewal fees for licenses issued under 53973  
this chapter that do not exceed the cost incurred in issuing and 53974  
renewing the licenses; 53975

(C) Standards for accreditation of educational programs and 53976  
approval of continuing education programs in general x-ray machine 53977  
operation, radiography, radiation therapy technology, and nuclear 53978  
medicine technology; 53979

(D) Fees for accrediting educational programs and approving 53980  
continuing education programs in general x-ray machine operation, 53981  
radiography, radiation therapy technology, and nuclear medicine 53982  
technology that do not exceed the cost incurred in accrediting the 53983

|                                                                                                                                                                 |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| educational programs;                                                                                                                                           | 53984                   |
| (E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;               | 53985<br>53986<br>53987 |
| (F) Continuing education requirements that must be met to have a license renewed under section 4773.03 of the Revised Code;                                     | 53988<br>53989          |
| (G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code; | 53990<br>53991<br>53992 |
| (H) Any other rules necessary for the implementation or administration of this chapter.                                                                         | 53993<br>53994          |
| <b>Sec. 4781.01.</b> As used in this chapter:                                                                                                                   | 53995                   |
| (A) "Industrialized unit" has the same meaning as in division (C)(3) of section 3781.06 of the Revised Code.                                                    | 53996<br>53997          |
| (B) "Installation" means any of the following:                                                                                                                  | 53998                   |
| (1) The temporary or permanent construction of stabilization, support, and anchoring systems for manufactured housing;                                          | 53999<br>54000          |
| (2) The placement and erection of a manufactured housing unit or components of a unit on a structural support system;                                           | 54001<br>54002          |
| (3) The supporting, blocking, leveling, securing, anchoring, underpinning, or adjusting of any section or component of a manufactured housing unit;             | 54003<br>54004<br>54005 |
| (4) The joining or connecting of all sections or components of a manufactured housing unit.                                                                     | 54006<br>54007          |
| (C) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.                                                      | 54008<br>54009          |
| (D) "Manufactured home park" <del>has the same meaning as in division (A) of section 3733.01 of the Revised Code</del> <u>means any</u>                         | 54010<br>54011          |

tract of land upon which three or more manufactured or mobile 54012  
homes used for habitation are parked, either free of charge or for 54013  
revenue purposes, and includes any roadway, building, structure, 54014  
vehicle, or enclosure used or intended for use as a part of the 54015  
facilities of the park. "Manufactured home park" does not include 54016  
any of the following: 54017

(1) A tract of land used solely for the storage or display 54018  
for sale of manufactured or mobile homes or solely as a temporary 54019  
park-camp as defined in section 3729.01 of the Revised Code; 54020

(2) A tract of land that is subdivided and the individual 54021  
lots are for sale or sold for the purpose of installation of 54022  
manufactured or mobile homes used for habitation and the roadways 54023  
are dedicated to the local government authority; 54024

(3) A tract of land within an area that is subject to local 54025  
zoning authority and subdivision requirements and is subdivided, 54026  
and the individual lots are for sale or sold for the purpose of 54027  
installation of manufactured or mobile homes for habitation. 54028

(E) "Manufactured housing" means manufactured homes and 54029  
mobile homes. 54030

(F) "Manufactured housing installer" means an individual who 54031  
installs manufactured housing. 54032

(G) "Mobile home" has the same meaning as in division (O) of 54033  
section 4501.01 of the Revised Code. 54034

(H) "Model standards" means the federal manufactured home 54035  
installation standards established pursuant to 42 U.S.C. 5404. 54036

(I) "Permanent foundation" has the same meaning as in 54037  
division (C)(5) of section 3781.06 of the Revised Code. 54038

(J) "Business" includes any activities engaged in by any 54039  
person for the object of gain, benefit, or advantage either direct 54040  
or indirect. 54041

(K) "Casual sale" means any transfer of a manufactured home 54042  
or mobile home by a person other than a manufactured housing 54043  
dealer, manufactured housing salesperson, or manufacturer to an 54044  
ultimate consumer or a person who purchases the home for use as a 54045  
residence. 54046

(L) "Engaging in business" means commencing, conducting, or 54047  
continuing in business, or liquidating a business when the 54048  
liquidator thereof holds self out to be conducting such business; 54049  
making a casual sale or otherwise making transfers in the ordinary 54050  
course of business when the transfers are made in connection with 54051  
the disposition of all or substantially all of the transferor's 54052  
assets is not engaging in business. 54053

(M) "Manufactured home park operator" ~~has the same meaning as~~ 54054  
~~"operator" in section 3733.01 of the Revised Code or "park~~ 54055  
operator" means the person who has responsible charge of a 54056  
manufactured home park and who is licensed under sections 4781.26 54057  
to 4781.35 of the Revised Code. 54058

(N) "Manufactured housing broker" means any person acting as 54059  
a selling agent on behalf of an owner of a manufactured home or 54060  
mobile home that is subject to taxation under section 4503.06 of 54061  
the Revised Code. 54062

(O) "Manufactured housing dealer" means any person engaged in 54063  
the business of selling at retail, displaying, offering for sale, 54064  
or dealing in manufactured homes or mobile homes. 54065

(P) "Manufacturer" means a person who manufacturers, 54066  
assembles, or imports manufactured homes or mobile homes. 54067

(Q) "Retail sale" or "sale at retail" means the act or 54068  
attempted act of selling, bartering, exchanging, or otherwise 54069  
disposing of a manufactured home or mobile home to an ultimate 54070  
purchaser for use as a residence. 54071

(R) "Salesperson" means any individual employed by a 54072



manufactured housing dealer or manufactured housing broker to 54073  
sell, display, and offer for sale, or deal in manufactured homes 54074  
or mobile homes for a commission, compensation, or other valuable 54075  
consideration, but does not mean any public officer performing 54076  
official duties. 54077

(S) "Ultimate purchaser" means, with respect to any new 54078  
manufactured home, the first person, other than a manufactured 54079  
housing dealer purchasing in the capacity of a manufactured 54080  
housing dealer, who purchases such new manufactured home for 54081  
purposes other than resale. 54082

(T) "Tenant" means a person who is entitled under a rental 54083  
agreement with a manufactured home park operator to occupy a 54084  
manufactured home park lot and who does not own the home occupying 54085  
the lot. 54086

(U) "Owner" means a person who is entitled under a rental 54087  
agreement with a manufactured home park operator to occupy a 54088  
manufactured home park lot and who owns the home occupying the 54089  
lot. 54090

(V) "Resident" means a person entitled under a rental 54091  
agreement to the use and occupancy of residential premises to the 54092  
exclusion of others. "Resident" includes both tenants and owners. 54093

(W) "Residential premises" means a lot located within a 54094  
manufactured home park and the grounds, areas, and facilities 54095  
contained within the manufactured home park for the use of 54096  
residents generally or the use of which is promised to a resident. 54097

(X) "Rental agreement" means any agreement or lease, written 54098  
or oral, that establishes or modifies the terms, conditions, 54099  
rules, or any other provisions concerning the use and occupancy of 54100  
residential premises by one of the parties. 54101

(Y) "Security deposit" means any deposit of money or property 54102  
to secure performance by the resident under a rental agreement. 54103

(Z) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, and the construction, expansion, or substantial alteration of a manufactured home park, for which plan review is required under division (A) of section 4781.31 of the Revised Code. "Development" does not include the building, construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

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(AA) "Flood" or "flooding" means either of the following:

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(1) A general and temporary condition of partial or complete inundation of normally dry land areas from any of the following:

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(a) The overflow of inland or tidal waters;

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(b) The unusual and rapid accumulation or runoff of surface waters from any source;

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(c) Mudslides that are proximately caused by flooding as defined in division (AA)(1)(b) of this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in division (AA)(1)(a) of this section.

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(BB) "Flood plain" means the area adjoining any river,

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stream, watercourse, or lake that has been or may be covered by 54135  
flood water. 54136

(CC) "One-hundred-year flood" means a flood having a one per 54137  
cent chance of being equaled or exceeded in any given year. 54138

(DD) "One-hundred-year flood plain" means that portion of a 54139  
flood plain inundated by a one-hundred-year flood. 54140

(EE) "Person" has the same meaning as in section 1.59 of the 54141  
Revised Code and also includes this state, any political 54142  
subdivision of this state, and any other state or local body of 54143  
this state. 54144

(FF) "Substantial damage" means damage of any origin 54145  
sustained by a manufactured or mobile home that is situated in a 54146  
manufactured home park located in a flood plain when the cost of 54147  
restoring the home to its condition before the damage occurred 54148  
will equal or exceed fifty per cent of the market value of the 54149  
home before the damage occurred. 54150

(GG) "Substantially alter" means a change in the layout or 54151  
design of a manufactured home park, including, without limitation, 54152  
the movement of utilities or changes in established streets, lots, 54153  
or sites or in other facilities. In the case of manufactured home 54154  
parks located within a one-hundred-year flood plain, 54155  
"substantially alter" also includes changes in elevation resulting 54156  
from the addition of fill, grading, or excavation that may affect 54157  
flood plain management. 54158

(HH) "Tract" means a contiguous area of land that consists of 54159  
one or more parcels, lots, or sites that have been separately 54160  
surveyed regardless of whether the individual parcels, lots, or 54161  
sites have been recorded and regardless of whether the one or more 54162  
parcels, lots, or sites are under common or different ownership. 54163

**Sec. 4781.02.** (A) There is hereby created the manufactured 54164

homes commission which consists of nine members, with three 54165  
members appointed by the governor, three members appointed by the 54166  
president of the senate, and three members appointed by the 54167  
speaker of the house of representatives. 54168

(B)(1) Commission members shall be residents of this state, 54169  
except for members appointed pursuant to divisions (B)(3)(b) and 54170  
(B)(4)(a) of this section. Members shall be selected from a list 54171  
of persons the Ohio manufactured homes association, or any 54172  
successor entity, recommends, except for appointments made 54173  
pursuant to division (B)(2) of this section. 54174

(2) The governor shall appoint the following members: 54175

(a) One member to represent the board of building standards, 54176  
who may be a member of the board or a board employee not in the 54177  
classified civil service, with an initial term ending December 31, 54178  
2007; 54179

(b) ~~One member to represent the department of health, who may~~ 54180  
~~be a department employee not in the classified civil service, with~~ 54181  
~~an initial term ending December 31, 2005~~ who is registered as a 54182  
sanitarian in accordance with Chapter 4736. of the Revised Code, 54183  
has experience with the regulation of manufactured homes, and is 54184  
an employee of a health district described in section 3709.01 of 54185  
the Revised Code; 54186

(c) One member whose primary residence is a manufactured 54187  
home, with an initial term ending December 31, 2006. 54188

(3) The president of the senate shall appoint the following 54189  
members: 54190

(a) Two members who are manufactured housing installers who 54191  
have been actively engaged in the installation of manufactured 54192  
housing for the five years immediately prior to appointment, with 54193  
the initial term of one installer ending December 31, 2007, and 54194  
the initial term of the other installer ending December 31, 2005. 54195

(b) One member who manufactures manufactured homes in this state or who manufactures manufactured homes in another state and ships homes into this state, to represent manufactured home manufacturers, with an initial term ending December 31, 2006.

(4) The speaker of the house of representatives shall appoint the following members:

(a) One member who operates a manufactured or mobile home retail business in this state to represent manufactured housing dealers, with an initial term ending December 31, 2007;

(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005;

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006.

(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms.

(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first.

(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers.

(D)(1) The governor may remove any member from office for

incompetence, neglect of duty, misfeasance, nonfeasance, 54226  
malfeasance, or unprofessional conduct in office. 54227

(2) Vacancies shall be filled in the manner of the original 54228  
appointment. 54229

**Sec. 4781.04.** (A) The manufactured homes commission shall 54230  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 54231  
of the following: 54232

(1) Establish uniform standards that govern the installation 54233  
of manufactured housing. Not later than one hundred eighty days 54234  
after the secretary of the United States department of housing and 54235  
urban development adopts model standards for the installation of 54236  
manufactured housing or amends those standards, the commission 54237  
shall amend its standards as necessary to be consistent with, and 54238  
not less stringent than, the model standards for the design and 54239  
installation of manufactured housing the secretary adopts or any 54240  
manufacturers' standards that the secretary determines are equal 54241  
to or not less stringent than the model standards. 54242

(2) Govern the inspection of the installation of manufactured 54243  
housing. The rules shall specify that the commission, any building 54244  
department or personnel of any department, ~~any licensor or~~ 54245  
~~personnel of any licensor,~~ or any private third party, certified 54246  
pursuant to section 4781.07 of the Revised Code shall conduct all 54247  
inspections of the installation of manufactured housing located in 54248  
manufactured home parks to determine compliance with the uniform 54249  
installation standards the commission establishes pursuant to this 54250  
section. 54251

~~As used in division (A)(2) of this section, "licensor" has~~ 54252  
~~the same meaning as in section 3733.01 of the Revised Code.~~ 54253

(3) Govern the design, construction, installation, approval, 54254  
and inspection of foundations and the base support systems for 54255

manufactured housing. The rules shall specify that the commission, 54256  
any building department or personnel of any department, ~~any~~ 54257  
~~licensor or personnel of any licensor,~~ or any private third party, 54258  
certified pursuant to section 4781.07 of the Revised Code shall 54259  
conduct all inspections of the installation, foundations, and base 54260  
support systems of manufactured housing located in manufactured 54261  
home parks to determine compliance with the uniform installation 54262  
standards and foundation and base support system design the 54263  
commission establishes pursuant to this section. 54264

~~As used in division (A)(3) of this section, "licensor" has 54265  
the same meaning as in section 3733.01 of the Revised Code. 54266~~

(4) Govern the training, experience, and education 54267  
requirements for manufactured housing installers, manufactured 54268  
housing dealers, manufactured housing brokers, and manufactured 54269  
housing salespersons; 54270

(5) Establish a code of ethics for manufactured housing 54271  
installers; 54272

(6) Govern the issuance, revocation, and suspension of 54273  
licenses to manufactured housing installers; 54274

(7) Establish fees for the issuance and renewal of licenses, 54275  
for conducting inspections to determine an applicant's compliance 54276  
with this chapter and the rules adopted pursuant to it, and for 54277  
the commission's expenses incurred in implementing this chapter; 54278

(8) Establish conditions under which a licensee may enter 54279  
into contracts to fulfill the licensee's responsibilities; 54280

(9) Govern the investigation of complaints concerning any 54281  
violation of this chapter or the rules adopted pursuant to it or 54282  
complaints involving the conduct of any licensed manufactured 54283  
housing installer or person installing manufactured housing 54284  
without a license, licensed manufactured housing dealer, licensed 54285  
manufactured housing broker, or manufactured housing salesperson; 54286

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(14) Carry out any other provision of this chapter.

(B) The manufactured homes commission shall do all of the following:

(1) Prepare and administer a licensure examination to



|                                                                    |       |
|--------------------------------------------------------------------|-------|
| determine an applicant's knowledge of manufactured housing         | 54318 |
| installation and other aspects of installation the commission      | 54319 |
| determines appropriate;                                            | 54320 |
| (2) Select, provide, or procure appropriate examination            | 54321 |
| questions and answers for the licensure examination and establish  | 54322 |
| the criteria for successful completion of the examination;         | 54323 |
| (3) Prepare and distribute any application form this chapter       | 54324 |
| requires;                                                          | 54325 |
| (4) Receive applications for licenses and renewal of licenses      | 54326 |
| and issue licenses to qualified applicants;                        | 54327 |
| (5) Establish procedures for processing, approving, and            | 54328 |
| disapproving applications for licensure;                           | 54329 |
| (6) Retain records of applications for licensure, including        | 54330 |
| all application materials submitted and a written record of the    | 54331 |
| action taken on each application;                                  | 54332 |
| (7) Review the design and plans for manufactured housing           | 54333 |
| installations, foundations, and support systems;                   | 54334 |
| (8) Inspect a sample of homes at a percentage the commission       | 54335 |
| determines to evaluate the construction and installation of        | 54336 |
| manufactured housing installations, foundations, and support       | 54337 |
| systems to determine compliance with the standards the commission  | 54338 |
| adopts;                                                            | 54339 |
| (9) Investigate complaints concerning violations of this           | 54340 |
| chapter or the rules adopted pursuant to it, or the conduct of any | 54341 |
| manufactured housing installer, manufactured housing dealer,       | 54342 |
| manufactured housing broker, or manufactured housing salesperson;  | 54343 |
| (10) Determine appropriate disciplinary actions for                | 54344 |
| violations of this chapter;                                        | 54345 |
| (11) Conduct audits and inquiries of manufactured housing          | 54346 |
| installers, manufactured housing dealers, and manufactured housing | 54347 |

brokers as appropriate for the enforcement of this chapter. The 54348  
commission, or any person the commission employs for the purpose, 54349  
may review and audit the business records of any manufactured 54350  
housing installer, dealer, or broker during normal business hours. 54351

(12) Approve an installation training course, which may be 54352  
offered by the Ohio manufactured homes association or other 54353  
entity; 54354

(13) Perform any function or duty necessary to administer 54355  
this chapter and the rules adopted pursuant to it. 54356

(C) Nothing in this section shall be construed to limit the 54357  
authority of a board of health to enforce section 3701.344 or 54358  
Chapters 3703., 3718., and 3781. of the Revised Code. 54359

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes 54360  
commission adopts, the commission may certify municipal, township, 54361  
and county building departments and the personnel of those 54362  
departments, ~~licensors as defined in section 3733.01 of the~~ 54363  
~~Revised Code and the personnel of those licensors,~~ or any private 54364  
third party, to exercise the commission's enforcement authority, 54365  
accept and approve plans and specifications for foundations, 54366  
support systems and installations, and inspect manufactured 54367  
housing foundations, support systems, and manufactured housing 54368  
installations. Any certification is effective for three years. 54369

(B) Following an investigation and finding of facts that 54370  
support its action, the commission may revoke or suspend 54371  
certification. The commission may initiate an investigation on its 54372  
own motion or the petition of a person affected by the enforcement 54373  
or approval of plans. 54374

**Sec. 4781.09.** (A) The manufactured homes commission may deny, 54375  
suspend, revoke, or refuse to renew the license of any 54376  
manufactured home installer for any of the following reasons: 54377

|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;                                                                                                                                                                                                                                                                                                      | 54378<br>54379                                     |
| (2) Violation of this chapter or any rule adopted pursuant to it;                                                                                                                                                                                                                                                                                                                               | 54380<br>54381                                     |
| (3) Making a material misstatement in an application for a license;                                                                                                                                                                                                                                                                                                                             | 54382<br>54383                                     |
| (4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;                                                                                                                                                                                                                                                      | 54384<br>54385<br>54386                            |
| (5) Failure to appear for a hearing before the commission or to comply with any final adjudication order of the commission issued pursuant to this chapter;                                                                                                                                                                                                                                     | 54387<br>54388<br>54389                            |
| (6) Conviction of a felony or a crime involving moral turpitude;                                                                                                                                                                                                                                                                                                                                | 54390<br>54391                                     |
| (7) Having had a license revoked, suspended, or denied by the commission during the preceding two years;                                                                                                                                                                                                                                                                                        | 54392<br>54393                                     |
| (8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;                                                                                                                                                                                                                                                                         | 54394<br>54395                                     |
| (9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.                                                                                                                                                                                                                                                                            | 54396<br>54397                                     |
| (10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.                                                                                                                                                                                                                        | 54398<br>54399<br>54400                            |
| (B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed <del>pursuant to division (C) of this section</del> may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code. | 54401<br>54402<br>54403<br>54404<br>54405<br>54406 |
| (2) Any licensee or applicant may appeal an order made                                                                                                                                                                                                                                                                                                                                          | 54407                                              |

pursuant to an adjudication hearing in the manner provided in 54408  
section 119.12 of the Revised Code. 54409

~~(C) As an alternative to suspending, revoking, or refusing to 54410  
renew a manufactured housing installer's license, the commission 54411  
may impose a civil penalty of not less than one hundred dollars or 54412  
more than five hundred dollars per violation of this chapter or 54413  
any rule adopted pursuant to it. The commission shall deposit 54414  
penalties in the occupational licensing and regulatory fund 54415  
pursuant to section 4743.05 of the Revised Code. 54416~~

~~(D) A person whose license is suspended, revoked, or not 54417  
renewed may apply for a new license two years after the date on 54418  
which the license was suspended, revoked, or not renewed. 54419~~

Sec. 4781.121. (A) The manufactured homes commission, 54420  
pursuant to section 4781.04 of the Revised Code, may investigate 54421  
any person who allegedly has committed a violation. If, after an 54422  
investigation the commission determines that reasonable evidence 54423  
exists that a person has committed a violation, within seven days 54424  
after that determination, the commission shall send a written 54425  
notice to that person in the same manner as prescribed in section 54426  
119.07 of the Revised Code for licensees, except that the notice 54427  
shall specify that a hearing will be held and specify the date, 54428  
time, and place of the hearing. 54429

(B) The commission shall hold a hearing regarding the alleged 54430  
violation in the same manner prescribed for an adjudication 54431  
hearing under section 119.09 of the Revised Code. If the 54432  
commission, after the hearing, determines that a violation has 54433  
occurred, the commission, upon an affirmative vote of five of its 54434  
members, may impose a fine not exceeding one thousand dollars per 54435  
violation per day. The commission's determination is an order that 54436  
the person may appeal in accordance with section 119.12 of the 54437  
Revised Code. 54438

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing. 54439  
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(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 54443  
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(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the manufactured homes commission regulatory fund created in section 4781.54 of the Revised Code and the rules adopted thereunder. The fees shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder. 54452  
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(F) As used in this section, "violation" means a violation of section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant to section 4781.04, of the Revised Code. 54464  
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**Sec. 4781.14.** ~~(A) Except as provided in division (A)(3) of section 3733.02 of the Revised Code, the state, through the~~ The 54467  
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manufactured homes commission, has exclusive authority to regulate

manufactured home installers, the installation of manufactured 54470  
housing, and manufactured housing foundations and support systems 54471  
in ~~the~~ this state. By enacting this chapter, it is the intent of 54472  
the general assembly to preempt municipal corporations and other 54473  
political subdivisions from regulating and licensing manufactured 54474  
housing installers and regulating and inspecting the installation 54475  
of manufactured housing and manufactured housing foundations and 54476  
support systems. 54477

(B) ~~Except as provided in division (A)(3) of section 3733.02~~ 54478  
~~of the Revised Code, the~~ The manufactured homes commission has 54479  
exclusive power to adopt rules of uniform application throughout 54480  
the state governing installation of manufactured housing, the 54481  
inspection of manufactured housing foundations and support 54482  
systems, the inspection of the installation of manufactured 54483  
housing, the training and licensing of manufactured housing 54484  
installers, and the investigation of complaints concerning 54485  
manufactured housing installers. 54486

(C) ~~Except as provided in division (A)(3) of section 3733.02~~ 54487  
~~of the Revised Code, the~~ The rules the commission adopts pursuant 54488  
to this chapter are the exclusive rules governing the installation 54489  
of manufactured housing, the design, construction, and approval of 54490  
foundations for manufactured housing, the licensure of 54491  
manufactured home installers, and the fees charged for licensure 54492  
of manufactured home installers. No political subdivision of the 54493  
state or any department or agency of the state may establish any 54494  
other standards governing the installation of manufactured 54495  
housing, manufactured housing foundations and support systems, the 54496  
licensure of manufactured housing installers, or fees charged for 54497  
the licensure of manufactured housing installers. 54498

(D) Nothing in this section limits the authority of the 54499  
attorney general to enforce Chapter 1345. of the Revised Code or 54500

to take any action permitted by the Revised Code against 54501  
manufactured housing installers, retailers, or manufacturers. 54502

**Sec. 4781.15.** The remedies provided in ~~sections 4781.01 to~~ 54503  
~~4781.14 of the Revised Code~~ this chapter are in addition to 54504  
remedies otherwise available for the same conduct under state or 54505  
local law. 54506

**Sec. ~~3733.02~~ 4781.26.** (A)~~(1)~~ The ~~public health council~~ 54507  
manufactured homes commission, subject to Chapter 119. of the 54508  
Revised Code, shall adopt, and has the exclusive power to adopt, 54509  
rules of uniform application throughout the state governing the 54510  
review of plans, issuance of flood plain management permits, and 54511  
issuance of licenses for manufactured home parks; the location, 54512  
layout, density, construction, drainage, sanitation, safety, and 54513  
operation of those parks; and notices of flood events concerning, 54514  
and flood protection at, those parks. The rules pertaining to 54515  
flood plain management shall be consistent with and not less 54516  
stringent than the flood plain management criteria of the national 54517  
flood insurance program adopted under the "National Flood 54518  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 54519  
amended. The rules shall not apply to the construction, erection, 54520  
or manufacture of any building to which section 3781.06 of the 54521  
Revised Code is applicable. 54522

~~(2)~~(B) The rules pertaining to manufactured home parks 54523  
constructed after June 30, 1971, shall specify that each home must 54524  
be placed on its lot to provide not less than fifteen feet between 54525  
the side of one home and the side of another home, ten feet 54526  
between the end of one home and the side of another home, and five 54527  
feet between the ends of two homes placed end to end. 54528

~~(3)~~(C) The manufactured homes commission shall determine 54529  
compliance with the installation, blocking, tiedown, foundation, 54530

and base support system standards for manufactured housing located 54531  
in manufactured home parks adopted by the commission pursuant to 54532  
section 4781.04 of the Revised Code. All inspections of the 54533  
installation, blocking, tiedown, foundation, and base support 54534  
systems of manufactured housing in a manufactured home park that 54535  
the ~~department of health or a licenser~~ commission conducts shall 54536  
be conducted by a person ~~who has completed an installation~~ 54537  
~~training course approved by~~ the manufactured homes commission 54538  
certifies pursuant to ~~division (B)(12) of section 4781.04~~ 4781.07 54539  
of the Revised Code. 54540

~~As used in division (A)(3) of this section, "manufactured~~ 54541  
~~housing" has the same meaning as in section 4781.01 of the Revised~~ 54542  
~~Code.~~ 54543

~~(B) The public health council, in accordance with Chapter~~ 54544  
~~119. of the Revised Code, shall adopt rules of uniform application~~ 54545  
~~throughout the state establishing requirements and procedures in~~ 54546  
~~accordance with which the director of health may authorize~~ 54547  
~~licensors for the purposes of sections 3733.022 and 3733.025 of~~ 54548  
~~the Revised Code. The rules shall include at least provisions~~ 54549  
~~under which a licenser may enter into contracts for the purpose of~~ 54550  
~~fulfilling the licenser's responsibilities under either or both of~~ 54551  
~~those sections.~~ 54552

(D) The manufactured homes commission may enter into 54553  
contracts for the purpose of fulfilling the commission's annual 54554  
inspection responsibilities for manufactured home parks under this 54555  
chapter. Boards of health of city or general health districts 54556  
shall have the right of first refusal for those contracts. 54557

**Sec. 3733.03 4781.27.** (A)(1) On or after the first day of 54558  
December, but before the first day of January of the next year, 54559  
every person who intends to operate a manufactured home park shall 54560  
procure a license to operate the park for the next year from the 54561



~~licensor~~ manufactured homes commission. If the applicable license fee prescribed under section ~~3733.04~~ 4781.28 of the Revised Code is not received by the ~~licensor~~ commission by the close of business on the last day of December, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of December is not a business day, the penalty attaches upon the close of business on the next business day.

(2) No manufactured home park shall be maintained or operated in this state without a license.

(3) No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new operator. A person shall obtain a separate license to operate each manufactured home park.

(B) Before a license is initially issued and annually thereafter, or more often if necessary, the ~~licensor~~ commission shall cause each manufactured home park to be inspected ~~relative~~ to ~~for~~ compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code and the rules adopted under those sections. A record shall be made of each inspection on a form prescribed by the ~~director of health~~ commission.

(C) Each person applying for an initial license to operate a manufactured home park shall provide acceptable proof to the ~~director~~ commission that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park.

**Sec. ~~3733.04~~ 4781.28.** The ~~licensor of a manufactured home park~~ manufactured homes commission may charge a fee for an annual license to operate ~~such~~ a manufactured home park. The fee for a license shall be determined in accordance with section ~~3709.09~~

4781.26 of the Revised Code and shall include the cost of 54593  
licensing and all inspections. 54594

~~The fee also shall include any additional amount determined 54595  
by rule of the public health council, which shall be collected and 54596  
transmitted by the board of health to the director of health 54597  
pursuant to section 3709.092 of the Revised Code and used only for 54598  
the purpose of administering and enforcing sections 3733.01 to 54599  
3733.08 of the Revised Code and the rules adopted under those 54600  
sections. The portion of any fee retained by the board of health 54601  
Any fees collected shall be paid into a special fund transmitted 54602  
to the treasurer of state and shall be credited to the 54603  
manufactured homes commission regulatory fund created in section 54604  
4781.54 of the Revised Code and used only for the purpose of 54605  
administering and enforcing sections 3733.01 4781.26 to 3733.08 54606  
4781.35 of the Revised Code and the rules adopted thereunder. 54607~~

**Sec. ~~3733.05~~ 4781.29.** ~~The licensor of the health district in 54608  
which a manufactured home park is or is to be located, in 54609  
accordance with Chapter 119. of the Revised Code, manufactured 54610  
homes commission may refuse to grant, may suspend, or may revoke 54611  
any license granted to any person for failure to comply with 54612  
sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or 54613  
with any rule adopted ~~by the public health council~~ under section 54614  
~~3733.02~~ 4781.26 of the Revised Code. 54615~~

**Sec. ~~3733.06~~ 4781.30.** (A) Upon a license being issued under 54616  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code, 54617  
any operator shall have the right to rent or use each lot for the 54618  
parking or placement of a manufactured home or mobile home to be 54619  
used for human habitation without interruption for any period 54620  
coextensive with any license or consecutive licenses issued under 54621  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code. 54622

(B) No operator of a manufactured home park shall sell individual lots in a park for eight years following the issuance of the initial license for the park unless, at the time of sale, the park fulfills all platting and subdivision requirements established by the political subdivision in which the park is located, or the political subdivision has entered into an agreement with the operator regarding platting and subdivision requirements and the operator has fulfilled the terms of that agreement.

**Sec. ~~3733.07~~ 4781.301.** Fees authorized or charged under sections ~~3733.021, 3733.022~~ 4781.31, 4781.32, and ~~3733.04~~ 4781.28 of the Revised Code are in lieu of all license and inspection fees on or with respect to the operation or ownership of manufactured home parks within this state, except that the licensor may charge additional reasonable fees for the collection and bacteriological examination of any necessary water samples taken from any such park.

**Sec. ~~3733.021~~ 4781.31.** (A) No person shall cause development to occur within any portion of a manufactured home park until the plans for the development have been submitted to and reviewed and approved by the ~~director of health~~ manufactured homes commission. This division does not require that plans be submitted to the ~~director~~ commission for approval for the replacement of manufactured or mobile homes on previously approved lots in a manufactured home park when no development is to occur in connection with the replacement. Within thirty days after receipt of the plans, all supporting documents and materials required to complete the review, and the applicable plan review fee established under division (D) of this section, the ~~director~~ commission shall approve or disapprove the plans.

(B) Any person aggrieved by the ~~director's~~ commission's

disapproval of a set of plans under division (A) of this section 54654  
may request a hearing on the matter within thirty days after 54655  
receipt of the ~~director's~~ commission's notice of the disapproval. 54656  
The hearing shall be held in accordance with Chapter 119. of the 54657  
Revised Code. Thereafter, the disapproval may be appealed in the 54658  
manner provided in section 119.12 of the Revised Code. 54659

(C) The ~~director~~ commission shall establish a system by which 54660  
development occurring within a manufactured home park is inspected 54661  
or verified in accordance with rules adopted under ~~division (A) of~~ 54662  
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 54663  
development complies with the plans approved under division (A) of 54664  
this section. 54665

(D) The ~~public health council~~ commission shall establish fees 54666  
for reviewing plans under division (A) of this section and 54667  
conducting inspections under division (C) of this section. 54668

(E) The ~~director~~ commission shall charge the appropriate fees 54669  
established under division (D) of this section for reviewing plans 54670  
under division (A) of this section and conducting inspections 54671  
under division (C) of this section. All such plan review and 54672  
inspection fees received by the ~~director~~ commission shall be 54673  
transmitted to the treasurer of state and shall be credited to the 54674  
~~general operations~~ occupational licensing and regulatory fund 54675  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 54676  
credited to the fund shall be used only for the purpose of 54677  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 54678  
4781.35 of the Revised Code and rules adopted under those 54679  
sections. 54680

(F) Plan approvals issued under this section do not 54681  
constitute an exemption from the land use and building 54682  
requirements of the political subdivision in which the 54683  
manufactured home park is or is to be located. 54684

~~Sec. 3733.022~~ 4781.32. (A) No person shall cause development 54685  
to occur or cause the replacement of a mobile or manufactured home 54686  
within any portion of a manufactured home park that is located 54687  
within a one-hundred-year flood plain unless the person first 54688  
obtains a permit from the ~~director of health or a licensor~~ 54689  
~~authorized by the director~~ manufactured homes commission. If the 54690  
development for which a permit is required under this division is 54691  
to occur on a lot where a mobile or manufactured home is or is to 54692  
be located, the owner of the home and the operator of the 54693  
manufactured home park shall jointly obtain the permit. Each of 54694  
the persons to whom a permit is jointly issued is responsible for 54695  
compliance with the provisions of the approved permit that are 54696  
applicable to that person. 54697

The ~~director or a licensor authorized by the director~~ 54698  
commission shall disapprove an application for a permit required 54699  
under this division unless the ~~director or the licensor~~ commission 54700  
finds that the proposed development or replacement of a mobile or 54701  
manufactured home complies with the rules adopted under ~~division~~ 54702  
~~(A) of section 3733.02~~ 4781.26 of the Revised Code. No permit is 54703  
required under this division for the construction, erection, or 54704  
manufacture of any building to which section 3781.06 of the 54705  
Revised Code applies. 54706

The ~~director or a licensor authorized by the director~~ 54707  
commission may suspend or revoke a permit issued under this 54708  
division for failure to comply with the rules adopted under 54709  
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 54710  
pertaining to flood plain management or for failure to comply with 54711  
the approved permit. 54712

Any person aggrieved by the disapproval, suspension, or 54713  
revocation of a permit under this division by the ~~director or by a~~ 54714  
~~licensor authorized by the director~~ commission may request a 54715

hearing on the matter within thirty days after receipt of the 54716  
notice of the disapproval, suspension, or revocation. The hearing 54717  
shall be held in accordance with Chapter 119. of the Revised Code. 54718  
Thereafter, an appeal of the disapproval, suspension, or 54719  
revocation may be taken in the manner provided in section 119.12 54720  
of the Revised Code. 54721

(B) The ~~public health council~~ commission shall establish fees 54722  
for the issuance of permits under division (A) of this section and 54723  
for necessary inspections conducted to determine compliance with 54724  
those permits. 54725

(C) The ~~director or a licenser authorized by the director~~ 54726  
commission shall charge the appropriate fee established under 54727  
division (B) of this section for the issuance of a permit under 54728  
division (A) of this section or for conducting any necessary 54729  
inspection to determine compliance with the permit. If the 54730  
~~director~~ commission issues such a permit or conducts such an 54731  
inspection, the fee for the permit or inspection shall be 54732  
transmitted to the treasurer of state and shall be credited to the 54733  
~~general operations~~ occupational licensing and regulatory fund 54734  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 54735  
credited to the fund shall be used ~~by the director~~ only for the 54736  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 54737  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 54738  
sections. ~~If the licenser is a board of health, the permit or~~ 54739  
~~inspection fee shall be deposited to the credit of the special~~ 54740  
~~fund of the health district created in section 3733.04 of the~~ 54741  
~~Revised Code and shall be used only for the purpose set forth in~~ 54742  
~~that section.~~ 54743

**Sec. ~~3733.024~~ 4781.33.** (A) When a flood event affects a 54744  
manufactured home park, the operator of the manufactured home 54745  
park, in accordance with rules adopted under ~~division (A) of~~ 54746

section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 54747  
~~licensor having jurisdiction of the occurrence of~~ manufactured 54748  
~~homes commission and the board of health having jurisdiction where~~ 54749  
the flood event occurred within forty-eight hours after the end of 54750  
the flood event. The commission, after receiving notification, 54751  
shall immediately notify the board of health. 54752

~~No person shall fail to comply with this division.~~ 54753

~~(B) The licensor having jurisdiction where a flood event~~ 54754  
~~occurred that affected a manufactured home park shall notify the~~ 54755  
~~director of health of the occurrence of the flood event within~~ 54756  
~~twenty four hours after being notified of the flood event under~~ 54757  
~~division (A) of this section. Within forty eight hours after~~ After 54758  
~~being notified of such a flood event by a licensor, the director~~ 54759  
board of health shall cause an inspection to be made of the 54760  
manufactured home park named in the notice. The board of health 54761  
shall issue a report of the inspection to the commission within 54762  
ten days after the inspection is completed. 54763

**Sec. ~~3733.025~~ 4781.34.** (A) If a mobile or manufactured home 54764  
that is located in a flood plain is substantially damaged, the 54765  
owner of the home shall make all alterations, repairs, or changes 54766  
to the home, and the operator of the manufactured home park shall 54767  
make all alterations, repairs, or changes to the lot on which the 54768  
home is located, that are necessary to ensure compliance with the 54769  
flood plain management rules adopted under ~~division (A) of~~ section 54770  
~~3733.02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 54771  
changes may include, without limitation, removal of the home or 54772  
other structures. 54773

No person shall fail to comply with this division. 54774

(B) No person shall cause to be performed any alteration, 54775  
repair, or change required by division (A) of this section unless 54776  
the person first obtains a permit from the ~~director of health or a~~ 54777

~~licensor authorized by the director manufactured homes commission. 54778~~  
~~The owner of the home and the operator of the manufactured home 54779~~  
~~park shall jointly obtain the permit required by this division. 54780~~  
~~Each of the persons to whom a permit is jointly issued is 54781~~  
~~responsible for compliance with the provisions of the approved 54782~~  
~~permit that are applicable to that person. 54783~~

~~The director or a licensor authorized by the director 54784~~  
~~commission shall disapprove an application for a permit required 54785~~  
~~under this division unless the ~~director or the licensor~~ commission 54786~~  
~~finds that the proposed alteration, repair, or change complies 54787~~  
~~with the rules adopted under ~~division (A) of section 3733.02~~ 54788~~  
~~4781.26 of the Revised Code. No permit is required under this 54789~~  
~~division for the construction, erection, or manufacture of any 54790~~  
~~building to which section 3781.06 of the Revised Code applies. 54791~~

~~The director or a licensor authorized by the director 54792~~  
~~commission may suspend or revoke a permit issued under this 54793~~  
~~division for failure to comply with the rules adopted under 54794~~  
~~~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 54795~~  
~~pertaining to flood plain management or for failure to comply with 54796~~  
~~the approved permit for making alterations, repairs, or changes to 54797~~  
~~the lot on which the manufactured home is located. 54798~~

~~Any person aggrieved by the disapproval, suspension, or 54799~~  
~~revocation of a permit under this division by the ~~director or by a~~ 54800~~  
~~~~licensor authorized by the director~~ commission may request a 54801~~  
~~hearing on the matter within thirty days after receipt of the 54802~~  
~~notice of the disapproval, suspension, or revocation. The hearing 54803~~  
~~shall be held in accordance with Chapter 119. of the Revised Code. 54804~~  
~~Thereafter, an appeal of the disapproval, suspension, or 54805~~  
~~revocation may be taken in the manner provided in section 119.12 54806~~  
~~of the Revised Code and for necessary inspections conducted to 54807~~  
~~determine compliance with those permits. 54808~~

~~(C) The ~~public health council~~ commission shall establish fees 54809~~



for the issuance of permits under division (B) of this section and 54810  
for necessary inspections conducted to determine compliance with 54811  
those permits for making alterations, repairs, or changes to the 54812  
lot on which the manufactured home is located. 54813

(D) The ~~director or a licensor authorized by the director~~ 54814  
commission shall charge the appropriate fee established under 54815  
division (C) of this section for the issuance of a permit under 54816  
division (B) of this section or for conducting any necessary 54817  
inspection to determine compliance with the permit. If the 54818  
~~director~~ commission issues such a permit or conducts such an 54819  
inspection, the fee for the permit or inspection shall be 54820  
transmitted to the treasurer of state and shall be credited to the 54821  
~~general operations~~ occupational licensing and regulatory fund 54822  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 54823  
credited to the fund shall be used ~~by the director~~ only for the 54824  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 54825  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 54826  
sections. ~~If the licensor is a board of health, the permit or~~ 54827  
~~inspection fee shall be deposited to the credit of the special~~ 54828  
~~fund of the health district created in section 3733.04 of the~~ 54829  
~~Revised Code and shall be used only for the purpose set forth in~~ 54830  
~~that section.~~ 54831

**Sec. ~~3733.08~~ 4781.35.** (A) No person shall violate sections 54832  
~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or the 54833  
rules adopted thereunder. 54834

(B) The prosecuting attorney of the county, the city director 54835  
of law, or the attorney general, upon complaint of the ~~licensor or~~ 54836  
~~the director of health~~ manufactured homes commission, shall 54837  
prosecute to termination or bring an action for injunction against 54838  
any person violating sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 54839  
of the Revised Code or the rules adopted thereunder. 54840

**Sec. ~~3733.09~~ 4781.36.** (A) Subject to section ~~3733.091~~ 4781.37 54841  
of the Revised Code, a park operator shall not retaliate against a 54842  
resident by increasing the resident's rent, decreasing services 54843  
that are due to the resident, refusing to renew or threatening to 54844  
refuse to renew the rental agreement with the resident, or 54845  
bringing or threatening to bring an action for possession of the 54846  
resident's premises because: 54847

(1) The resident has complained to an appropriate 54848  
governmental agency of a violation of a building, housing, health, 54849  
or safety code that is applicable to the premises, and the 54850  
violation materially affects health and safety; 54851

(2) The resident has complained to the park operator of any 54852  
violation of section ~~3733.10~~ 4781.38 of the Revised Code; 54853

(3) The resident joined with other residents for the purpose 54854  
of negotiating or dealing collectively with the park operator on 54855  
any of the terms and conditions of a rental agreement. 54856

(B) If a park operator acts in violation of division (A) of 54857  
this section, the resident may: 54858

(1) Use the retaliatory action of the park operator as a 54859  
defense to an action by the park operator to recover possession of 54860  
the premises; 54861

(2) Recover possession of the premises; 54862

(3) Terminate the rental agreement. 54863

In addition, the resident may recover from the park operator 54864  
any actual damages together with reasonable attorneys fees. 54865

(C) Nothing in division (A) of this section prohibits a park 54866  
operator from increasing the rent to reflect the cost of 54867  
improvements installed by the park operator in or about the 54868  
premises or to reflect an increase in other costs of operation of 54869  
the premises. 54870

**Sec. ~~3733.091~~ 4781.37.** (A) Notwithstanding section ~~3733.09~~ 54871  
~~4781.36~~ of the Revised Code, a park operator may bring an action 54872  
under Chapter 1923. of the Revised Code for possession of the 54873  
premises if any of the following applies: 54874

(1) The resident is in default in the payment of rent. 54875

(2) The violation of the applicable building, housing, 54876  
health, or safety code that the resident complained of was 54877  
primarily caused by any act or lack of reasonable care by the 54878  
resident, by any other person in the resident's household, or by 54879  
anyone on the premises with the consent of the resident. 54880

(3) The resident is holding over the resident's term. 54881

(4) The resident is in violation of rules of the ~~public~~ 54882  
~~health council~~ manufactured homes commission adopted pursuant to 54883  
section ~~3733.02~~ 4781.26 of the Revised Code or rules of the 54884  
manufactured home park adopted pursuant to the rules of the ~~public~~ 54885  
~~health council~~ commission. 54886

(5) The resident has been absent from the manufactured home 54887  
park for a period of thirty consecutive days prior to the 54888  
commencement of the action, and the resident's manufactured home, 54889  
mobile home, or recreational vehicle parked in the manufactured 54890  
home park has been left unoccupied for that thirty-day period, 54891  
without notice to the park operator and without payment of rent 54892  
due under the rental agreement. 54893

(B) The maintenance of an action by the park operator under 54894  
this section does not prevent the resident from recovering damages 54895  
for any violation by the park operator of the rental agreement or 54896  
of section ~~3733.10~~ 4781.38 of the Revised Code. 54897

**Sec. ~~3733.10~~ 4781.38.** (A) A park operator who is a party to a 54898  
rental agreement shall: 54899

- (1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the ~~public health council~~ manufactured homes commission;
- (2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;
- (3) Keep all common areas of the premises in a safe and sanitary condition;
- (4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by ~~him~~ the park operator;
- (5) Not abuse the right of access conferred by division (B) of section ~~3733.101~~ 4781.39 of the Revised Code;
- (6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of ~~his~~ the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.
- (B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if ~~he~~ the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.

~~Sec. 3733.101~~ 4781.39. (A) A resident who is a party to a rental agreement shall:

(1) Keep that part of the premises that the resident occupies and uses safe and sanitary;

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;

(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the ~~public health council~~ manufactured homes commission, and rules of the manufactured home park;

(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises;

(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park.

(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services.

(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the

premises, or injunctive relief to compel access under division (B) 54960  
of this section. 54961

**Sec. ~~3733.11~~ 4781.40.** (A)(1) The park operator shall offer 54962  
each home owner a written rental agreement for a manufactured home 54963  
park lot for a term of one year or more that contains terms 54964  
essentially the same as any alternative month-to-month rental 54965  
agreement offered to current and prospective tenants and owners. 54966  
The park operator shall offer the minimum one-year rental 54967  
agreement to the owner prior to installation of the home in the 54968  
manufactured home park or, if the home is in the manufactured home 54969  
park, prior to the expiration of the owner's existing rental 54970  
agreement. 54971

(2) The park operator shall deliver the offer to the owner by 54972  
certified mail, return receipt requested, or in person. If the 54973  
park operator delivers the offer to the owner in person, the owner 54974  
shall complete a return showing receipt of the offer. If the owner 54975  
does not accept the offer, the park operator is discharged from 54976  
any obligation to make any further such offers. If the owner 54977  
accepts the offer, the park operator shall, at the expiration of 54978  
each successive rental agreement, offer the owner another rental 54979  
agreement, for a term that is mutually agreed upon, and that 54980  
contains terms essentially the same as the alternative 54981  
month-to-month agreement. The park operator shall deliver 54982  
subsequent rental offers by ordinary mail or personal delivery. If 54983  
the park operator sells the manufactured home park to another 54984  
manufactured home park operator, the purchaser is bound by the 54985  
rental agreements entered into by the purchaser's predecessor. 54986

(3) If the park operator sells the manufactured home park for 54987  
a use other than as a manufactured home park, the park operator 54988  
shall give each tenant and owner a written notification by 54989  
certified mail, return receipt requested, or by handing it to the 54990

tenant or owner in person. If the park operator delivers the 54991  
notification in person, the recipient shall complete a return 54992  
showing receipt of the notification. This notification shall 54993  
contain notice of the sale of the manufactured home park, and 54994  
notice of the date by which the tenant or owner shall vacate. The 54995  
date by which the tenant shall vacate shall be at least one 54996  
hundred twenty days after receipt of the written notification, and 54997  
the date by which the owner shall vacate shall be at least one 54998  
hundred eighty days after receipt of the written notification. 54999

(B) A park operator shall fully disclose in writing all fees, 55000  
charges, assessments, including rental fees, and rules prior to a 55001  
tenant or owner executing a rental agreement and assuming 55002  
occupancy in the manufactured home park. No fees, charges, 55003  
assessments, or rental fees so disclosed may be increased nor 55004  
rules changed by a park operator without specifying the date of 55005  
implementation of the changed fees, charges, assessments, rental 55006  
fees, or rules, which date shall be not less than thirty days 55007  
after written notice of the change and its effective date to all 55008  
tenants or owners in the manufactured home park, and no fee, 55009  
charge, assessment, or rental fee shall be increased during the 55010  
term of any tenant's or owner's rental agreement. Failure on the 55011  
part of the park operator to fully disclose all fees, charges, or 55012  
assessments shall prevent the park operator from collecting the 55013  
undisclosed fees, charges, or assessments. If a tenant or owner 55014  
refuses to pay any undisclosed fees, charges, or assessments, the 55015  
refusal shall not be used by the park operator as a cause for 55016  
eviction in any court. 55017

(C) A park operator shall promulgate rules governing the 55018  
rental or occupancy of a lot in the manufactured home park. The 55019  
rules shall not be unreasonable, arbitrary, or capricious. A copy 55020  
of the rules and any amendments to them shall be delivered by the 55021  
park operator to the tenant or owner prior to signing the rental 55022

agreement. A copy of the rules and any amendments to them shall be 55023  
posted in a conspicuous place upon the manufactured home park 55024  
grounds. 55025

(D) No park operator shall require an owner to purchase from 55026  
the park operator any personal property. The park operator may 55027  
determine by rule the style or quality of skirting, equipment for 55028  
tying down homes, manufactured or mobile home accessories, or 55029  
other equipment to be purchased by an owner from a vendor of the 55030  
owner's choosing, provided that the equipment is readily available 55031  
to the owner. Any such equipment shall be installed in accordance 55032  
with the manufactured home park rules. 55033

(E) No park operator shall charge any owner who chooses to 55034  
install an electric or gas appliance in a home an additional fee 55035  
solely on the basis of the installation, unless the installation 55036  
is performed by the park operator at the request of the owner, nor 55037  
shall the park operator restrict the installation, service, or 55038  
maintenance of the appliance, restrict the ingress or egress of 55039  
repairpersons to the manufactured home park for the purpose of 55040  
installation, service, or maintenance of the appliance, nor 55041  
restrict the making of any interior improvement in a home, if the 55042  
installation or improvement is in compliance with applicable 55043  
building codes and other provisions of law and if adequate utility 55044  
services are available for the installation or improvement. 55045

(F) No park operator shall require a tenant to lease or an 55046  
owner to purchase a manufactured or mobile home from the park 55047  
operator or any specific person as a condition of or prerequisite 55048  
to entering into a rental agreement. 55049

(G) No park operator shall require an owner to use the 55050  
services of the park operator or any other specific person for 55051  
installation of the manufactured or mobile home on the residential 55052  
premises or for the performance of any service. 55053



(H) No park operator shall: 55054

(1) Deny any owner the right to sell the owner's manufactured 55055  
home within the manufactured home park if the owner gives the park 55056  
operator ten days' notice of the intention to sell the home; 55057

(2) Require the owner to remove the home from the 55058  
manufactured home park solely on the basis of the sale of the 55059  
home; 55060

(3) Unreasonably refuse to enter into a rental agreement with 55061  
a purchaser of a home located within the operator's manufactured 55062  
home park; 55063

(4) Charge any tenant or owner any fee, charge, or 55064  
assessment, including a rental fee, that is not set forth in the 55065  
rental agreement or, if the rental agreement is oral, is not set 55066  
forth in a written disclosure given to the tenant or owner prior 55067  
to the tenant or owner entering into a rental agreement; 55068

(5) Charge any owner any fee, charge, or assessment because 55069  
of the transfer of ownership of a home or because a home is moved 55070  
out of or into the manufactured home park, except a charge for the 55071  
actual costs and expenses that are incurred by the park operator 55072  
in moving the home out of or into the manufactured home park, or 55073  
in installing the home in the manufactured home park and that have 55074  
not been reimbursed by another tenant or owner. 55075

(I) If the park operator violates any provision of divisions 55076  
(A) to (H) of this section, the tenant or owner may recover actual 55077  
damages resulting from the violation, and, if the tenant or owner 55078  
obtains a judgment, reasonable attorneys' fees, or terminate the 55079  
rental agreement. 55080

(J) No rental agreement shall require a tenant or owner to 55081  
sell, lease, or sublet the tenant's or owner's interest in the 55082  
rental agreement or the manufactured or mobile home that is or 55083  
will be located on the lot that is the subject of the rental 55084

agreement to any specific person or through any specific person as 55085  
the person's agent. 55086

(K) No park operator shall enter into a rental agreement with 55087  
the owner of a manufactured or mobile home for the use of 55088  
residential premises, if the rental agreement requires the owner 55089  
of the home, as a condition to the owner's renting, occupying, or 55090  
remaining on the residential premises, to pay the park operator or 55091  
any other person specified in the rental agreement a fee or any 55092  
sum of money based on the sale of the home, unless the owner of 55093  
the home uses the park operator or other person as the owner's 55094  
agent in the sale of the home. 55095

(L) A park operator and a tenant or owner may include in a 55096  
rental agreement any terms and conditions, including any term 55097  
relating to rent, the duration of an agreement, and any other 55098  
provisions governing the rights and obligations of the parties 55099  
that are not inconsistent with or prohibited by sections 3733.09 55100  
to 3733.20 of the Revised Code or any other rule of law. 55101

(M) Notwithstanding any other provision of the Revised Code, 55102  
the owner of a manufactured or mobile home ~~that was previously~~ 55103  
~~titled by a dealer~~ may utilize the services of a manufactured home 55104  
housing dealer or broker licensed under Chapter 4517. of the 55105  
Revised Code or a person properly licensed under Chapter ~~4735-~~ 55106  
4781. of the Revised Code to sell or lease the home. 55107

**Sec. ~~3733.12~~ 4781.41.** (A) If a park operator fails to fulfill 55108  
any obligation imposed upon ~~him~~ the park operator by section 55109  
~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or 55110  
the conditions of the premises are such that the resident 55111  
reasonably believes that a park operator has failed to fulfill any 55112  
such obligations, or a governmental agency has found that the 55113  
premises are not in compliance with building, housing, health, or 55114  
safety codes which apply to any condition of the residential 55115

premises that could materially affect the health and safety of an 55116  
occupant, the resident may give notice in writing to the park 55117  
operator specifying the acts, omissions, or code violations that 55118  
constitute noncompliance with such provisions. The notice shall be 55119  
sent to the person or place where rent is normally paid. 55120  
55121

(B) If a park operator receives the notice described in 55122  
division (A) of this section and after receipt of the notice fails 55123  
to remedy the condition within a reasonable time, considering the 55124  
severity of the condition and the time necessary to remedy such 55125  
condition, or within thirty days, whichever is sooner, and if the 55126  
resident is current in rent payments due under the rental 55127  
agreement, the resident may do one of the following: 55128

(1) Deposit all rent that is due and thereafter becomes due 55129  
the park operator with the clerk of court of the municipal or 55130  
county court having jurisdiction in the territory in which the 55131  
residential premises are located; 55132

(2) Apply to the court for an order directing the park 55133  
operator to remedy the condition. As part thereof, the resident 55134  
may deposit rent pursuant to division (B)(1) of this section, and 55135  
may apply for an order reducing the periodic rent due the park 55136  
operator until such time as the park operator does remedy the 55137  
condition, and may apply for an order to use the rent deposited to 55138  
remedy the condition. In any order issued pursuant to this 55139  
division, the court may require the resident to deposit rent with 55140  
the clerk of court as provided in division (B)(1) of this section. 55141

**Sec. ~~3733.121~~ 4781.42.** (A) Whenever a resident deposits rent 55142  
with the clerk of a court as provided in section ~~3733.12~~ 4781.41 55143  
of the Revised Code, the clerk shall give written notice of this 55144  
fact to the park operator and to ~~his~~ the park operator's agent, if 55145  
any. 55146

(B) The clerk shall place all rent deposited with ~~him~~ the clerk in a separate rent escrow account in the name of the clerk in a bank or building and loan association domiciled in this state. 55147  
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(C) The clerk shall keep in a separate docket an account of each deposit, with the name and address of the resident, and the name and address of the park operator and of ~~his~~ the park operator's agent, if any. 55151  
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(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of one per cent of the amount of the rent deposited, which shall be assessed as court costs. 55155  
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(E) All interest that has accrued on the rent deposited by the clerk of a county court under division (B) of this section shall be paid into the treasury of the political subdivision for which the clerk performs ~~his~~ the clerk's duties. All interest that has accrued on the rent deposited by the clerk of a municipal court under division (B) of this section shall be paid into the city treasury as defined in division (B) of section 1901.03 of the Revised Code. 55158  
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**Sec. ~~3733.122~~ 4781.43.** (A) A park operator who receives notice that rent due ~~him~~ the park operator has been deposited with a clerk of court pursuant to section ~~3733.12~~ 4781.41 of the Revised Code, may: 55166  
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(1) Apply to the clerk of court for release of the rent on the ground that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code has been remedied. The clerk shall forthwith release the rent, less costs, to the park operator if the resident gives written notice to the clerk that the condition has been remedied. 55170  
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(2) Apply to the court for release of the rent on the grounds 55176

that the resident did not comply with the notice requirement of 55177  
division (A) of section ~~3733.12~~ 4781.41 of the Revised Code, or 55178  
that the resident was not current in rent payments due under the 55179  
rental agreement at the time the resident initiated rent deposits 55180  
with the clerk of courts under division (B)(1) of section ~~3733.12~~ 55181  
4781.41 of the Revised Code; 55182

(3) Apply to the court for release of the rent on the grounds 55183  
that there was no violation of any obligation imposed upon the 55184  
park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by 55185  
the rental agreement, or by any building, housing, health, or 55186  
safety code, or that the condition contained in the notice given 55187  
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 55188  
Code has been remedied. 55189

(B) The resident shall be named as a party to any action 55190  
filed by the park operator under this section, and shall have the 55191  
right to file an answer and counterclaim, as in other civil cases. 55192  
A trial shall be held within sixty days of the date of filing of 55193  
the park operator's complaint, unless for good cause shown the 55194  
court grants a continuance. 55195

(C) If the court finds that there was no violation of any 55196  
obligation imposed upon the park operator by section ~~3733.10~~ 55197  
4781.38 of the Revised Code or by the rental agreement, or by any 55198  
building, housing, health, or safety code, or that the condition 55199  
contained in the notice given pursuant to division (A) of section 55200  
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 55201  
resident did not comply with the notice requirement of division 55202  
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 55203  
resident was not current in rent payments at the time the resident 55204  
initiated rent deposits with the clerk of court under division 55205  
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 55206  
shall order the release to the park operator of rent on deposit 55207  
with the clerk, less costs. 55208

(D) If the court finds that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code was the result of an act or omission of the resident, or that the resident intentionally acted in bad faith in proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the resident shall be liable for damages caused to the park operator, and for costs, together with reasonable attorneys' fees if the resident intentionally acted in bad faith.

**Sec. ~~3733.123~~ 4781.44.** (A) If a park operator brings an action for the release of rent deposited with a clerk of court, the court may, during the pendency of the action, upon application of the park operator, release part of the rent on deposit for payment of the periodic interest on a mortgage on the premises, the periodic principal payments on a mortgage on the premises, the insurance premiums for the premises, real estate taxes on the premises, utility services, repairs, and other customary and usual costs of operating the premises.

(B) In determining whether to release rent for the payments described in division (A) of this section, the court shall consider the amount of rent the park operator receives from other lots, the cost of operating these lots, and the costs which may be required to remedy the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code.

**Sec. ~~3733.13~~ 4781.45.** If a resident commits a material violation of the rules of the manufactured home park, of the ~~public health council~~ manufactured homes commission, or of applicable state and local health and safety codes, the park operator may deliver a written notification of the violation to the resident. The notification shall contain all of the following:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (A) A description of the violation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 55239                                                                                           |
| (B) A statement that the rental agreement will terminate upon a date specified in the written notice not less than thirty days after receipt of the notice unless the resident remedies the violation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 55240<br>55241<br>55242<br>55243                                                                |
| (C) A statement that the violation was material and that if a second material violation of any park or <del>public health council</del> <u>commission</u> rule, or any health and safety code, occurs within six months after the date of this notice, the rental agreement will terminate immediately;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 55244<br>55245<br>55246<br>55247<br>55248                                                       |
| (D) A statement that a defense available to termination of the rental agreement for two material violations of park or <del>public health council</del> <u>commission</u> rules, or of health and safety codes, is that the park rule is unreasonable, or that the park or <del>public health council</del> <u>commission</u> rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.                                                                                                                                                                                                                             | 55249<br>55250<br>55251<br>55252<br>55253<br>55254<br>55255<br>55256                            |
| If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or <del>public health council</del> <u>commission</u> rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that the park or <del>public health council</del> <u>commission</u> rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith. | 55257<br>55258<br>55259<br>55260<br>55261<br>55262<br>55263<br>55264<br>55265<br>55266<br>55267 |
| <b>Sec. <del>3733.14</del> <u>4781.46</u>.</b> In any action under sections <del>3733.09</del> <u>4781.36</u> to <del>3733.20</del> <u>4781.52</u> of the Revised Code, any party may                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 55268<br>55269                                                                                  |

recover damages for the breach of contract or the breach of any 55270  
duty that is imposed by law. 55271

**Sec. ~~3733.15~~ 4781.47.** (A) No provision of sections ~~3733.09~~ 55272  
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code may be modified or 55273  
waived by any oral or written agreement except as provided in 55274  
division (F) of this section. 55275

(B) No warrant of attorney to confess judgment shall be 55276  
recognized in any rental agreement or in any other agreement 55277  
between a park operator and resident for the recovery of rent or 55278  
damages to the residential premises. 55279

(C) No agreement to pay the park operator's or resident's 55280  
attorney fees shall be recognized in any rental agreement for 55281  
residential premises or in any other agreement between a park 55282  
operator and resident. 55283

(D) No agreement by a resident to the exculpation or 55284  
limitation of any liability of the park operator arising under law 55285  
or to indemnify the park operator for that liability or its 55286  
related costs shall be recognized in any rental agreement or in 55287  
any other agreement between a park operator and resident. 55288

(E) A rental agreement, or the assignment, conveyance, trust 55289  
deed, or security instrument of the park operator's interest in 55290  
the rental agreement may not permit the receipt of rent free of 55291  
the obligation to comply with section ~~3733.10~~ 4781.38 of the 55292  
Revised Code. 55293

(F) The park operator may agree to assume responsibility for 55294  
fulfilling any duty or obligation imposed on a resident by section 55295  
~~3733.101~~ 4781.39 of the Revised Code. 55296

**Sec. ~~3733.16~~ 4781.48.** (A) If the court as a matter of law 55297  
finds a rental agreement, or any clause of it, to have been 55298  
unconscionable at the time it was made, it may refuse to enforce 55299



the rental agreement or it may enforce the remainder of the rental 55300  
agreement without the unconscionable clause, or it may so limit 55301  
the application of any unconscionable clause as to avoid any 55302  
unconscionable result. 55303

(B) When it is claimed or appears to the court that the 55304  
rental agreement, or any clause of it, may be unconscionable, the 55305  
parties shall be afforded a reasonable opportunity to present 55306  
evidence as to its setting, purpose, and effect to aid the court 55307  
in making the determination. 55308

**Sec. ~~3733.17~~ 4781.49.** (A) No park operator of residential 55309  
premises shall initiate any act, including termination of 55310  
utilities or services, exclusion from the premises, or threat of 55311  
any unlawful act, against a resident, or a resident whose right to 55312  
possession has terminated, for the purpose of recovering 55313  
possession of residential premises, other than as provided in 55314  
Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code. 55315

(B) No park operator of residential premises shall seize the 55316  
furnishings or possessions of a resident, or of a resident whose 55317  
right to possession was terminated, for the purpose of recovering 55318  
rent payments, other than in accordance with an order issued by a 55319  
court of competent jurisdiction. 55320

(C) A park operator who violates this section is liable in a 55321  
civil action for all damages caused to a resident, or to a 55322  
resident whose right to possession has terminated, together with 55323  
reasonable attorneys' fees. 55324

**Sec. ~~3733.18~~ 4781.50.** (A) Any security deposit in excess of 55325  
fifty dollars or one month's periodic rent, whichever is greater, 55326  
shall bear interest on the excess at the rate of five per cent per 55327  
annum if the resident remains in possession of the premises for 55328  
six months or more, and shall be computed and paid annually by the 55329

park operator to the resident. 55330

(B) Upon termination of the rental agreement any property or 55331  
money held by the park operator as a security deposit may be 55332  
applied to the payment of past due rent and to the payment of the 55333  
amount of damages that the park operator has suffered by reason of 55334  
the resident's noncompliance with section ~~3733.101~~ 4781.39 of the 55335  
Revised Code or the rental agreement. Any deduction from the 55336  
security deposit shall be itemized and identified by the park 55337  
operator in a written notice delivered to the resident together 55338  
with the amount due, within thirty days after termination of the 55339  
rental agreement and delivery of possession. The resident shall 55340  
provide the park operator in writing with a forwarding address or 55341  
new address to which the written notice and amount due from the 55342  
park operator may be sent. If the resident fails to provide the 55343  
park operator with the forwarding or new address as required, the 55344  
resident shall not be entitled to damages or attorneys' fees under 55345  
division (C) of this section. 55346

(C) If the park operator fails to comply with division (B) of 55347  
this section, the resident may recover the property and money due 55348  
~~him~~ the resident, together with damages in an amount equal to the 55349  
amount wrongfully withheld, and reasonable attorneys' fees. 55350

**Sec. ~~3733.19~~ 4781.51.** (A) Every written rental agreement for 55351  
residential premises shall contain the name and address of the 55352  
owner of the residential premises and the name and address of the 55353  
owner's agent, if any. If the owner or the owner's agent is a 55354  
corporation, partnership, limited partnership, association, trust, 55355  
or other entity, the address shall be the principal place of 55356  
business in the county in which the residential premises are 55357  
situated or if there is no place of business in such county then 55358  
its principal place of business in this state, and shall include 55359  
the name of the person in charge thereof. 55360

(B) If the rental agreement is oral, the park operator, at 55361  
the commencement of the term of occupancy, shall deliver to the 55362  
resident a written notice containing the information required in 55363  
division (A) of this section. 55364

(C) If the park operator fails to provide the notice of the 55365  
name and address of the owner and owner's agent, if any, as 55366  
required under division (A) or (B) of this section, the notices to 55367  
the park operator required under division (A) of sections ~~3733.12~~ 55368  
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 55369  
park operator and the operator's agent. 55370

(D) Every written rental agreement for residential premises 55371  
shall contain the following notice in ten-point boldface type: 55372

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 55373  
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 55374  
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 55375  
AGREEMENTS IN MANUFACTURED HOME PARKS." 55376

If the rental agreement is oral, the park operator, at the 55377  
commencement of the term of occupancy, shall deliver the notice to 55378  
the resident in writing. 55379

**Sec. ~~3733.20~~ 4781.52.** No municipal corporation may adopt or 55380  
continue in existence any ordinance and no township may adopt or 55381  
continue in existence any resolution that is in conflict with 55382  
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 55383  
or that regulates those rights and obligations of parties to a 55384  
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 55385  
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 55386  
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 55387  
building, health, or safety codes of any municipal corporation or 55388  
township. 55389

**Sec. 4781.54.** There is hereby created in the state treasury 55390

the manufactured homes commission regulatory fund. The fund shall 55391  
consist of fees collected under section 4781.121 of the Revised 55392  
Code and fees paid under section 4781.28 of the Revised Code and 55393  
shall be used for the purposes described in those sections. 55394

**Sec. 4781.99.** (A) Whoever violates division (A) of section 55395  
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 55396  
first offense and shall be subject to a mandatory fine of one 55397  
hundred dollars. On a second offense, the person is guilty of a 55398  
misdemeanor of the first degree and shall be subject to a 55399  
mandatory fine of one thousand dollars. 55400

(B) Whoever violates section 4781.20 of the Revised Code is 55401  
guilty of a minor misdemeanor. 55402

(C) Whoever violates any of the following is guilty of a 55403  
misdemeanor of the fourth degree: 55404

(1) Division (B) or (C) of section 4781.16 of the Revised 55405  
Code; 55406

(2) Section 4781.22 of the Revised Code; 55407

(3) Section 4781.23 of the Revised Code; 55408

(4) Division (A) of section 4781.24 of the Revised Code; 55409

(5) Section 4781.25 of the Revised Code; 55410

(6) Division (A) of section 4781.35 of the Revised Code. 55411

**Sec. 4905.01.** As used in this chapter: 55412

(A) "Railroad" has the same meaning as in section 4907.02 of 55413  
the Revised Code. 55414

(B) "Motor ~~transportation company~~ carrier" has the same 55415  
meaning as in ~~sections 4905.03 and 4921.02~~ section 4923.01 of the 55416  
Revised Code. 55417

(C) "~~Trailer~~ Motor vehicle" and "public highway" have the 55418  
same meanings as in section ~~4921.02~~ 4921.01 of the Revised Code. 55419

(D) "~~Private motor carrier~~" and "~~motor vehicle~~" have the same 55420  
meanings as in section ~~4923.02~~ of the Revised Code. 55421

~~(E)~~ "Ohio coal research and development costs" means all 55422  
reasonable costs associated with a facility or project undertaken 55423  
by a public utility for which a recommendation to allow the 55424  
recovery of costs associated therewith has been made under 55425  
division (B)(7) of section 1551.33 of the Revised Code, including, 55426  
but not limited to, capital costs, such as costs of debt and 55427  
equity; construction and operation costs; termination and 55428  
retirement costs; costs of feasibility and marketing studies 55429  
associated with the project; and the acquisition and delivery 55430  
costs of Ohio coal used in the project, less any expenditures of 55431  
grant moneys. 55432

**Sec. 4905.02.** (A) As used in this chapter, "public utility" 55433  
includes every corporation, company, copartnership, person, or 55434  
association, the lessees, trustees, or receivers of the foregoing, 55435  
defined in section 4905.03 of the Revised Code, including any 55436  
public utility that operates its utility not for profit, except 55437  
the following: 55438

~~(A)~~(1) An electric light company that operates its utility 55439  
not for profit; 55440

~~(B)~~(2) A public utility, other than a telephone company, that 55441  
is owned and operated exclusively by and solely for the utility's 55442  
customers, including any consumer or group of consumers 55443  
purchasing, delivering, storing, or transporting, or seeking to 55444  
purchase, deliver, store, or transport, natural gas exclusively by 55445  
and solely for the consumer's or consumers' own intended use as 55446  
the end user or end users and not for profit; 55447

~~(C)~~(3) A public utility that is owned or operated by any municipal corporation; 55448  
55449

~~(D)~~(4) A railroad as defined in sections 4907.02 and 4907.03 of the Revised Code; 55450  
55451

~~(E)~~(5) Any provider, including a telephone company, with respect to its provision of any of the following: 55452  
55453

~~(1)~~(a) Advanced services as defined in 47 C.F.R. 51.5; 55454

~~(2)~~(b) Broadband service, however defined or classified by the federal communications commission; 55455  
55456

~~(3)~~(c) Information service as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 55457  
55458

~~(4)~~(d) Subject to division (A) of section 4927.03 of the Revised Code, internet protocol-enabled services as defined in section 4927.01 of the Revised Code; 55459  
55460  
55461

~~(5)~~(e) Subject to division (A) of section 4927.03 of the Revised Code, any telecommunications service as defined in section 4927.01 of the Revised Code to which both of the following apply: 55462  
55463  
55464

~~(a)~~(i) The service was not commercially available on September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly. 55465  
55466  
55467

~~(b)~~(ii) The service employs technology that became available for commercial use only after September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly. 55468  
55469  
55470  
55471

(B)(1) "Public utility" includes a for-hire motor carrier even if the carrier is operated in connection with an entity described in division (A)(1), (2), (4), or (5) of this section. 55472  
55473  
55474

(2) Division (A) of this section shall not be construed to relieve a private motor carrier, operated in connection with an entity described in division (A)(1), (2), (4), or (5) of this 55475  
55476  
55477

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <u>section, from compliance with any of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 55478                                                                                                                      |
| <u>(a) Chapter 4923. of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 55479                                                                                                                      |
| <u>(b) Hazardous-material regulation under section 4921.15 of</u><br><u>the Revised Code and division (H) of section 4921.19 of the</u><br><u>Revised Code, or rules adopted thereunder;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 55480<br>55481<br>55482                                                                                                    |
| <u>(c) Rules governing unified carrier registration adopted</u><br><u>under section 4921.11 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 55483<br>55484                                                                                                             |
| <br><b>Sec. 4905.03.</b> As used in this chapter+                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 55485                                                                                                                      |
| <del>(A) Any, any</del> person, firm, copartnership, voluntary<br>association, joint-stock association, company, or corporation,<br>wherever organized or incorporated, is:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 55486<br>55487<br>55488                                                                                                    |
| <del>(1)(A)</del> A telephone company, when engaged in the business of<br>transmitting telephonic messages to, from, through, or in this<br>state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 55489<br>55490<br>55491                                                                                                    |
| <del>(2)(B)</del> A <u>for-hire</u> motor <del>transportation company</del> <u>carrier</u> , when<br>engaged in the business of <del>carrying and</del> transporting persons or<br>property <del>or the business of providing or furnishing such</del><br><del>transportation service, for hire, in or by motor-propelled</del><br><del>vehicles of any kind, including trailers, for the public in</del><br><del>general, over any public street, road, or highway in this state</del><br><u>vehicle for compensation, except as provided when engaged in any</u><br><u>of the operations in intrastate commerce described in divisions</u><br><u>(B)(1) to (9) of section 4921.02 4921.01</u> of the Revised Code, <u>but</u><br><u>including the carrier's agents, officers, and representatives, as</u><br><u>well as employees responsible for hiring, supervising, training,</u><br><u>assigning, or dispatching drivers and employees concerned with the</u><br><u>installation, inspection, and maintenance of motor-vehicle</u><br><u>equipment and accessories;</u> | 55492<br>55493<br>55494<br>55495<br>55496<br>55497<br>55498<br>55499<br>55500<br>55501<br>55502<br>55503<br>55504<br>55505 |
| <del>(3)(C)</del> An electric light company, when engaged in the<br>business of supplying electricity for light, heat, or power                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 55506<br>55507                                                                                                             |

purposes to consumers within this state, including supplying 55508  
electric transmission service for electricity delivered to 55509  
consumers in this state, but excluding a regional transmission 55510  
organization approved by the federal energy regulatory commission; 55511

~~(4)~~(D) A gas company, when engaged in the business of 55512  
supplying artificial gas for lighting, power, or heating purposes 55513  
to consumers within this state or when engaged in the business of 55514  
supplying artificial gas to gas companies or to natural gas 55515  
companies within this state, but a producer engaged in supplying 55516  
to one or more gas or natural gas companies, only such artificial 55517  
gas as is manufactured by that producer as a by-product of some 55518  
other process in which the producer is primarily engaged within 55519  
this state is not thereby a gas company. All rates, rentals, 55520  
tolls, schedules, charges of any kind, or agreements between any 55521  
gas company and any other gas company or any natural gas company 55522  
providing for the supplying of artificial gas and for compensation 55523  
for the same are subject to the jurisdiction of the public 55524  
utilities commission. 55525

~~(5)~~(E) A natural gas company, when engaged in the business of 55526  
supplying natural gas for lighting, power, or heating purposes to 55527  
consumers within this state. Notwithstanding the above, neither 55528  
the delivery nor sale of Ohio-produced natural gas by a producer 55529  
or gatherer under a public utilities commission-ordered exemption, 55530  
adopted before, as to producers, or after, as to producers or 55531  
gatherers, January 1, 1996, or the delivery or sale of 55532  
Ohio-produced natural gas by a producer or gatherer of 55533  
Ohio-produced natural gas, either to a lessor under an oil and gas 55534  
lease of the land on which the producer's drilling unit is 55535  
located, or the grantor incident to a right-of-way or easement to 55536  
the producer or gatherer, shall cause the producer or gatherer to 55537  
be a natural gas company for the purposes of this section. 55538

All rates, rentals, tolls, schedules, charges of any kind, or 55539



agreements between a natural gas company and other natural gas 55540  
companies or gas companies providing for the supply of natural gas 55541  
and for compensation for the same are subject to the jurisdiction 55542  
of the public utilities commission. The commission, upon 55543  
application made to it, may relieve any producer or gatherer of 55544  
natural gas, defined in this section as a gas company or a natural 55545  
gas company, of compliance with the obligations imposed by this 55546  
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 55547  
of the Revised Code, so long as the producer or gatherer is not 55548  
affiliated with or under the control of a gas company or a natural 55549  
gas company engaged in the transportation or distribution of 55550  
natural gas, or so long as the producer or gatherer does not 55551  
engage in the distribution of natural gas to consumers. 55552

Nothing in division ~~(A)(5)~~(E) of this section limits the 55553  
authority of the commission to enforce sections 4905.90 to 4905.96 55554  
of the Revised Code. 55555

~~(6)~~(F) A pipe-line company, when engaged in the business of 55556  
transporting natural gas, oil, or coal or its derivatives through 55557  
pipes or tubing, either wholly or partly within this state; 55558

~~(7)~~(G) A water-works company, when engaged in the business of 55559  
supplying water through pipes or tubing, or in a similar manner, 55560  
to consumers within this state; 55561

~~(8)~~(H) A heating or cooling company, when engaged in the 55562  
business of supplying water, steam, or air through pipes or tubing 55563  
to consumers within this state for heating or cooling purposes; 55564

~~(9)~~(I) A messenger company, when engaged in the business of 55565  
supplying messengers for any purpose; 55566

~~(10)~~(J) A street railway company, when engaged in the 55567  
business of operating as a common carrier, a railway, wholly or 55568  
partly within this state, with one or more tracks upon, along, 55569  
above, or below any public road, street, alleyway, or ground, 55570

within any municipal corporation, operated by any motive power 55571  
other than steam and not a part of an interurban railroad, whether 55572  
the railway is termed street, inclined-plane, elevated, or 55573  
underground railway; 55574

~~(11)~~(K) A suburban railroad company, when engaged in the 55575  
business of operating as a common carrier, whether wholly or 55576  
partially within this state, a part of a street railway 55577  
constructed or extended beyond the limits of a municipal 55578  
corporation, and not a part of an interurban railroad; 55579

~~(12)~~(L) An interurban railroad company, when engaged in the 55580  
business of operating a railroad, wholly or partially within this 55581  
state, with one or more tracks from one municipal corporation or 55582  
point in this state to another municipal corporation or point in 55583  
this state, whether constructed upon the public highways or upon 55584  
private rights-of-way, outside of municipal corporations, using 55585  
electricity or other motive power than steam power for the 55586  
transportation of passengers, packages, express matter, United 55587  
States mail, baggage, and freight. Such an interurban railroad 55588  
company is included in the term "railroad" as used in section 55589  
4907.02 of the Revised Code. 55590

~~(13)~~(M) A sewage disposal system company, when engaged in the 55591  
business of sewage disposal services through pipes or tubing, and 55592  
treatment works, or in a similar manner, within this state. 55593

~~(B) "Motor propelled vehicle" means any automobile,~~ 55594  
~~automobile truck, motor bus, or any other self-propelled vehicle~~ 55595  
~~not operated or driven upon fixed rails or tracks.~~ 55596

**Sec. 4905.05.** The jurisdiction, supervision, powers, and 55597  
duties of the public utilities commission extend to every public 55598  
utility and railroad, the plant or property of which lies wholly 55599  
within this state and when the property of a public utility or 55600  
railroad lies partly within and partly without this state to that 55601

part of such plant or property which lies within this state; to 55602  
the persons or companies owning, leasing, or operating such public 55603  
utilities and railroads; to the records and accounts of the 55604  
business thereof done within this state; and to the records and 55605  
accounts of any companies which are part of an electric utility 55606  
holding company system exempt under section 3(a)(1) or (2) of the 55607  
"Public Utility Holding Company Act of 1935," 49 Stat. 803, 15 55608  
U.S.C. 79c, and the rules and regulations promulgated thereunder, 55609  
insofar as such records and accounts may in any way affect or 55610  
relate to the costs associated with the provision of electric 55611  
utility service by any public utility operating in this state and 55612  
part of such holding company system. 55613

Nothing in this section, or section 4905.06 or 4905.46 of the 55614  
Revised Code pertaining to regulation of holding companies, grants 55615  
the public utilities commission authority to regulate a holding 55616  
company or its subsidiaries which are organized under the laws of 55617  
another state, render no public utility service in the state of 55618  
Ohio, and are regulated as a public utility by the public 55619  
utilities commission of another state or primarily by a federal 55620  
regulatory commission, nor do these grants of authority apply to 55621  
public utilities that are excepted from the definition of "public 55622  
utility" under divisions (A)(1) to ~~(C)~~(3) of section 4905.02 of 55623  
the Revised Code. 55624

**Sec. 4905.06.** The public utilities commission has general 55625  
supervision over all public utilities within its jurisdiction as 55626  
defined in section 4905.05 of the Revised Code, and may examine 55627  
such public utilities and keep informed as to their general 55628  
condition, capitalization, and franchises, and as to the manner in 55629  
which their properties are leased, operated, managed, and 55630  
conducted with respect to the adequacy or accommodation afforded 55631  
by their service, the safety and security of the public and their 55632  
employees, and their compliance with all laws, orders of the 55633

commission, franchises, and charter requirements. The commission 55634  
has general supervision over all other companies referred to in 55635  
section 4905.05 of the Revised Code to the extent of its 55636  
jurisdiction as defined in that section, and may examine such 55637  
companies and keep informed as to their general condition and 55638  
capitalization, and as to the manner in which their properties are 55639  
leased, operated, managed, and conducted with respect to the 55640  
adequacy or accommodation afforded by their service, and their 55641  
compliance with all laws and orders of the commission, insofar as 55642  
any of such matters may relate to the costs associated with the 55643  
provision of electric utility service by public utilities in this 55644  
state which are affiliated or associated with such companies. The 55645  
commission, through the public utilities commissioners or 55646  
inspectors or employees of the commission authorized by it, may 55647  
enter in or upon, for purposes of inspection, any property, 55648  
equipment, building, plant, factory, office, apparatus, machinery, 55649  
device, and lines of any public utility. The power to inspect 55650  
includes the power to prescribe any rule or order that the 55651  
commission finds necessary for protection of the public safety. In 55652  
order to assist the commission in the performance of its duties 55653  
under this chapter, authorized employees of the motor carrier 55654  
enforcement unit, created under section 5503.34 of the Revised 55655  
Code in the division of state highway patrol, of the department of 55656  
public safety may enter in or upon, for inspection purposes, any 55657  
motor vehicle of any ~~motor transportation company or private~~ motor 55658  
carrier ~~as defined in section 4923.02 of the Revised Code.~~ 55659

In order to inspect motor vehicles owned or operated by a 55660  
motor ~~transportation company~~ carrier engaged in the transportation 55661  
of persons, authorized employees of the motor carrier enforcement 55662  
unit, division of state highway patrol, of the department of 55663  
public safety may enter in or upon any property of any motor 55664  
~~transportation company, as defined in section 4921.02 of the~~ 55665  
~~Revised Code,~~ carrier engaged in the intrastate transportation of 55666

persons. 55667

**Sec. 4905.402.** (A) As used in this section: 55668

(1) "Control" means the possession of the power to direct the 55669  
management and policies of a domestic telephone company or a 55670  
holding company of a domestic telephone company, or the management 55671  
and policies of a domestic electric utility or a holding company 55672  
of a domestic electric utility, through the ownership of voting 55673  
securities, by contract, or otherwise, but does not include the 55674  
power that results from holding an official position or the 55675  
possession of corporate office with the domestic company or 55676  
utility or the holding company. Control is presumed to exist if 55677  
any person, directly or indirectly, owns, controls, holds the 55678  
power to vote, or holds with the power to vote proxies that 55679  
constitute, twenty per cent or more of the total voting power of 55680  
the domestic company or utility or the holding company. 55681

(2) "Electric utility" has the same meaning as in section 55682  
4928.07 of the Revised Code. 55683

(3) "Holding company" excludes any securities broker 55684  
performing the usual and customary broker's function. 55685

(4) "Telephone company" means any company described in 55686  
division (A)~~(1)~~ of section 4905.03 of the Revised Code that is a 55687  
public utility under section 4905.02 of the Revised Code and 55688  
provides basic local exchange service, as defined in section 55689  
4927.01 of the Revised Code. 55690

(B) No person shall acquire control, directly or indirectly, 55691  
of a domestic telephone company or a holding company controlling a 55692  
domestic telephone company or of a domestic electric utility or a 55693  
holding company controlling a domestic electric utility unless 55694  
that person obtains the prior approval of the public utilities 55695  
commission under this section. To obtain approval the person shall 55696

file an application with the commission demonstrating that the 55697  
acquisition will promote public convenience and result in the 55698  
provision of adequate service for a reasonable rate, rental, toll, 55699  
or charge. The application shall contain such information as the 55700  
commission may require. If the commission considers a hearing 55701  
necessary, it may fix a time and place for hearing. If, after 55702  
review of the application and after any necessary hearing, the 55703  
commission is satisfied that approval of the application will 55704  
promote public convenience and result in the provision of adequate 55705  
service for a reasonable rate, rental, toll, or charge, the 55706  
commission shall approve the application and make such order as it 55707  
considers proper. If the commission fails to issue an order within 55708  
thirty days of the filing of the application, or within twenty 55709  
days of the conclusion of a hearing, if one is held, the 55710  
application shall be deemed approved by operation of law. 55711

(C) No domestic telephone company shall merge with another 55712  
domestic telephone company unless the merging companies obtain the 55713  
prior approval of the commission. An application seeking such 55714  
approval shall be filed, processed, and decided in the manner 55715  
provided for an application under division (B) of this section. 55716

(D) The commission shall adopt such rules as it finds 55717  
necessary to carry out the provisions of this section. 55718

(E) If it appears to the commission or to any person that may 55719  
be adversely affected that any person is engaged in or about to 55720  
engage in any acts or practices that would violate division (B) or 55721  
(C) of this section or any provision of a rule adopted under this 55722  
section, the attorney general, when directed to do so by the 55723  
commission, or the person claiming to be adversely affected may 55724  
bring an action in any court of common pleas that has jurisdiction 55725  
and venue to enjoin such acts or practices and enforce compliance. 55726  
Upon a proper showing, the court shall grant, without bond, a 55727  
restraining order or temporary or permanent injunction. 55728

(F) The courts of this state have jurisdiction over every 55729  
person not a resident of or domiciled or authorized to do business 55730  
in this state that files, or is prohibited from acting without 55731  
first filing, an application under division (B) or (C) of this 55732  
section, and over all actions involving such person arising out of 55733  
violations of any provision of this section or of a rule adopted 55734  
under this section. The secretary of state shall be the agent for 55735  
service of process for any such person in any action, suit, or 55736  
proceeding arising out of such violations. Copies of all such 55737  
lawful process shall be served upon the secretary of state and 55738  
transmitted by certified mail, with return receipt requested, by 55739  
the secretary of state to such person at the person's last known 55740  
address. 55741

**Sec. 4905.54.** Every public utility or railroad and every 55742  
officer of a public utility or railroad shall comply with every 55743  
order, direction, and requirement of the public utilities 55744  
commission made under authority of this chapter and Chapters 55745  
4901., 4903., 4907., and 4909., ~~4921., and 4923.~~ of the Revised 55746  
Code, so long as they remain in force. Except as otherwise 55747  
specifically provided in ~~sections 4905.83,~~ section 4905.95, 55748  
~~4919.99, 4921.99, and 4923.99~~ of the Revised Code, the public 55749  
utilities commission may assess a forfeiture of not more than ten 55750  
thousand dollars for each violation or failure against a public 55751  
utility or railroad that violates a provision of those chapters or 55752  
that after due notice fails to comply with an order, direction, or 55753  
requirement of the commission that was officially promulgated. 55754  
Each day's continuance of the violation or failure is a separate 55755  
offense. All forfeitures collected under this section shall be 55756  
credited to the general revenue fund. 55757

**Sec. 4905.57.** Except as otherwise specifically provided in 55758  
sections ~~4905.83,~~ 4905.96, ~~4919.99, 4921.99,~~ and 4923.99 of the 55759

Revised Code, actions to recover forfeitures provided for in this 55760  
chapter and Chapters 4901., 4903., 4907., 4909., ~~4921.,~~ and 4923. 55761  
of the Revised Code shall be prosecuted in the name of the state 55762  
and may be brought in the court of common pleas of any county in 55763  
which the public utility ~~or,~~ railroad, or motor carrier is 55764  
located. Such actions shall be commenced and prosecuted by the 55765  
attorney general when ~~he~~ the attorney general is directed to do so 55766  
by the public utilities commission. Moneys recovered by such 55767  
actions shall be deposited in the state treasury to the credit of 55768  
the general revenue fund. 55769

**Sec. 4905.58.** All prosecutions against a railroad or an 55770  
officer, agent, or employee thereof, under Chapters 4901., 4903., 55771  
4905., 4907., and 4909., ~~4921., and 4923.~~ and other sections of 55772  
the Revised Code for penalties involving imprisonment shall be by 55773  
indictment. 55774

**Sec. 4905.80.** The policy of this state is to: 55775

(A) Regulate transportation by motor carriers so as to 55776  
recognize and preserve the inherent advantages of, and foster safe 55777  
conditions in, that transportation and among those carriers in the 55778  
public interest; 55779

(B) Promote safe and secure service by motor carriers, 55780  
without unjust discriminations, undue preferences or advantages, 55781  
and unfair or destructive competitive practices; 55782

(C) Improve the relations between, and coordinate 55783  
transportation by and regulation of, motor carriers and other 55784  
carriers; 55785

(D) Develop and preserve a highway transportation system 55786  
properly adapted to the needs of commerce and the state; 55787

(E) Cooperate with the federal government and the several 55788  
states, and the authorized officials thereof, and with any 55789



|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>organization of motor carriers in the administration and</u>           | 55790 |
| <u>enforcement of this chapter and Chapters 4901., 4903., 4907.,</u>      | 55791 |
| <u>4909., 4921., and 4923. of the Revised Code.</u>                       | 55792 |
| <br>                                                                      |       |
| <u>Sec. 4905.81. The public utilities commission shall:</u>               | 55793 |
| <br>                                                                      |       |
| <u>(A) Supervise and regulate each motor carrier;</u>                     | 55794 |
| <br>                                                                      |       |
| <u>(B) Regulate the safety of operation of each motor carrier;</u>        | 55795 |
| <br>                                                                      |       |
| <u>(C) Adopt reasonable safety rules applicable to the highway</u>        | 55796 |
| <u>transportation of persons or property in interstate and intrastate</u> | 55797 |
| <u>commerce by motor carriers;</u>                                        | 55798 |
| <br>                                                                      |       |
| <u>(D) Adopt safety rules applicable to the transportation and</u>        | 55799 |
| <u>offering for transportation of hazardous materials in interstate</u>   | 55800 |
| <u>and intrastate commerce by motor carriers. The rules shall not be</u>  | 55801 |
| <u>incompatible with the requirements of the United States department</u> | 55802 |
| <u>of transportation.</u>                                                 | 55803 |
| <br>                                                                      |       |
| <u>(E) Require the filing of reports and other data by motor</u>          | 55804 |
| <u>carriers;</u>                                                          | 55805 |
| <br>                                                                      |       |
| <u>(F) Adopt reasonable rules for the administration and</u>              | 55806 |
| <u>enforcement of this chapter and Chapters 4901., 4903., 4907.,</u>      | 55807 |
| <u>4909., 4921., and 4923. of the Revised Code applying to each motor</u> | 55808 |
| <u>carrier in this state;</u>                                             | 55809 |
| <br>                                                                      |       |
| <u>(G) Supervise and regulate motor carriers in all other</u>             | 55810 |
| <u>matters affecting the relationship between those carriers and the</u>  | 55811 |
| <u>public to the exclusion of all local authorities, except as</u>        | 55812 |
| <u>provided in this section. The commission, in the exercise of the</u>   | 55813 |
| <u>jurisdiction conferred upon it by this chapter and Chapters 4901.,</u> | 55814 |
| <u>4903., 4907., 4909., 4921., and 4923. of the Revised Code, may</u>     | 55815 |
| <u>adopt rules affecting motor carriers, notwithstanding the</u>          | 55816 |
| <u>provisions of any ordinance, resolution, license, or permit</u>        | 55817 |
| <u>enacted, adopted, or granted by any township, municipal</u>            | 55818 |
| <u>corporation, municipal corporation and county, or county. In case</u>  | 55819 |

of conflict between any such ordinance, resolution, license, or 55820  
permit, the order or rule of the commission shall prevail. Local 55821  
subdivisions may adopt reasonable local police rules within their 55822  
respective boundaries not inconsistent with those chapters and 55823  
rules adopted under them. 55824

The commission has jurisdiction to receive, hear, and 55825  
determine as a question of fact, upon complaint of any party or 55826  
upon its own motion, and upon not less than fifteen days' notice 55827  
of the time and place of the hearing and the matter to be heard, 55828  
whether any corporation, company, association, joint-stock 55829  
association, person, firm, or copartnership, or their lessees, 55830  
legal or personal representatives, trustees, or receivers or 55831  
trustees appointed by any court, is engaged as a motor carrier. 55832  
The finding of the commission on such a question is a final order 55833  
that may be reviewed as provided in section 4923.15 of the Revised 55834  
Code. 55835

**Sec. 4905.84.** (A) As used in this section: 55836

(1) "Telecommunications relay service" means intrastate 55837  
transmission services that provide the ability for an individual 55838  
who has a hearing or speech impairment to engage in a 55839  
communication by wire or radio with a hearing individual in a 55840  
manner that is functionally equivalent to the ability of an 55841  
individual who does not have a hearing or speech impairment to 55842  
communicate using voice communication services by wire or radio. 55843  
"Telecommunications relay service" includes services that enable 55844  
two-way communication between an individual who uses a 55845  
telecommunications device for the deaf or other nonvoice terminal 55846  
device and an individual who does not use such a device. 55847

(2) "TRS provider" means an entity selected by the public 55848  
utilities commission as the provider of telecommunications relay 55849  
service for this state as part of the commission's intrastate 55850

telecommunications relay service program certified pursuant to 55851  
federal law. 55852

(B) For the sole purpose of funding telecommunications relay 55853  
service, the commission shall, not earlier than January 1, 2009, 55854  
impose on and collect from each service provider that is required 55855  
under federal law to provide its customers access to 55856  
telecommunications relay service an annual assessment to pay for 55857  
costs incurred by the TRS provider for providing such service in 55858  
Ohio. The commission shall determine the appropriate service 55859  
providers to be assessed the telecommunications relay service 55860  
costs, including telephone companies as defined in division (A)~~(1)~~ 55861  
of section 4905.03 of the Revised Code, commercial mobile radio 55862  
service providers, and providers of advanced services or internet 55863  
protocol-enabled services that are competitive with or 55864  
functionally equivalent to basic local exchange service as defined 55865  
in section 4927.01 of the Revised Code. 55866

(C) The assessment shall be allocated proportionately among 55867  
the appropriate service providers using a competitively neutral 55868  
formula established by the commission based on the number of 55869  
retail intrastate customer access lines or their equivalent. The 55870  
commission shall annually reconcile the funds collected with the 55871  
actual costs of providing telecommunications relay service when it 55872  
issues the assessment and shall either proportionately charge the 55873  
service providers for any amounts not sufficient to cover the 55874  
actual costs or proportionately credit amounts collected in excess 55875  
of the actual costs. The total amount assessed from all service 55876  
providers shall not exceed the total telecommunications relay 55877  
service costs. 55878

Each service provider that pays the assessment shall be 55879  
permitted to recover the cost of the assessment. The method of 55880  
recovery may include, but is not limited to, a customer billing 55881  
surcharge. 55882

The commission shall deposit the money collected in the telecommunications relay service fund, which is hereby created in the state treasury, and shall use the money in that fund solely to compensate the TRS provider.

(D) The commission shall take such measures as it considers necessary to protect the confidentiality of information provided to the commission pursuant to this section by service providers required to pay the assessment.

(E) The commission may assess a forfeiture of not more than one thousand dollars on any service provider failing to comply with this section. Each day's continuance of such failure is a separate offense. The forfeiture shall be recovered in accordance with sections 4905.55 to 4905.60 of the Revised Code.

(F) The jurisdiction and authority granted to the commission by this section is limited to the administration and enforcement of this section. The commission may adopt such rules as it finds necessary to carry out this section. The commission shall adopt rules under section 111.15 of the Revised Code to establish the assessment amounts and procedures.

**Sec. 4905.90.** As used in sections 4905.90 to 4905.96 of the Revised Code:

(A) "Contiguous property" includes, but is not limited to, a manufactured home park as defined in section ~~3733.01~~ 4781.01 of the Revised Code; a public or publicly subsidized housing project; an apartment complex; a condominium complex; a college or university; an office complex; a shopping center; a hotel; an industrial park; and a race track.

(B) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(C) "Gathering lines" and the "gathering of gas" have the

same meaning as in the Natural Gas Pipeline Safety Act and the 55913  
rules adopted by the United States department of transportation 55914  
pursuant to the Natural Gas Pipeline Safety Act, including 49 55915  
C.F.R. part 192, as amended. 55916

(D) "Intrastate pipe-line transportation" has the same 55917  
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 55918  
amended, but excludes the gathering of gas exempted by the Natural 55919  
Gas Pipeline Safety Act. 55920

(E) "Master-meter system" means a pipe-line system that 55921  
distributes gas within a contiguous property for which the system 55922  
operator purchases gas for resale to consumers, including tenants. 55923  
Such pipe-line system supplies consumers who purchase the gas 55924  
directly through a meter, or by paying rent, or by other means. 55925  
The term includes a master-meter system as defined in 49 C.F.R. 55926  
191.3, as amended. The term excludes a pipeline within a 55927  
manufactured home, mobile home, or a building. 55928

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 55929  
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 55930  
et seq., as amended. 55931

(G) "Operator" means any of the following: 55932

(1) A gas company or natural gas company as defined in 55933  
section 4905.03 of the Revised Code, except that division 55934  
~~(A)(5)(E)~~ of that section does not authorize the public utilities 55935  
commission to relieve any producer of gas, as a gas company or 55936  
natural gas company, of compliance with sections 4905.90 to 55937  
4905.96 of the Revised Code or the pipe-line safety code created 55938  
under section 4905.91 of the Revised Code; 55939

(2) A pipe-line company, as defined in section 4905.03 of the 55940  
Revised Code, when engaged in the business of transporting gas by 55941  
pipeline; 55942

(3) A public utility that is excepted from the definition of 55943

"public utility" under division ~~(B)~~(A)(2) or ~~(C)~~(3) of section 4905.02 of the Revised Code, when engaged in supplying or transporting gas by pipeline within this state; 55944  
55945  
55946

(4) Any person that owns, operates, manages, controls, or leases any of the following: 55947  
55948

(a) Intrastate pipe-line transportation facilities within this state; 55949  
55950

(b) Gas gathering lines within this state which are not exempted by the Natural Gas Pipeline Safety Act; 55951  
55952

(c) A master-meter system within this state. 55953

"Operator" does not include an ultimate consumer who owns a service line, as defined in 49 C.F.R. 192.3, as amended, on the real property of that ultimate consumer. 55954  
55955  
55956

(H) "Operator of a master-meter system" means a person described under division ~~(F)~~(G)(4)(c) of this section. An operator of a master-meter system is not a public utility under section 4905.02 or a gas or natural gas company under section 4905.03 of the Revised Code. 55957  
55958  
55959  
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55961

(I) "Person" means: 55962

(1) In addition to those defined in division (C) of section 1.59 of the Revised Code, a joint venture or a municipal corporation; 55963  
55964  
55965

(2) Any trustee, receiver, assignee, or personal representative of persons defined in division ~~(H)~~(I)(1) of this section. 55966  
55967  
55968

(J) "Safety audit" means the public utilities commission's audit of the premises, pipe-line facilities, and the records, maps, and other relevant documents of a master-meter system to determine the operator's compliance with sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code. 55969  
55970  
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(K) "Safety inspection" means any inspection, survey, or testing of a master-meter system which is authorized or required by sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code. The term includes, but is not limited to, leak surveys, inspection of regulators and critical valves, and monitoring of cathodic protection systems, where applicable.

(L) "Safety-related condition" means any safety-related condition defined in 49 C.F.R. 191.23, as amended.

(M) "Total Mcfs of gas it supplied or delivered" means the sum of the following volumes of gas that an operator supplied or delivered, measured in units per one thousand cubic feet:

- (1) Residential sales;
- (2) Commercial and industrial sales;
- (3) Other sales to public authorities;
- (4) Interdepartmental sales;
- (5) Sales for resale;
- (6) Transportation of gas.

**Sec. 4907.01.** As used in sections 4907.01 to 4907.63 of the Revised Code:

(A) "Public utility" has the same meaning as in section 4905.02 of the Revised Code.

(B) "Telephone company," "street railway company," and "interurban railroad company" have the same meanings as in section 4905.03 of the Revised Code.

(C) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.

(D) "Public highway" has the same meaning as in ~~sections 4905.03 and 4921.02~~ section 4921.01 of the Revised Code.

**Sec. 4907.02.** As used in Chapters 4901., 4903., 4905., 4907., 56002  
4909., ~~4921., 4923.,~~ and 4959. of the Revised Code, "railroad" 56003  
includes any corporation, company, individual, or association of 56004  
individuals, or its lessees, trustees, or receivers appointed by a 56005  
court, which owns, operates, manages, or controls a railroad or 56006  
part of a railroad as a common carrier in this state, or which 56007  
owns, operates, manages, or controls any cars or other equipment 56008  
used on such a railroad, or which owns, operates, manages, or 56009  
controls any bridges, terminals, union depots, sidetracks, docks, 56010  
wharves, or storage elevators used in connection with such a 56011  
railroad, whether owned by such railroad or otherwise, and means 56012  
and includes express companies, water transportation companies, 56013  
freight-line companies, sleeping car companies, and interurban 56014  
railroad companies, and all persons and associations of persons, 56015  
whether incorporated or not, operating such agencies for public 56016  
use in the conveyance of persons or property within this state. 56017  
All duties required of, and penalties imposed upon, a railroad or 56018  
an officer or agent thereof insofar as they are applicable, are 56019  
required and imposed upon express companies, water transportation 56020  
companies, and interurban railroad companies, and upon their 56021  
officers and agents. 56022

The public utilities commission has the power of supervision 56023  
and control of express companies, water transportation companies, 56024  
and interurban railroad companies to the same extent as railroads. 56025

**Sec. 4907.04.** Chapters 4901., 4903., 4905., 4907., and 4909. 56026  
~~4921., 4923., and 4925.~~ of the Revised Code do not apply to street 56027  
and electric railways engaged solely in the transportation of 56028  
passengers within the limits of cities, or to other private 56029  
railroads not doing business as common carriers. 56030

**Sec. 4907.08.** The public utilities commission shall inquire 56031



into any neglect or violation of the laws of this state by a 56032  
railroad doing business in this state, by its officers, agents, or 56033  
employees, or by any person operating a railroad. The commission 56034  
shall enforce Chapters 4901., 4903., 4905., 4907., 4909., ~~4921.,~~ 56035  
~~4923.,~~ and 4959. of the Revised Code, as well as all other laws 56036  
relating to railroads, and report violations thereof to the 56037  
attorney general. 56038

If, upon complaint or otherwise, the commission has reason to 56039  
believe that a railroad or any officer, agent, or employee of a 56040  
railroad has violated or is violating any law of this state, or if 56041  
it has reason to believe that differences have arisen between 56042  
citizens of the state and any railroad operating as a common 56043  
carrier within this state, it shall examine into the matter. 56044

**Sec. 4907.19.** The public utilities commission shall cause 56045  
blank forms to be prepared suitable for the purposes designated in 56046  
Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and~~ 56047  
~~4925.~~ of the Revised Code which shall conform as nearly as 56048  
practicable to the forms prescribed by the interstate commerce 56049  
commission, and, when necessary, furnish such blank forms to each 56050  
railroad. 56051

**Sec. 4907.28.** No railroad shall charge, demand, collect, or 56052  
receive a greater or less compensation for the transportation of 56053  
passengers or property, or for any service in connection 56054  
therewith, than is specified in the printed schedules referred to 56055  
in sections 4907.25 to 4907.27, ~~inclusive,~~ of the Revised Code, 56056  
including schedules of joint rates, as being then in force. The 56057  
rates, fares, and charges named in such schedules shall be the 56058  
lawful rates, fares, and charges until they are changed as 56059  
provided in Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921.,~~ 56060  
~~4923., and 4925.~~ of the Revised Code. 56061

**Sec. 4907.35.** If a railroad, or an agent or officer of a 56062  
railroad, by special rate, rebate, drawback, or by means of false 56063  
billing, false classification, false weighing, or other device, 56064  
charges, demands, collects, or receives, either directly or 56065  
indirectly, from any person, firm, or corporation, a greater or 56066  
less compensation for service rendered or to be rendered by such 56067  
railroad for the transportation of persons or property or any 56068  
service in connection therewith, than that prescribed in the 56069  
published tariffs then in force, or established as provided in 56070  
Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and~~ 56071  
~~4925.~~ of the Revised Code, or a greater or less compensation than 56072  
it charges, demands, collects, or receives from any other person, 56073  
firm, or corporation for a like and contemporaneous service in the 56074  
transportation of a like kind of traffic, under substantially 56075  
similar circumstances and conditions, the railroad is guilty of 56076  
unjust discrimination, which is hereby prohibited. Upon conviction 56077  
of unjust discrimination, such railroad shall forfeit and pay into 56078  
the state treasury not less than one hundred nor more than five 56079  
thousand dollars for each offense. 56080

No agent or officer of a railroad shall violate this section. 56081

**Sec. 4907.37.** No common carrier subject to Chapters 4901., 56082  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 56083  
Revised Code shall make or give undue or unreasonable preference 56084  
or advantage to a particular person, company, firm, corporation, 56085  
or locality, or to any particular description of traffic, or 56086  
subject any particular person, company, firm, corporation, or 56087  
locality, or any particular description of traffic, to any undue 56088  
or unreasonable prejudice or disadvantage in any respect. 56089

**Sec. 4907.43.** When the tracks of a railroad and the tracks of 56090  
an interurban or suburban railway cross, connect, or intersect, 56091

and such tracks are of the same gauge, the companies owning such 56092  
railroads may connect such tracks so as to admit the passage of 56093  
cars from one to the other with facility. 56094

If any such railroads fail to make such connection, upon 56095  
complaint of any party authorized by Chapters 4901., 4903., 4905., 56096  
4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code to 56097  
file complaint, the public utilities commission shall proceed to 56098  
hear and determine the same in a manner provided for making 56099  
investigations upon complaint. 56100

If upon such hearing the commission finds that it is 56101  
practicable and reasonably necessary to ~~accomodate~~ accommodate the 56102  
public, to connect such tracks and that when so connected it will 56103  
be practicable to transport cars over such railroad without 56104  
endangering the equipment, tracks, or appliances of either 56105  
company, the commission shall make an order requiring such 56106  
railroads to make connection. Such order shall describe the terms 56107  
and conditions and shall apportion the cost of making such 56108  
connection between the railroads. 56109

When such connection is made, the railroads parties to it, 56110  
according to their respective powers, shall afford all reasonable 56111  
and proper facilities for the interchange of traffic between their 56112  
respective lines for forwarding and delivering passengers and 56113  
property, and without unreasonable delay or discrimination shall 56114  
transfer, switch, and deliver freight or passenger cars destine to 56115  
a point on its own or connecting lines. Precedence may be given to 56116  
livestock and perishable freight over other freight. Whenever a 56117  
derailing device is required at the intersection of any railroads 56118  
mentioned in this section, it shall be installed, maintained, and 56119  
operated as required by the commission, which may prescribe the 56120  
necessary rules and regulations for such operation, and designate 56121  
the companies that shall be responsible for the operation of such 56122  
derailing device. 56123

**Sec. 4907.49.** When two or more railroads cross a public highway or street at a dangerous crossing, the expenses incurred in the erection and maintenance of gates, bells, or other devices, and of necessary gatekeepers or ~~flagmen~~ flaggers, and apportioned by the public utilities commission as railroad expense, shall be shared equally by the railroads.

Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and 4923.~~ of the Revised Code do not prevent the use of automatic bells or other mechanical devices by a railroad at a public crossing not declared dangerous by the public utilities commission, nor do they prevent state, county, township, or municipal officials from entering into an agreement with a railroad to pay all or part of the expense of erecting a warning device. Any funds levied and made available for highways or street purposes may be used to pay the public share of the cost under such an agreement. If a gate is erected or a ~~flagman~~ flagger is stationed and maintained by a railroad, either alone or pursuant to such an agreement, the gate or ~~flagman~~ flagger shall not be abandoned nor an automatic bell or other mechanical device substituted for the gate or ~~flagman~~ flagger, unless the commission consents to the abandonment or substitution.

**Sec. 4907.57.** All claims, charges, or demands against a railroad for loss of or damage to property occurring while in the custody of such railroad and unreasonable delay in transportation and delivery, for overcharges upon a shipment, or for any other service in violation of Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code, if not paid within sixty days from the date of the filing thereof with such railroad, may be submitted to the public utilities commission by a formal complaint. Such complaint shall be made upon blank forms which the commission shall provide upon demand of the claimant.

Such complaint shall be verified as petitions in civil 56155  
actions and may be accompanied by the sworn statements of any 56156  
witnesses who have knowledge of any fact material to the inquiry. 56157  
Upon the filing of such complaint the commission shall forthwith 56158  
cite the railroad to answer the complaint, and the citation shall 56159  
be accompanied with a brief statement of the claim. The answer of 56160  
the railroad shall be filed within three weeks from the service of 56161  
the citation and shall be verified as answers in civil cases, and 56162  
may be accompanied with the affidavits of any witnesses having 56163  
knowledge of facts material to the inquiry. 56164

The burden of proof shall be upon the railroad to show that 56165  
loss or damage to property was not due to its negligence. The 56166  
railroad to which property is delivered for shipment shall prima 56167  
facie be liable for loss or damage occurring to such property in 56168  
transit notwithstanding such property may be delivered to other 56169  
railroads before reaching its destination. The claim referred to 56170  
in this section for loss of or damage to property may be made to 56171  
any carrier over whose lines the lost or damaged property was 56172  
consigned, and such claimant may at ~~his~~ the claimant's option join 56173  
all of such railroads as parties defendant in ~~his~~ the complaint 56174  
before said commission. The railroad shall furnish the claimant 56175  
with a copy of its answer and affidavits, and within two weeks 56176  
from the filing of such answers the claimant may file ~~his~~ a reply, 56177  
with affidavits in support thereof, verified as replies in civil 56178  
cases. At the expiration of said period of two weeks the 56179  
commission shall proceed summarily to examine the complaint, 56180  
answer, reply, and affidavits, and shall determine the existence 56181  
and validity of the claim presented. If the commission finds in 56182  
favor of the claimant it shall certify its findings to the clerk 56183  
of the court of common pleas of the county in which the claimant 56184  
resides or where the railroad or any of its offices is maintained. 56185

**Sec. 4907.59.** Upon request of the public utilities 56186

commission, the attorney general or the prosecuting attorney of 56187  
the proper county shall aid in an investigation, prosecution, 56188  
hearing, or trial had under Chapters 4901., 4903., 4905., 4907., 56189  
and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code, and shall 56190  
institute and prosecute necessary actions or proceedings for the 56191  
enforcement of such chapters and of other laws of this state 56192  
relating to railroads, and for the punishment of all violations of 56193  
such chapters and such other laws. 56194

**Sec. 4907.60.** If a railroad fails to perform a duty enjoined 56195  
upon it by Chapter 4901., 4903., 4905., 4907., 4909., ~~4921.,~~ 56196  
~~4923.,~~ or 4959. of the Revised Code, or does any act prohibited by 56197  
any of those chapters, for which failure or act no penalty or 56198  
forfeiture has been provided by law, or fails to obey a lawful 56199  
requirement or order made by the public utilities commission or 56200  
order of any court upon application of the commission, the 56201  
railroad, except as otherwise specifically provided in ~~sections~~ 56202  
~~4905.83,~~ section 4905.95, ~~4919.99, 4921.99, and 4923.99~~ of the 56203  
Revised Code, shall forfeit into the state treasury not less than 56204  
one hundred nor more than ten thousand dollars for each violation 56205  
or failure. In construing and enforcing this section, the act, 56206  
omission, or failure of any officer, agent, or other person acting 56207  
for or employed by a railroad, while acting within the scope of 56208  
the officer's, agent's, or other person's employment, is the act, 56209  
omission, or failure of the railroad. 56210

**Sec. 4907.61.** Except as otherwise specifically provided in 56211  
sections ~~4905.83,~~ 4905.96, ~~4919.99, 4921.99,~~ and 4923.99 of the 56212  
Revised Code, when the attorney general prosecutes an action for 56213  
the recovery of a forfeiture provided for in Chapter 4901., 4903., 56214  
4905., 4907., 4909., 4921., 4923., or 4959. of the Revised Code, 56215  
the attorney general may bring the action in the court of common 56216  
pleas of Franklin county or of any county having jurisdiction of 56217

the defendant. 56218

**Sec. 4907.62.** If a railroad does, causes, or permits anything 56219  
prohibited by Chapters 4901., 4903., 4905., 4907., and 4909. 56220  
~~4921., 4923., and 4925.~~ of the Revised Code to be done, or omits 56221  
doing anything required to be done by such chapters, such railroad 56222  
is liable to the person, firm, or corporation injured thereby in 56223  
treble the amount of damages sustained in consequence of such 56224  
violation or omission. A recovery provided by this section shall 56225  
not affect a recovery by the state of the penalty prescribed for 56226  
such violation. 56227

**Sec. 4909.01.** As used in this chapter: 56228

(A) "Public utility" has the same meaning as in section 56229  
4905.02 of the Revised Code. 56230

(B) "Electric light company," "gas company," "natural gas 56231  
company," "pipeline company," "water-works company," "sewage 56232  
disposal system company," and "street railway company" have the 56233  
same meanings as in section 4905.03 of the Revised Code. 56234

(C) "Railroad" has the same meaning as in section 4907.02 of 56235  
the Revised Code. 56236

(D) "~~Motor transportation company~~ For-hire motor carrier" has 56237  
the same meaning as in ~~sections 4905.03 and 4921.02~~ section 56238  
4921.01 of the Revised Code. 56239

**Sec. 4909.02.** All regulations, practices, and service of 56240  
railroad companies prescribed by the public utilities commission 56241  
shall be in force and be prima-facie reasonable, unless suspended 56242  
or found otherwise in an action brought for that purpose pursuant 56243  
to Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and~~ 56244  
~~4923.~~ of the Revised Code, or until changed or modified by the 56245  
commission. 56246

**Sec. 4909.03.** All rates, fares, charges, classifications, and joint rates of railroad companies fixed by the public utilities commission shall be in force and be prima-facie lawful for two years from the day they take effect, or until changed or modified by the commission or by an order of a competent court in an action under Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and 4923.~~ of the Revised Code.

**Sec. 4909.17.** No rate, joint rate, toll, classification, charge, or rental, no change in any rate, joint rate, toll, classification, charge, or rental, and no regulation or practice affecting any rate, joint rate, toll, classification, charge, or rental of a public utility shall become effective until the public utilities commission, by order, determines it to be just and reasonable, except as provided in this section and sections 4909.18, 4909.19, and 4909.191 of the Revised Code. Such sections do not apply to any rate, joint rate, toll, classification, charge, or rental, or any regulation or practice affecting the same, of railroads, street and electric railways, for-hire motor ~~transportation companies~~ carriers, and pipe line companies.

**Sec. 4909.22.** When passengers or property are transported over two or more connecting railroads between points in this state, and the railroad companies have made joint rates for the transportation of such passengers or property, such rates and all charges in connection therewith shall be just and reasonable. Every unjust and unreasonable charge is prohibited. A less charge by each of such railroads for its proportion of such joint rates than is made locally between the same points on their respective lines is not for that reason a violation of Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code and does not render such railroads liable to any of the



penalties in such chapters. 56277

**Sec. 4909.24.** Upon complaint of a person, firm, corporation, 56278  
or association, of a mercantile, agricultural, or manufacturing 56279  
society, or of a body politic or municipal organization, that any 56280  
of the rates, fares, charges, or classifications, or any joint 56281  
rates are in any respect unreasonable or unjustly discriminatory, 56282  
or that any regulation or practice, affecting the transportation 56283  
of persons or property, or any service in connection therewith, 56284  
are in any respect unreasonable or unjustly discriminatory, or 56285  
that any service is inadequate, the public utilities commission 56286  
may notify the railroad complained of that complaint has been 56287  
made, and ten days after such notice proceed to investigate such 56288  
charges as provided in Chapters 4901., 4903., 4905., 4907., and 56289  
4909., ~~4921., 4923., and 4925.~~ of the Revised Code. Before making 56290  
such investigation, the commission shall give the railroad and the 56291  
complainants ten days' notice of the time and place such matters 56292  
will be considered and determined, and such parties are entitled 56293  
to be heard and to have process to enforce the attendance of 56294  
witnesses. 56295

A railroad may make complaint with like effect as though made 56296  
by any person, firm, corporation, or association, ~~mercantile~~ 56297  
mercantile, agricultural, or manufacturing society, body politic, 56298  
or municipal organization. 56299

**Sec. 4909.28.** If, upon an investigation under Chapters 4901., 56300  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 56301  
Revised Code, the public utilities commission finds that any 56302  
existing rate, fare, charge, or classification, any joint rate, or 56303  
any regulation or practice affecting the transportation of persons 56304  
or property, or service in connection therewith, is unreasonable 56305  
or unjustly discriminatory, or that any service is inadequate, it 56306  
shall determine and by order fix a reasonable rate, fare, charge, 56307

classification, joint rate, regulation, practice, or service to be 56308  
imposed, observed, and followed in the future, in place of that so 56309  
found to be unreasonable, unjustly discriminatory, or inadequate. 56310  
A certified copy of each such order shall be delivered to an 56311  
officer or station agent of the railroad affected, and such order 56312  
shall of its own force take effect and become operative thirty 56313  
days after service. 56314

All railroads to which such order applies shall make such 56315  
changes in their schedules on file as are necessary to conform to 56316  
such order, and no change shall thereafter be made by any railroad 56317  
in any such rate, fare, or charge, or in any joint rate, without 56318  
the approval of the commission. 56319

**Sec. 4911.01.** As used in this chapter: 56320

(A) "Public utility" means every one as defined in divisions 56321  
(A)~~(1)~~, ~~(3)~~, ~~(4)~~, ~~(5)~~, ~~(6)~~, ~~(7)~~, ~~(8)~~, (C), (D), (E), (F), (G), 56322  
(H), and ~~(13)~~(M) of section 4905.03 of the Revised Code, including 56323  
all public utilities that operate their utilities not for profit, 56324  
except the following: 56325

(1) Electric light companies that operate their utilities not 56326  
for profit; 56327

(2) Public utilities, other than telephone companies, that 56328  
are owned and operated exclusively by and solely for the 56329  
utilities' customers; 56330

(3) Public utilities that are owned or operated by any 56331  
municipal corporation; 56332

(4) Railroads as defined in sections 4907.02 and 4907.03 of 56333  
the Revised Code. 56334

(B) "Residential consumer" means urban, suburban, and rural 56335  
patrons of public utilities insofar as their needs for utility 56336  
services are limited to their residence. 56337

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| <u>Sec. 4921.01. As used in this chapter:</u>                                                                                                                                                                                               | 56338                            |
| <u>(A) "Ambulance" has the same meaning as in section 4766.01 of the Revised Code.</u>                                                                                                                                                      | 56339<br>56340                   |
| <u>(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:</u>                       | 56341<br>56342<br>56343<br>56344 |
| <u>(1) The transportation of persons in taxicabs in the usual taxicab service;</u>                                                                                                                                                          | 56345<br>56346                   |
| <u>(2) The transportation of pupils in school busses operating to or from school sessions or school events;</u>                                                                                                                             | 56347<br>56348                   |
| <u>(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;</u>                                                                                                              | 56349<br>56350                   |
| <u>(4) The distribution of newspapers;</u>                                                                                                                                                                                                  | 56351                            |
| <u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>                                                                                                               | 56352<br>56353                   |
| <u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>                                                                                                                                                  | 56354<br>56355                   |
| <u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>                                                                                                                  | 56356<br>56357                   |
| <u>(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;</u> | 56358<br>56359<br>56360<br>56361 |
| <u>(9) The operation of motor vehicles for contractors on public road work.</u>                                                                                                                                                             | 56362<br>56363                   |
| <u>"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching</u>                                                 | 56364<br>56365<br>56366          |

drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 56367  
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Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with hazardous-material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with rules governing unified carrier registration adopted under section 4921.11 of the Revised Code. 56369  
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(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store. 56376  
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(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following: 56379  
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(1) Between a place in a state and a place outside of that state (including a place outside of the United States); 56381  
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(2) Between two places in a state through another state or a place outside of the United States; 56383  
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(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States. 56385  
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(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce." 56388  
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(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a 56391  
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fixed overhead wire, furnishing local passenger transportation 56397  
similar to street-railway service. 56398

(G) "Public highway" means any public street, road, or 56399  
highway in this state, whether within or without the corporate 56400  
limits of a municipal corporation. 56401

(H) "Ridesharing arrangement" means the transportation of 56402  
persons in a motor vehicle where such transportation is incidental 56403  
to another purpose of a volunteer driver, and includes ridesharing 56404  
arrangements known as carpools, vanpools, and buspools. 56405

(I) "School bus" has the same meaning as in section 4511.01 56406  
of the Revised Code. 56407

(J) "Trailer" means any vehicle without motive power designed 56408  
or used for carrying persons or property and for being drawn by a 56409  
separate motor vehicle, including any vehicle of the trailer type, 56410  
whether designed or used for carrying persons or property wholly 56411  
on its own structure, or so designed or used that a part of its 56412  
own weight or the weight of its load rests upon and is carried by 56413  
such motor vehicle. 56414

**Sec. 4921.03.** (A) No for-hire motor carrier may operate in 56415  
intrastate commerce unless the carrier has a current and valid 56416  
certificate of public convenience and necessity. 56417

(B) The public utilities commission shall issue a certificate 56418  
of public convenience and necessity to any person who does all of 56419  
the following: 56420

(1) Files with the commission, in accordance with rules 56421  
adopted under section 4921.05 of the Revised Code, a complete and 56422  
accurate application that shall include a certification that (a) 56423  
the person understands and is in compliance with the applicable 56424  
service, operation, and safety laws of this state and (b) the 56425  
person meets the requirements of section 4921.09 of the Revised 56426

Code; 56427

(2) Agrees to maintain accurate and current business and insurance information with the commission, in accordance with the commission's rules; 56428  
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(3) Has paid all applicable registration fees in accordance with rules adopted under section 4921.11 of the Revised Code, all applicable taxes under section 4921.19 of the Revised Code, and any forfeitures imposed under section 4923.99 of the Revised Code. 56431  
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(C) The commission shall have no power to fix, alter, or establish rates for the transportation of persons or property, nor shall the commission have the power to require or accept the filing of tariffs establishing such rates, except that the commission may accept the filing of tariffs establishing rates for the transportation of household goods. 56435  
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(D) A for-hire motor carrier may, at any time after a certificate of public convenience and necessity is granted or refused, file a new application or supplement a former application. 56441  
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(E) The commission may deny issuance of a certificate of public convenience and necessity for failure to comply with this section or rules adopted under section 4921.05 of the Revised Code. 56445  
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**Sec. 4921.05.** The public utilities commission shall adopt rules prescribing the manner and form in which a person shall apply for a certificate of public convenience and necessity under section 4921.03 of the Revised Code. The rules shall include a requirement that applications be made in writing on the blanks furnished by the commission and contain any information and certifications deemed necessary by the commission to carry out this chapter. 56449  
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Sec. 4921.07. (A) The public utilities commission shall adopt 56457  
rules regarding procedures and timelines by which a certificate of 56458  
public convenience and necessity issued under section 4921.03 of 56459  
the Revised Code may be suspended. At a minimum, the rules shall 56460  
require suspension of a certificate if the for-hire motor carrier 56461  
does any of the following: 56462

(1) Fails to file a complete and accurate application for the 56463  
certificate under section 4921.03 of the Revised Code; 56464

(2) Fails to maintain accurate and current business and 56465  
insurance information with the commission; 56466

(3) Fails to maintain proper proof of insurance or proper 56467  
levels of insurance under section 4921.09 of the Revised Code; 56468

(4) Fails to pay all applicable registration fees in 56469  
accordance with rules adopted under section 4921.11 of the Revised 56470  
Code, all applicable taxes under section 4921.19 of the Revised 56471  
Code, and any forfeitures imposed under section 4923.99 of the 56472  
Revised Code; 56473

(5) Requests to suspend the carrier's operations. 56474

(B)(1) The commission shall adopt rules regarding procedures 56475  
and timelines by which a certificate suspended under division (A) 56476  
of this section may be revoked if the conditions giving rise to 56477  
the suspension are not remedied. 56478

(2) The commission shall provide the carrier with written 56479  
notice indicating the nature of the deficiency, a proposed 56480  
effective date of the revocation, and the means by which the 56481  
deficiency may be remedied. The carrier may correct the identified 56482  
deficiency or submit evidence refuting the proposed revocation 56483  
within sixty days from the date of the notice. The commission may 56484  
extend the sixty-day period for good cause shown. The commission 56485  
may revoke the certificate after the remedy period if the carrier 56486

has not provided sufficient evidence to remedy the deficiency. 56487

Sec. 4921.09. (A) No certificate of public convenience and necessity shall be issued by the public utilities commission to any for-hire motor carrier until the carrier has filed with the commission a liability insurance certificate, policy, or bond satisfactory to the commission, in the sum and with the provisions the commission considers necessary adequately to protect the interests of the public, having due regard for the number of persons and amount of property affected. The certificate, policy, or bond shall insure the carrier against loss sustained by reason of death or injuries to persons and for loss or damage to property resulting from the negligence of the carrier. 56488  
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(B) No certificate for the transportation of household goods shall be issued to a for-hire motor carrier pursuant to sections 4921.30 to 4921.38 of the Revised Code until it has filed with the commission a freight cargo insurance certificate, policy, or bond that the commission has determined to be adequate to protect the interests of the shipping public. 56499  
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(C) The Commission shall adopt rules to achieve the purposes of this section that are not incompatible with the requirements of the United States department of transportation. The rules shall at a minimum address all of the following: 56505  
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(1) The minimum levels of financial responsibility for each type of for-hire motor carrier; 56509  
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(2) The form and type of documents to be filed with the commission; 56511  
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(3) The manner by which documents may be filed with the commission; 56513  
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(4) The timelines for filing documents with the commission. 56515

(D) If a certificate, policy, or bond required under division 56516



(A) of this section is canceled during its term or lapses for any reason, both of the following apply: 56517  
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(1) All operations under the certificate of public convenience and necessity shall cease immediately, and further operations shall not be conducted until a replacement is filed with the commission under division (D)(2) of this section. 56519  
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(2) The commission shall require the company to replace the certificate, policy, or bond with another that fully complies with the requirements of this section. 56523  
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The certificate of public convenience and necessity shall be reinstated only after a satisfactory insurance certificate, policy, or bond has been filed with the commission. 56526  
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(E) To ensure minimum standards of protection of consumers' household goods, the commission may adopt rules, not incompatible with the requirements of the United States department of transportation, governing requirements for cargo insurance for for-hire motor carriers engaged in the transportation of household goods over a public highway in this state. 56529  
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Sec. 4921.11. The public utilities commission shall adopt rules applicable to registration pursuant to the unified carrier registration plan, codified as 49 U.S.C. 14504a, and the rules, procedures, and fee schedules adopted thereunder, in accordance with division (G) of section 4921.19 of the Revised Code. 56535  
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Sec. 4921.13. (A) The public utilities commission shall adopt rules applicable to the filing of annual update forms and the payment of taxes by for-hire motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation. The rules shall at a minimum address all of the following: 56540  
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(1) The information and certifications that must be provided 56546

to the commission on an annual update form, including a 56547  
certification that the carrier continues to be in compliance with 56548  
the applicable laws of this state. 56549

(2) Documentation and information that must be provided 56550  
regarding proof of financial responsibility; 56551

(3) The form and manner in which taxes may be paid under 56552  
section 4921.19 of the Revised Code. 56553

(B) The rules may address any other information that the 56554  
commission determines is necessary to carry out this section. 56555

(C) A for-hire motor carrier shall not be issued a tax 56556  
receipt under division (C) of section 4921.19 of the Revised Code 56557  
until all of the following have been satisfied: 56558

(1) A complete and accurate annual update form has been filed 56559  
with the commission; 56560

(2) Proof of financial responsibility remains in effect; 56561

(3) All applicable registration fees in accordance with rules 56562  
adopted under section 4921.11 of the Revised Code, all applicable 56563  
taxes under section 4921.19 of the Revised Code, and any 56564  
forfeitures imposed under section 4923.99 of the Revised Code have 56565  
been paid in full. 56566

**Sec. 4921.15.** (A) As used in sections 4921.15, 4921.16, and 56567  
4921.19 of the Revised Code: 56568

(1) "Uniform registration" has the same meaning as 56569  
"registration" as used in the final report submitted to the United 56570  
States secretary of transportation, pursuant to subsection (c) of 56571  
section 22 of the "Hazardous Materials Transportation Uniform 56572  
Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. 56573

(2) "Uniform permit" has the same meaning as "permit" as used 56574  
in the final report submitted to the United States secretary of 56575

transportation, pursuant to subsection (c) of section 22 of the 56576  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56577  
104 Stat. 3244, 49 U.S.C.A. App. 1819. 56578

(B)(1) The public utilities commission may adopt rules 56579  
applicable to the uniform registration and uniform permitting of 56580  
persons engaged in the highway transportation of hazardous 56581  
materials into, through, or within this state. The rules shall 56582  
include rules staggering the registration date for those persons 56583  
and reducing or extending, by no more than one year, the permit 56584  
renewal period for those persons. 56585

(2) For the purpose of minimizing filing requirements 56586  
regarding any background investigation required for the issuance 56587  
of a uniform permit as a carrier of hazardous wastes, the 56588  
commission shall accept from any applicant for the permit any 56589  
refiling of information the applicant has filed with the office of 56590  
the attorney general under section 3734.42 of the Revised Code or 56591  
any reference to that information if the refiled or referenced 56592  
information is on file with the office of the attorney general, is 56593  
accurate and timely for the commission's purposes under this 56594  
section, and is supplemented by any additional information the 56595  
commission requires. The office of the attorney general, as 56596  
necessary for a background investigation, shall make accessible to 56597  
the commission any information referenced or refiled in an 56598  
application for a uniform permit as a carrier of hazardous wastes 56599  
that the attorney general determines may be disclosed in 56600  
accordance with section 3734.42 of the Revised Code. Nothing in 56601  
sections 4921.15, 4921.16, and division (H) of section 4921.19 of 56602  
the Revised Code affects any limitations under section 3734.42 of 56603  
the Revised Code on the disclosure of that information. 56604

(C) The commission, as necessary to implement the rules 56605  
adopted under division (B) of this section, may enter into 56606  
agreements, contracts, arrangements, or declarations with other 56607

states and with the national repository, established pursuant to 56608  
the final report submitted to the United States secretary of 56609  
transportation, pursuant to subsection (c) of section 22 of the 56610  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56611  
104 Stat. 3244, 49 U.S.C.A. App. 1819. The agreements, contracts, 56612  
arrangements, or declarations shall include, but not be limited 56613  
to, the determination of a base state, the collection of uniform 56614  
registration fees, the frequency of distribution of uniform 56615  
registration fees, procedures for dispute resolution, and 56616  
protection of trade secrets and confidential business information. 56617

(D) No person shall knowingly falsify or fail to submit any 56618  
data, reports, records, or other information required to be 56619  
submitted to the commission pursuant to this section or a rule 56620  
adopted under it. For purposes of this division, a person acts 56621  
knowingly if either of the following applies: 56622

(1) The person has actual knowledge of the facts giving rise 56623  
to the violation. 56624

(2) A reasonable person acting in the circumstances and 56625  
exercising due care would have such knowledge. 56626

(E) After notice and opportunity for a hearing, the 56627  
commission, pursuant to criteria set forth in rules adopted under 56628  
division (B) of this section, may suspend, revoke, or deny the 56629  
uniform permit as a carrier of hazardous materials of any person 56630  
that has obtained or applied for such a uniform permit from the 56631  
commission pursuant to rules adopted under that division, or the 56632  
commission may order the suspension of the transportation of 56633  
hazardous materials into, through, or within this state by a 56634  
carrier that has obtained a uniform permit from another state that 56635  
has a reciprocity agreement with the commission pursuant to 56636  
division (C) of this section. 56637

(F)(1) The proceedings specified in division (E) of this 56638

section are subject to and governed by Chapter 4903. of the 56639  
Revised Code, except as otherwise provided in this section. The 56640  
court of appeals of Franklin county has exclusive original 56641  
jurisdiction to review, modify, or vacate any order of the 56642  
commission suspending, revoking, or denying a uniform permit as a 56643  
carrier of hazardous materials of any person that has obtained or 56644  
applied for a uniform permit from the commission pursuant to rules 56645  
adopted under division (B) of this section, or any order of the 56646  
commission suspending the transportation of hazardous materials 56647  
into, through, or within this state by a carrier that has obtained 56648  
a uniform permit from another state that has a reciprocity 56649  
agreement with the commission under division (C) of this section. 56650  
The court of appeals shall hear and determine those appeals in the 56651  
same manner and under the same standards as the Ohio supreme court 56652  
hears and determines appeals under Chapter 4903. of the Revised 56653  
Code. The judgment of the court of appeals is final and conclusive 56654  
unless reversed, vacated, or modified on appeal. Such appeals may 56655  
be taken either by the commission or the person to whom the order 56656  
was issued and shall proceed as in the case of appeals in civil 56657  
actions as provided in Chapter 2505. of the Revised Code. 56658

(2) Section 4903.11 of the Revised Code does not apply to 56659  
appeals of any order of the commission suspending, revoking, or 56660  
denying a uniform permit of a person that has obtained or applied 56661  
for a uniform permit from the commission pursuant to rules adopted 56662  
under division (B) of this section, or of any order of the 56663  
commission suspending the transportation of hazardous materials 56664  
into, through, or within this state by a carrier that has obtained 56665  
a uniform permit from another state that has a reciprocity 56666  
agreement with the commission pursuant to division (C) of this 56667  
section. Any person to whom such an order is issued who wishes to 56668  
contest the order shall file, within sixty days after the entry of 56669  
the order upon the journal of the commission, a notice of appeal, 56670  
setting forth the order appealed from and the errors complained 56671

of. The notice of appeal shall be served, unless waived, upon the 56672  
chairperson of the commission or, in the event of the 56673  
chairperson's absence, upon any public utilities commissioner, or 56674  
by leaving a copy at the office of the commission at Columbus. On 56675  
appeal, the court shall reverse, vacate, or modify the order if, 56676  
upon consideration of the record, the court is of the opinion that 56677  
the order was unlawful or unreasonable. 56678

Sec. 4921.16. (A) Information submitted to the public 56679  
utilities commission as part of a uniform registration 56680  
application, pursuant to rules adopted under division (B) of 56681  
section 4921.15 of the Revised Code, is a public record and is 56682  
subject to section 149.43 of the Revised Code. 56683

(B) Except for information related to corporate structure and 56684  
personnel, information that is submitted to the commission as part 56685  
of a uniform permit application, pursuant to rules adopted under 56686  
division (B) of section 4921.15 of the Revised Code, is a public 56687  
record and is subject to section 149.43 of the Revised Code. 56688  
Information that is related to corporate structure and personnel 56689  
that is submitted to the commission as part of a uniform permit 56690  
application, pursuant to rules adopted under division (B) of 56691  
section 4921.15 of the Revised Code, is not a public record and is 56692  
not subject to section 149.43 of the Revised Code. Except as 56693  
provided in division (D) of this section, the commission shall not 56694  
disclose to any person any information that is related to 56695  
corporate structure and personnel that is submitted as part of a 56696  
uniform permit application. 56697

(C) Information that is submitted for any background 56698  
investigation for an application for a uniform permit as a carrier 56699  
of hazardous wastes is not a public record and is not subject to 56700  
section 149.43 of the Revised Code. Except as provided in division 56701  
(D) of this section, the commission shall not disclose to any 56702

person any information submitted for any background investigation 56703  
for such an application. 56704

(D) The commission may disclose to its authorized employees 56705  
and to any federal agencies, state agencies of this state or 56706  
another state, local government agencies of this state or another 56707  
state, or the national repository established pursuant to the 56708  
final report submitted to the United States secretary of 56709  
transportation, pursuant to subsection (c) of section 22 of the 56710  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56711  
104 Stat. 3244, 49 U.S.C.A. App. 1819, any information submitted 56712  
to the commission as part of a uniform permit application that is 56713  
related to corporate structure and personnel or submitted for any 56714  
background investigation for an application for a uniform permit 56715  
as a carrier of hazardous wastes if all of the following 56716  
conditions are met: 56717

(1) The commission enters into a confidentiality agreement 56718  
with the employee, agency, or national repository under which that 56719  
employee or entity agrees not to disclose to any third party any 56720  
information related to corporate structure or personnel or any 56721  
information submitted as part of a background investigation unless 56722  
the third party enters into a confidentiality agreement with the 56723  
commission consistent with this division. 56724

(2) The employee, agency, or national repository certifies to 56725  
the commission that it is not required by any state or federal law 56726  
to disclose any information related to corporate structure or 56727  
personnel or any information submitted as part of a background 56728  
investigation. 56729

(3) The federal agency, state or local government agency of 56730  
another state, or national repository irrevocably consents in 56731  
writing to the jurisdiction of the courts of this state and 56732  
service of process in this state, including, without limitation, 56733  
summonses and subpoenas, for any civil proceeding arising out of 56734

an intentional disclosure of information in violation of this 56735  
division. 56736

(E) Any person who intentionally discloses information in 56737  
violation of division (D) of this section is liable to the owner 56738  
of the information for civil damages caused by the disclosure. 56739

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 56740  
this state shall, at the time of the issuance of a certificate of 56741  
public convenience and necessity under section 4921.03 of the 56742  
Revised Code, pay to the public utilities commission, for and on 56743  
behalf of the treasurer of state, the following taxes: 56744

(1) For each motor vehicle used for transporting persons, 56745  
thirty dollars; 56746

(2) For each commercial tractor, as defined in section 56747  
4501.01 of the Revised Code, used for transporting property, 56748  
thirty dollars; 56749

(3) For each other motor vehicle transporting property, 56750  
twenty dollars. 56751

(B) Every for-hire motor carrier operating in this state 56752  
solely in intrastate commerce shall, annually between the first 56753  
day of May and the thirtieth day of June, pay to the commission, 56754  
for and on behalf of the treasurer of state, the following taxes: 56755

(1) For each motor vehicle used for transporting persons, 56756  
thirty dollars; 56757

(2) For each commercial tractor, as defined in section 56758  
4501.01 of the Revised Code, used for transporting property, 56759  
thirty dollars; 56760

(3) For each other motor vehicle transporting property, 56761  
twenty dollars. 56762

(C) After a for-hire motor carrier has paid the applicable 56763



taxes under division (B) of this section and all requirements 56764  
under division (C) of section 4921.13 of the Revised Code have 56765  
been met, the commission shall issue the carrier a tax receipt. 56766  
The carrier shall carry a copy of the tax receipt in each motor 56767  
vehicle operated by the carrier. The carrier shall maintain the 56768  
original copy of the tax receipt at the carrier's primary place of 56769  
business. 56770

(D) A trailer used by a for-hire motor carrier shall not be 56771  
taxed under this section. 56772

(E) The annual tax levied by division (B) of this section 56773  
does not apply in those cases where the commission finds that the 56774  
movement of agricultural commodities or foodstuffs produced 56775  
therefrom requires a temporary and seasonal use of vehicular 56776  
equipment for a period of not more than ninety days. In such 56777  
event, the tax on the vehicular equipment shall be twenty-five per 56778  
cent of the annual tax levied by division (B) of this section. If 56779  
any vehicular equipment is used in excess of the ninety-day 56780  
period, the annual tax levied by this section shall be paid. 56781

(F) All taxes levied by division (B) of this section shall be 56782  
reckoned as from the beginning of the quarter in which the tax 56783  
receipt is issued or as from when the use of equipment under any 56784  
existing tax receipt began. 56785

(G) The fees for unified carrier registration pursuant to 56786  
section 4921.11 of the Revised Code shall be identical to those 56787  
established by the unified carrier registration act board as 56788  
approved by the federal motor carrier safety administration for 56789  
each year. 56790

(H)(1) The fees for uniform registration and a uniform permit 56791  
as a carrier of hazardous materials pursuant to section 4921.15 of 56792  
the Revised Code shall consist of the following: 56793

(a) A processing fee of fifty dollars; 56794

(b) An apportioned per-truck registration fee, which shall be 56795  
calculated by multiplying the percentage of a registrant's 56796  
activity in this state times the percentage of the registrant's 56797  
business that is hazardous-materials-related, times the number of 56798  
vehicles owned or operated by the registrant, times a per-truck 56799  
fee determined by order of the commission following public notice 56800  
and an opportunity for comment. 56801

(i) The percentage of a registrant's activity in this state 56802  
shall be calculated by dividing the number of miles that the 56803  
registrant travels in this state under the international 56804  
registration plan, pursuant to section 4503.61 of the Revised 56805  
Code, by the number of miles that the registrant travels 56806  
nationwide under the international registration plan. Registrants 56807  
that operate solely within this state shall use one hundred per 56808  
cent as their percentage of activity. Registrants that do not 56809  
register their vehicles through the international registration 56810  
plan shall calculate activity in the state in the same manner as 56811  
that required by the international registration plan. 56812

(ii) The percentage of a registrant's business that is 56813  
hazardous-materials-related shall be calculated, for 56814  
less-than-truckload shipments, by dividing the weight of all the 56815  
registrant's hazardous materials shipments by the total weight of 56816  
all shipments in the previous year. The percentage of a 56817  
registrant's business that is hazardous-materials-related shall be 56818  
calculated, for truckload shipments, by dividing the number of 56819  
shipments for which placarding, marking of the vehicle, or 56820  
manifesting, as appropriate, was required by regulations adopted 56821  
under sections 4 to 6 of the "Hazardous Materials Transportation 56822  
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 56823  
by the total number of the registrant's shipments that transported 56824  
any kind of goods in the previous year. A registrant that 56825  
transports both less-than-truckload and truckload shipments of 56826

hazardous materials shall calculate the percentage of business 56827  
that is hazardous-materials-related on a proportional basis. 56828

(iii) A registrant may utilize fiscal year, or calendar year, 56829  
or other current company accounting data, or other publicly 56830  
available information, in calculating the percentages required by 56831  
divisions (H)(1)(b)(i) and (ii) of this section. 56832

(2) The commission, after notice and opportunity for a 56833  
hearing, may assess each carrier a fee for any background 56834  
investigation required for the issuance, for the purpose of 56835  
section 3734.15 of the Revised Code, of a uniform permit as a 56836  
carrier of hazardous wastes and fees related to investigations and 56837  
proceedings for the denial, suspension, or revocation of a uniform 56838  
permit as a carrier of hazardous materials. The fees shall not 56839  
exceed the reasonable costs of the investigations and proceedings. 56840  
The fee for a background investigation for a uniform permit as a 56841  
carrier of hazardous wastes shall be six hundred dollars plus the 56842  
costs of obtaining any necessary information not included in the 56843  
permit application, to be calculated at the rate of thirty dollars 56844  
per hour, not exceeding six hundred dollars, plus any fees payable 56845  
to obtain necessary information. 56846

(I) The application fee for a certificate for the 56847  
transportation of household goods issued pursuant to sections 56848  
4921.30 to 4921.38 of the Revised Code shall be based on the 56849  
certificate holder's gross revenue, in the prior year, for the 56850  
intrastate transportation of household goods. The commission shall 56851  
establish, by order, ranges of gross revenue and the fee for each 56852  
range. The fees shall be set in amounts sufficient to carry out 56853  
the purposes of sections 4921.30 to 4921.38 and 4923.99 of the 56854  
Revised Code and, to the extent necessary, the commission shall 56855  
make changes to the fee structure to ensure that neither over nor 56856  
under collection of the fees occurs. The fees shall also take into 56857  
consideration the revenue generated from the assessment of 56858

forfeitures under section 4923.99 of the Revised Code regarding 56859  
the consumer protection provisions applicable to for-hire motor 56860  
carriers engaged in the transportation of household goods. 56861

(J) The fees and taxes provided under this section shall be 56862  
in addition to taxes, fees, and charges fixed and exacted by other 56863  
sections of the Revised Code, except the assessments required by 56864  
section 4905.10 of the Revised Code, but all fees, license fees, 56865  
annual payments, license taxes, or taxes or other money exactions, 56866  
except the general property tax, assessed, charged, fixed, or 56867  
exacted by local authorities such as municipal corporations, 56868  
townships, counties, or other local boards, or the officers of 56869  
such subdivisions are illegal and, are superseded by sections 56870  
4503.04 and 4905.03 and Chapter 4921. of the Revised Code. On 56871  
compliance with sections 4503.04 and 4905.03 and Chapter 4921. of 56872  
the Revised Code, all local ordinances, resolutions, by laws, and 56873  
rules in force shall cease to be operative as to the persons in 56874  
compliance, except that such local subdivisions may make 56875  
reasonable local police regulations within their respective 56876  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 56877  
Chapter 4921. of the Revised Code. 56878

**Sec. 4921.21.** (A) As used in this section, "adjusted credit 56879  
amount" means the aggregate amount credited to the public 56880  
utilities transportation safety fund, less the sum of all of the 56881  
following: 56882

(1) The fees collected by the public utilities commission, in 56883  
accordance with the unified carrier registration plan under 56884  
section 4921.11 of the Revised Code, that exceed the federal 56885  
certification of revenue for each year of the plan; 56886

(2) The fees collected by the commission on behalf of other 56887  
states under division (C) of section 4921.15 of the Revised Code; 56888

(3) The forfeitures collected by the commission under section 56889

4923.99 of the Revised Code for violations of rules adopted under 56890  
division (A)(2) of section 4923.04 of the Revised Code. 56891

(B)(1) There is hereby created in the state treasury the 56892  
public utilities transportation safety fund. The fees collected in 56893  
accordance with the unified carrier registration plan under 56894  
section 4921.11 of the Revised Code, the fees collected under 56895  
section 4921.15 of the Revised Code, the taxes and fees remitted 56896  
under section 4921.19 of the Revised Code, the forfeitures imposed 56897  
under section 4923.99 of the Revised Code, except as provided in 56898  
division (B)(2) of this section, and the fines collected under 56899  
section 4163.07 of the Revised Code shall be deposited into the 56900  
state treasury to the credit of the public utilities 56901  
transportation safety fund, until the adjusted credit amount in a 56902  
fiscal year is equal to the total amount appropriated from the 56903  
fund for the fiscal year. Once this point of parity is reached, 56904  
any additional fees, taxes, forfeitures, or fines received during 56905  
the fiscal year shall be credited to the general revenue fund, 56906  
except as provided in division (B)(2) of this section, and except 56907  
for both of the following: 56908

(a) The fees collected in accordance with the unified carrier 56909  
registration plan under section 4921.11 of the Revised Code, that 56910  
exceed the federal certification of revenue for each year of the 56911  
plan; 56912

(b) The fees collected on behalf of other states under 56913  
division (C) of section 4921.15 of the Revised Code. 56914

(2) The first eight hundred thousand dollars of forfeitures 56915  
collected under section 4923.99 of the Revised Code, for 56916  
violations of rules adopted under division (A)(2) of section 56917  
4923.04 of the Revised Code, during each fiscal year shall be 56918  
credited to the public utilities transportation safety fund. Any 56919  
forfeitures in excess of that amount shall be deposited into the 56920  
general revenue fund. In each fiscal year, the commission shall 56921

distribute moneys from these forfeitures credited to the public 56922  
utilities transportation safety fund for the purposes of emergency 56923  
response planning and the training of safety, enforcement, and 56924  
emergency services personnel in proper techniques for the 56925  
management of hazardous materials releases that occur during 56926  
transportation or otherwise. For these purposes, fifty per cent of 56927  
all such moneys credited to the public utilities transportation 56928  
safety fund shall be distributed to Cleveland state university, 56929  
forty-five per cent shall be distributed to other educational 56930  
institutions, state agencies, regional planning commissions, and 56931  
political subdivisions, and five per cent shall be retained by the 56932  
commission for the administration of this section and for training 56933  
employees. However, if, in any such period, moneys from these 56934  
forfeitures credited to the public utilities transportation safety 56935  
fund equal an amount less than four hundred thousand dollars, the 56936  
commission shall distribute, to the extent of the aggregate amount 56937  
of those moneys, two hundred thousand dollars to Cleveland state 56938  
university and the remainder to other educational institutions, 56939  
state agencies, regional planning commissions, and political 56940  
subdivisions. 56941

(C) The purpose of the public utilities transportation safety 56942  
fund shall be for defraying all expenses incident to maintaining 56943  
the nonrailroad transportation activities of the commission. 56944

(D) There is hereby created in the state treasury the federal 56945  
commercial vehicle transportation systems fund. The fund shall 56946  
consist of money received from the United States department of 56947  
transportation's commercial vehicle intelligent transportation 56948  
systems infrastructure deployment program. The public utilities 56949  
commission shall use the fund to deploy the Ohio commercial 56950  
vehicle information systems networks project and to improve safety 56951  
of motor carrier operations through electronic exchange of data. 56952

(E) There is hereby created in the state treasury the motor 56953

carrier safety fund. The fund shall consist of money received from 56954  
the United States department of transportation for motor carrier 56955  
safety. The commission shall use the fund to administer the 56956  
state's motor carrier safety assistance program and associated 56957  
grants, including the motor carrier safety assistance program 56958  
basic grant, the incentive grant, the high priority grants, the 56959  
new entrant safety assurance grant, the safety data improvement 56960  
grant, or their equivalents. 56961

(F) If the director of budget and management determines there 56962  
is not sufficient money in the public utilities transportation 56963  
safety fund, the director shall transfer money from the general 56964  
revenue fund to the public utilities transportation safety fund in 56965  
an amount up to the difference between the balance of the public 56966  
utilities transportation safety fund and the appropriations from 56967  
that fund. If the director subsequently determines during the 56968  
fiscal year that the balance of the public utilities 56969  
transportation safety fund exceeds the amount needed to support 56970  
the appropriations from the fund, the director shall transfer the 56971  
excess money, up to the amount of the original transfer, to the 56972  
general revenue fund. 56973

Sec. 4921.25. Any person, firm, copartnership, voluntary 56974  
association, joint-stock association, company, or corporation, 56975  
wherever organized or incorporated, that is engaged in the towing 56976  
of motor vehicles is subject to regulation by the public utilities 56977  
commission as a for-hire motor carrier under this chapter. Such an 56978  
entity is not subject to any ordinance, rule, or resolution of a 56979  
municipal corporation, county, or township that provides for the 56980  
licensing, registering, or regulation of entities that tow motor 56981  
vehicles. 56982

Sec. 4921.30. Except as otherwise provided in sections 56983  
4921.32 to 4921.38 of the Revised Code, a for-hire motor carrier 56984

engaged in the transportation of household goods in intrastate 56985  
commerce: 56986

(A) Is subject to Chapter 4921. of the Revised Code and to 56987  
all other provisions of the Revised Code applicable to a for-hire 56988  
motor carrier, including sections 4506.22, 4511.78, 5502.01, 56989  
5503.02, and 5503.34 of the Revised Code; 56990

(B) Is not a public utility as defined in section 4911.01 of 56991  
the Revised Code. 56992

**Sec. 4921.32.** Notwithstanding any provision of this chapter 56993  
or Chapters 4901. to 4909. and 4923. of the Revised Code to the 56994  
contrary: 56995

(A) Not later than six months after the effective date of 56996  
this section, the public utilities commission, in accordance with 56997  
sections 4921.30 to 4921.38 of the Revised Code, shall establish 56998  
by order a certification system for for-hire motor carriers 56999  
engaged in the transportation of household goods in intrastate 57000  
commerce. 57001

(B) Beginning on the effective date of the order of the 57002  
commission as initially issued under division (A) of this section, 57003  
no for-hire motor carrier shall engage in the transportation of 57004  
household goods in intrastate commerce without first holding a 57005  
current and valid certificate for the transportation of household 57006  
goods issued by the commission pursuant to sections 4921.30 to 57007  
4921.38 of the Revised Code. 57008

**Sec. 4921.34.** (A) The public utilities commission shall 57009  
approve an application for a certificate for the transportation of 57010  
household goods under sections 4921.30 to 4921.38 of the Revised 57011  
Code and shall issue a certificate, provided the applicant pays 57012  
the applicable application fee under division (I) of section 57013  
4921.19 of the Revised Code and submits to the commission a 57014



completed application, on a form prescribed by the commission, 57015  
that is substantially the same as the application prescribed by 57016  
the commission pursuant to section 4921.05 of the Revised Code, 57017  
and includes a certification of all of the following by 57018  
responsible officials of the applicant: 57019

(1) The applicant's workers' compensation coverage is current 57020  
pursuant to Chapter 4123. of the Revised Code. 57021

(2) The applicant's unemployment compensation coverage is 57022  
current pursuant to Chapter 4141. of the Revised Code. 57023

(3) The applicant's financial responsibility is in accordance 57024  
with rules adopted by the commission under section 4921.09 of the 57025  
Revised Code. 57026

(B) The commission shall not approve any application that 57027  
does not contain the proper certifications required by this 57028  
section. The commission may revoke a certificate issued under 57029  
division (A) of this section if, after at least fifteen days' 57030  
advance notice to the certificate holder of the basis for such 57031  
action and providing the holder with an opportunity for a hearing, 57032  
the commission finds that the holder is not in compliance with 57033  
this chapter, or rules adopted or orders issued under it. 57034

(C) A certificate issued under division (A) of this section 57035  
is valid for one year and is renewable annually. 57036

**Sec. 4921.36.** Each holder of a certificate for the 57037  
transportation of household goods shall do all of the following: 57038

(A) Make its current certificate available for public 57039  
inspection during normal business hours; 57040

(B) Present each of its customers with information, written 57041  
in plain and clear language and pursuant to a form prescribed by 57042  
the public utilities commission, outlining a consumer's rights; 57043

(C) Include its certificate number on all advertising, 57044  
written estimates, and contracts, pursuant to rules adopted by the 57045  
commission. 57046

Sec. 4921.38. In accordance with sections 4921.30 to 4921.36 57047  
of the Revised Code, the public utilities commission may adopt 57048  
rules regarding any of the following: 57049

(A) Providing for binding estimates by for-hire motor 57050  
carriers engaged in the transportation of household goods in 57051  
intrastate commerce; 57052

(B) Providing for guaranteed-not-to-exceed estimates by those 57053  
carriers; 57054

(C) Requiring those carriers to include their certificate 57055  
number in all advertising, written estimates, and contracts 57056  
related to the transportation of household goods in intrastate 57057  
commerce; 57058

(D) As are necessary and proper to carry out this chapter 57059  
with respect to those carriers; 57060

(E) Providing for the enforcement of the consumer protection 57061  
provisions of Title 49 of the United States Code related to the 57062  
delivery and transportation of household goods in interstate 57063  
commerce, as permitted by 49 U.S.C. 14710. 57064

Sec. 4923.01. As used in this chapter: 57065

(A) "Ambulance," "interstate commerce," "intrastate 57066  
commerce," "motor vehicle," "public highway," "ridesharing 57067  
arrangement," and "school bus" have the same meanings as in 57068  
section 4921.01 of the Revised Code. 57069

(B) "For-hire motor carrier" means a person engaged in the 57070  
business of transporting persons or property by motor vehicle for 57071  
compensation, except when engaged in any of the following in 57072

|                                                                                                                                                                                                                                                                                                                                 |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>intrastate commerce:</u>                                                                                                                                                                                                                                                                                                     | 57073 |
| <u>(1) The transportation of persons in taxicabs in the usual taxicab service;</u>                                                                                                                                                                                                                                              | 57074 |
|                                                                                                                                                                                                                                                                                                                                 | 57075 |
| <u>(2) The transportation of pupils in school busses operating to or from school sessions or school events;</u>                                                                                                                                                                                                                 | 57076 |
|                                                                                                                                                                                                                                                                                                                                 | 57077 |
| <u>(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;</u>                                                                                                                                                                                                  | 57078 |
|                                                                                                                                                                                                                                                                                                                                 | 57079 |
| <u>(4) The distribution of newspapers;</u>                                                                                                                                                                                                                                                                                      | 57080 |
| <u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>                                                                                                                                                                                                   | 57081 |
|                                                                                                                                                                                                                                                                                                                                 | 57082 |
| <u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>                                                                                                                                                                                                                                      | 57083 |
|                                                                                                                                                                                                                                                                                                                                 | 57084 |
| <u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>                                                                                                                                                                                                      | 57085 |
|                                                                                                                                                                                                                                                                                                                                 | 57086 |
| <u>(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;</u>                                                                                     | 57087 |
|                                                                                                                                                                                                                                                                                                                                 | 57088 |
|                                                                                                                                                                                                                                                                                                                                 | 57089 |
|                                                                                                                                                                                                                                                                                                                                 | 57090 |
| <u>(9) The operation of motor vehicles for contractors on public road work.</u>                                                                                                                                                                                                                                                 | 57091 |
|                                                                                                                                                                                                                                                                                                                                 | 57092 |
| <u>"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.</u>      | 57093 |
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|                                                                                                                                                                                                                                                                                                                                 | 57097 |
| <u>Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the</u> | 57098 |
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Revised Code, or from compliance with rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code. 57103  
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(C) "Motor carrier" means both a for-hire motor carrier and a private motor carrier. 57106  
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(D) "Private motor carrier" means a person who is not a for-hire motor carrier but is engaged in the business of transporting persons or property by motor vehicle, except as provided in section 4923.02 of the Revised Code. "Private motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 57108  
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**Sec. 4923.02.** (A) As used in this chapter, "private motor carrier" does not include a person when engaged in any of the following in intrastate commerce: 57117  
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(1) The transportation of persons in taxicabs in the usual taxicab service; 57120  
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(2) The transportation of pupils in school busses operating to or from school sessions or school events; 57122  
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(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants; 57124  
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(4) The distribution of newspapers; 57126

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line; 57127  
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(6) The transportation of injured, ill, or deceased persons by hearse or ambulance; 57129  
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(7) The transportation of compost (a combination of manure 57131

and sand or shredded bark mulch) or shredded bark mulch; 57132

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 57133  
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(9) The operation of motor vehicles for contractors on public road work. 57137  
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(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies: 57139  
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(1) The governor of this state has declared an emergency. 57143

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency. 57144  
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(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section. 57146  
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with either of the following: 57151  
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 57154  
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code. 57158  
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**Sec. 4923.04.** (A)(1) The public utilities commission shall 57160

adopt rules applicable to the transportation of persons or 57161  
property by motor carriers operating in interstate and intrastate 57162  
commerce. 57163

(2) The commission shall adopt rules applicable to the 57164  
highway transportation and offering for transportation of 57165  
hazardous materials by motor carriers, and persons engaging in the 57166  
highway transportation and offering for transportation of 57167  
hazardous materials, operating in interstate or intrastate 57168  
commerce. 57169

(B) The rules adopted under division (A) of this section 57170  
shall not be incompatible with the requirements of the United 57171  
States department of transportation. 57172

(C) To achieve the purposes of this chapter and to assist the 57173  
commission in the performance of any of its powers or duties, the 57174  
commission, either through the public utilities commissioners or 57175  
employees authorized by it, may do either or both of the 57176  
following: 57177

(1) Apply for, and any judge of a court of record of 57178  
competent jurisdiction may issue, an appropriate search warrant; 57179

(2) Examine under oath, at the offices of the commission, any 57180  
officer, agent, or employee of any person subject to this chapter. 57181  
The commission, by subpoena, also may compel the attendance of a 57182  
witness for the purpose of the examination and, by subpoena duces 57183  
tecum, may compel the production of all books, contracts, records, 57184  
and documents that relate to the transportation and offering for 57185  
transportation of hazardous materials. 57186

**Sec. 4923.06.** (A) The public utilities commission may, 57187  
through the commission's inspectors or other authorized employees, 57188  
enter in or upon any motor vehicle of any motor carrier, or any 57189  
person engaging in the transportation of hazardous material or 57190

hazardous waste, to inspect the motor vehicle or driver subject to 57191  
rules adopted under section 4923.04 of the Revised Code. 57192

(B) In order to assist the commission in performing its 57193  
duties under this section, authorized employees of the state 57194  
highway patrol of the department of public safety may conduct 57195  
inspections of motor vehicles and drivers. 57196

(C) Inspectors and employees authorized to conduct 57197  
inspections under divisions (A) and (B) of this section may, under 57198  
the direction of the commission, stop motor vehicles to inspect 57199  
those vehicles and drivers to enforce compliance with rules 57200  
adopted under section 4923.04 of the Revised Code. 57201

(D) Inspectors and employees authorized to conduct 57202  
inspections under divisions (A) and (B) of this section shall 57203  
conduct inspections consistent with the North American standard 57204  
inspection procedure of the commercial vehicle safety alliance and 57205  
the standards of the United States department of transportation. 57206  
The inspectors and employees may declare drivers and motor 57207  
vehicles out-of-service consistent with this procedure and these 57208  
standards. 57209

(E) The commission may adopt rules to carry out this section 57210  
that are not incompatible with the requirements of the United 57211  
States department of transportation. 57212

**Sec. 4923.07.** (A) The public utilities commission may, 57213  
through the commission's inspectors or other authorized employees, 57214  
enter in or upon the premises and motor vehicles of any motor 57215  
carrier, or any person engaging in the transportation of hazardous 57216  
material or hazardous waste, to examine any records, documents, or 57217  
property for the purpose of assessing the safety, performance, and 57218  
management controls associated with the carrier or person. 57219

(B) The commission may adopt rules to carry out this section 57220

that are not incompatible with the requirements of the United States department of transportation. 57221  
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Sec. 4923.09. The public utilities commission shall cooperate with and permit the use of the services, records, and facilities of the commission as fully as practicable by appropriate officers of the United States department of transportation, other federal agencies or commissions, and appropriate commissions of other states in the enforcement and administration of state and federal laws relating to highway transportation by motor vehicles. The commission may enter into cooperative agreements with the United States department of transportation and any other federal agency or commission to enforce the safety laws and rules of this state and of the United States concerning highway transportation by motor vehicles. All grants-in-aid, cash, and reimbursements received by the commission pursuant to those cooperative agreements shall be deposited to the credit of the motor carrier safety fund created under section 4921.21 of the Revised Code. 57223  
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Sec. 4923.11. The public utilities commission may adopt rules applicable to the highway routing of hazardous materials into, through, or within this state. Rules adopted under this section shall not be incompatible with requirements of the United States department of transportation. 57238  
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Sec. 4923.15. Proceedings of the public utilities commission for the assessment of forfeitures for violations of Chapters 4921. and 4923. of the Revised Code are subject to and governed by section 4923.99 of the Revised Code. In all other respects in which the commission has power and authority under Chapters 4921. and 4923. of the Revised Code, applications and complaints may be made and filed with the commission, processes may be issued, hearings may be held, opinions, orders, and decisions may be made 57243  
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and filed, petitions for rehearing may be filed and acted upon, 57251  
and all proceedings before the supreme court of this state may be 57252  
considered and disposed of by that court in the manner, under the 57253  
conditions, subject to the limitations, and with the effect 57254  
specified in the sections of the Revised Code governing the 57255  
supervision of public utilities by the commission. 57256

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. 57257  
of the Revised Code is liable to the state for a forfeiture of not 57258  
more than twenty-five thousand dollars for each day of each 57259  
violation. The public utilities commission, after providing 57260  
reasonable notice and the opportunity for a hearing in accordance 57261  
with the procedural rules adopted under section 4901.13 of the 57262  
Revised Code, shall assess, by order, a forfeiture upon a person 57263  
whom the commission determines, by a preponderance of the 57264  
evidence, committed the violation. In determining the amount of 57265  
the forfeiture for a violation discovered during a driver or 57266  
motor-vehicle inspection under section 4923.06 of the Revised 57267  
Code, the commission shall, to the extent practicable, not act in 57268  
a manner incompatible with the requirements of the United States 57269  
department of transportation, and, to the extent practicable, 57270  
shall utilize a system comparable to the recommended civil-penalty 57271  
procedure adopted by the commercial vehicle safety alliance. In 57272  
determining the amount of the forfeiture for a violation 57273  
discovered during a compliance review of a motor carrier under 57274  
section 4923.07 of the Revised Code, the commission shall, to the 57275  
extent practicable, not act in a manner incompatible with the 57276  
civil-penalty guidelines of the United States department of 57277  
transportation. 57278

The attorney general, upon the written request of the 57279  
commission, shall bring a civil action in the court of common 57280  
pleas of Franklin county to collect a forfeiture assessed under 57281  
this section. The commission shall account for the forfeitures 57282

collected under this section and pay them to the treasurer of 57283  
state under section 4921.21 of the Revised Code. 57284

(2) The attorney general, upon the written request of the 57285  
commission, shall bring an action for injunctive relief in the 57286  
court of common pleas of Franklin county against any person who 57287  
has violated or is violating any order issued by the commission to 57288  
secure compliance with any provision of Chapter 4921. or 4923. of 57289  
the Revised Code. The court of common pleas of Franklin county has 57290  
jurisdiction to and may grant preliminary and permanent injunctive 57291  
relief upon a showing that the person against whom the action is 57292  
brought has violated or is violating any such order. The court 57293  
shall give precedence to such an action over all other cases. 57294

(B) The amount of any forfeiture may be compromised at any 57295  
time prior to collection of the forfeiture. The commission shall 57296  
adopt rules governing the manner in which the amount of a 57297  
forfeiture may be established by agreement prior to the hearing on 57298  
the forfeiture before the commission. 57299

(C) The proceedings of the commission specified in division 57300  
(A) of this section are subject to and governed by Chapter 4903. 57301  
of the Revised Code, except as otherwise specifically provided in 57302  
this section. The court of appeals of Franklin county has 57303  
exclusive, original jurisdiction to review, modify, or vacate an 57304  
order of the commission issued to secure compliance with any 57305  
provision of Chapter 4921. or 4923. of the Revised Code. The court 57306  
of appeals shall hear and determine those appeals in the same 57307  
manner, and under the same standards, as the supreme court hears 57308  
and determines appeals under Chapter 4903. of the Revised Code. 57309  
The judgment of the court of appeals is final and conclusive 57310  
unless reversed, vacated, or modified on appeal. Such appeals may 57311  
be taken either by the commission or the person to whom the 57312  
compliance order or forfeiture assessment was issued and shall 57313  
proceed as in the case of appeals in civil actions as provided in 57314

the rules of appellate procedure and Chapter 2505. of the Revised Code. 57315  
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(D) Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest a compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairperson of the commission or, in the event of the chairperson's absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable. 57317  
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(E) Only for such violations that constitute violations of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or regulations adopted under the act, the commission, in determining liability, shall use the same standard of culpability for civil forfeitures under this section as that set forth for civil penalties under section 12 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1809. The commission shall consider the assessment considerations for civil penalties specified in regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C. 1801. 57335  
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| <b>Sec. 4927.01.</b> (A) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                | 57347                                                       |
| (1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line of service, which in the case of residential and small-business access and usage is not part of a bundle or package of services, that does both of the following: | 57348<br>57349<br>57350<br>57351<br>57352<br>57353<br>57354 |
| (a) Enables a customer to originate or receive voice communications within a local service area as that area exists on <u>September 13, 2010</u> , the effective date of the amendment of this section by S.B. 162 of the 128th general assembly;                                                                                                                                                                                | 57355<br>57356<br>57357<br>57358                            |
| (b) Consists of all of the following services:                                                                                                                                                                                                                                                                                                                                                                                   | 57359                                                       |
| (i) Local dial tone service;                                                                                                                                                                                                                                                                                                                                                                                                     | 57360                                                       |
| (ii) For residential end users, flat-rate telephone exchange service;                                                                                                                                                                                                                                                                                                                                                            | 57361<br>57362                                              |
| (iii) Touch tone dialing service;                                                                                                                                                                                                                                                                                                                                                                                                | 57363                                                       |
| (iv) Access to and usage of 9-1-1 services, where such services are available;                                                                                                                                                                                                                                                                                                                                                   | 57364<br>57365                                              |
| (v) Access to operator services and directory assistance;                                                                                                                                                                                                                                                                                                                                                                        | 57366                                                       |
| (vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;                                                                                                                                                                                                                                             | 57367<br>57368<br>57369                                     |
| (vii) Per call, caller identification blocking services;                                                                                                                                                                                                                                                                                                                                                                         | 57370                                                       |
| (viii) Access to telecommunications relay service; and                                                                                                                                                                                                                                                                                                                                                                           | 57371                                                       |
| (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.                                                                                                                                                                                                                                                                                                         | 57372<br>57373                                              |
| (2) "Bundle or package of services" means one or more                                                                                                                                                                                                                                                                                                                                                                            | 57374                                                       |

telecommunications services or other services offered together as 57375  
one service option at a single price. 57376

(3) "Carrier access" means access to and usage of telephone 57377  
company-provided facilities that enable end user customers 57378  
originating or receiving voice grade, data, or image 57379  
communications, over a local exchange telephone company network 57380  
operated within a local service area, to access interexchange or 57381  
other networks and includes special access. 57382

(4) "Federal poverty level" means the income level 57383  
represented by the poverty guidelines as revised annually by the 57384  
United States department of health and human services in 57385  
accordance with section 673(2) of the "Omnibus Reconciliation Act 57386  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 57387  
size equal to the size of the family of the person whose income is 57388  
being determined. 57389

(5) "Incumbent local exchange carrier" means, with respect to 57390  
an area, the local exchange carrier that: 57391

(a) On February 8, 1996, provided telephone exchange service 57392  
in such area; and 57393

(b)(i) On February 8, 1996, was deemed to be a member of the 57394  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 57395

(ii) Is a person or entity that, on or after February 8, 57396  
1996, became a successor or assign of a member described in 57397  
division (A)(5)(b)(i) of this section. 57398

(6) "Internet protocol-enabled services" means any services, 57399  
capabilities, functionalities, or applications that are provided 57400  
using internet protocol or a successor protocol to enable an end 57401  
user to send or receive communications in internet protocol format 57402  
or a successor format, regardless of how any particular such 57403  
service is classified by the federal communications commission, 57404  
and includes voice over internet protocol service. 57405

(7) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

(8) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange service, may complete calls to other telephone customers without being assessed long distance toll charges.

(9) "Small business" means a nonresidential service customer with three or fewer service access lines.

(10) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(11) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.

(12) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(13) "Telephone company" means a company described in division (A)~~(1)~~ of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code.

(14) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or

other facilities, or combination thereof, by which a customer can 57437  
originate and terminate a telecommunications service. 57438

(15) "Telephone toll service" means telephone service between 57439  
stations in different exchange areas for which there is made a 57440  
separate charge not included in contracts with customers for 57441  
exchange service. 57442

(16) "Voice over internet protocol service" means a service 57443  
that uses a broadband connection from an end user's location and 57444  
enables real-time, two-way, voice communications that originate or 57445  
terminate from the user's location using internet protocol or a 57446  
successor protocol, including, but not limited to, any such 57447  
service that permits an end user to receive calls from and 57448  
terminate calls to the public switched network. 57449

(17) "Wireless service" means federally licensed commercial 57450  
mobile service as defined in the "Telecommunications Act of 1996," 57451  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 57452  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 57453  
(A)(17) of this section, commercial mobile radio service is 57454  
specifically limited to mobile telephone, mobile cellular 57455  
telephone, paging, personal communications services, and 57456  
specialized mobile radio service provided by a common carrier in 57457  
this state and excludes fixed wireless service. 57458

(18) "Wireless service provider" means a facilities-based 57459  
provider of wireless service to one or more end users in this 57460  
state. 57461

(B) The definitions of this section shall be applied 57462  
consistent with the definitions in the "Telecommunications Act of 57463  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 57464  
federal decisions interpreting those definitions. 57465

**Sec. 4929.01.** As used in this chapter: 57466

(A) "Alternative rate plan" means a method, alternate to the 57467  
method of section 4909.15 of the Revised Code, for establishing 57468  
rates and charges, under which rates and charges may be 57469  
established for a commodity sales service or ancillary service 57470  
that is not exempt pursuant to section 4929.04 of the Revised Code 57471  
or for a distribution service. Alternative rate plans may include, 57472  
but are not limited to, methods that provide adequate and reliable 57473  
natural gas services and goods in this state; minimize the costs 57474  
and time expended in the regulatory process; tend to assess the 57475  
costs of any natural gas service or goods to the entity, service, 57476  
or goods that cause such costs to be incurred; afford rate 57477  
stability; promote and reward efficiency, quality of service, or 57478  
cost containment by a natural gas company; provide sufficient 57479  
flexibility and incentives to the natural gas industry to achieve 57480  
high quality, technologically advanced, and readily available 57481  
natural gas services and goods at just and reasonable rates and 57482  
charges; or establish revenue decoupling mechanisms. Alternative 57483  
rate plans also may include, but are not limited to, automatic 57484  
adjustments based on a specified index or changes in a specified 57485  
cost or costs. 57486

(B) "Ancillary service" means a service that is ancillary to 57487  
the receipt or delivery of natural gas to consumers, including, 57488  
but not limited to, storage, pooling, balancing, and transmission. 57489

(C) "Commodity sales service" means the sale of natural gas 57490  
to consumers, exclusive of any distribution or ancillary service. 57491

(D) "Comparable service" means any regulated service or goods 57492  
whose availability, quality, price, terms, and conditions are the 57493  
same as or better than those of the services or goods that the 57494  
natural gas company provides to a person with which it is 57495  
affiliated or which it controls, or, as to any consumer, that the 57496  
natural gas company offers to that consumer as part of a bundled 57497  
service that includes both regulated and exempt services or goods. 57498



(E) "Consumer" means any person or association of persons 57499  
purchasing, delivering, storing, or transporting, or seeking to 57500  
purchase, deliver, store, or transport, natural gas, including 57501  
industrial consumers, commercial consumers, and residential 57502  
consumers, but not including natural gas companies. 57503

(F) "Distribution service" means the delivery of natural gas 57504  
to a consumer at the consumer's facilities, by and through the 57505  
instrumentalities and facilities of a natural gas company, 57506  
regardless of the party having title to the natural gas. 57507

(G) "Natural gas company" means a natural gas company, as 57508  
defined in section 4905.03 of the Revised Code, that is a public 57509  
utility as defined in section 4905.02 of the Revised Code and 57510  
excludes a retail natural gas supplier. 57511

(H) "Person," except as provided in division (N) of this 57512  
section, has the same meaning as in section 1.59 of the Revised 57513  
Code, and includes this state and any political subdivision, 57514  
agency, or other instrumentality of this state and includes the 57515  
United States and any agency or other instrumentality of the 57516  
United States. 57517

(I) "Billing or collection agent" means a fully independent 57518  
agent, not affiliated with or otherwise controlled by a retail 57519  
natural gas supplier or governmental aggregator subject to 57520  
certification under section 4929.20 of the Revised Code, to the 57521  
extent that the agent is under contract with such supplier or 57522  
aggregator solely to provide billing and collection for 57523  
competitive retail natural gas service on behalf of the supplier 57524  
or aggregator. 57525

(J) "Competitive retail natural gas service" means any retail 57526  
natural gas service that may be competitively offered to consumers 57527  
in this state as a result of revised schedules approved under 57528  
division (C) of section 4929.29 of the Revised Code, a rule or 57529

order adopted or issued by the public utilities commission under 57530  
Chapter 4905. of the Revised Code, or an exemption granted by the 57531  
commission under sections 4929.04 to 4929.08 of the Revised Code. 57532

(K) "Governmental aggregator" means either of the following: 57533

(1) A legislative authority of a municipal corporation, a 57534  
board of township trustees, or a board of county commissioners 57535  
acting exclusively under section 4929.26 or 4929.27 of the Revised 57536  
Code as an aggregator for the provision of competitive retail 57537  
natural gas service; 57538

(2) A municipal corporation acting exclusively under Section 57539  
4 of Article XVIII, Ohio Constitution, as an aggregator for the 57540  
provision of competitive retail natural gas service. 57541

(L)(1) "Mercantile customer" means a customer that consumes, 57542  
other than for residential use, more than five hundred thousand 57543  
cubic feet of natural gas per year at a single location within 57544  
this state or consumes natural gas, other than for residential 57545  
use, as part of an undertaking having more than three locations 57546  
within or outside of this state. "Mercantile customer" excludes a 57547  
customer for which a declaration under division (L)(2) of this 57548  
section is in effect pursuant to that division. 57549

(2) A not-for-profit customer that consumes, other than for 57550  
residential use, more than five hundred thousand cubic feet of 57551  
natural gas per year at a single location within this state or 57552  
consumes natural gas, other than for residential use, as part of 57553  
an undertaking having more than three locations within or outside 57554  
this state may file a declaration under division (L)(2) of this 57555  
section with the public utilities commission. The declaration 57556  
shall take effect upon the date of filing, and by virtue of the 57557  
declaration, the customer is not a mercantile customer for the 57558  
purposes of this section and sections 4929.20 to 4929.29 of the 57559  
Revised Code or the purposes of a governmental natural gas 57560

aggregation or arrangement or other contract entered into after 57561  
the declaration's effective date for the supply or arranging of 57562  
the supply of natural gas to the customer to a location within 57563  
this state. The customer may file a rescission of the declaration 57564  
with the commission at any time. The rescission shall not affect 57565  
any governmental natural gas aggregation or arrangement or other 57566  
contract entered into by the customer prior to the date of the 57567  
filing of the rescission and shall have effect only with respect 57568  
to any subsequent such aggregation or arrangement or other 57569  
contract. The commission shall prescribe rules under section 57570  
4929.10 of the Revised Code specifying the form of the declaration 57571  
or a rescission and procedures by which a declaration or 57572  
rescission may be filed. 57573

(M) "Retail natural gas service" means commodity sales 57574  
service, ancillary service, natural gas aggregation service, 57575  
natural gas marketing service, or natural gas brokerage service. 57576

(N) "Retail natural gas supplier" means any person, as 57577  
defined in section 1.59 of the Revised Code, that is engaged on a 57578  
for-profit or not-for-profit basis in the business of supplying or 57579  
arranging for the supply of a competitive retail natural gas 57580  
service to consumers in this state that are not mercantile 57581  
customers. "Retail natural gas supplier" includes a marketer, 57582  
broker, or aggregator, but excludes a natural gas company, a 57583  
governmental aggregator as defined in division (K)(1) or (2) of 57584  
this section, an entity described in division ~~(B)~~(A)(2) or ~~(C)~~(3) 57585  
of section 4905.02 of the Revised Code, or a billing or collection 57586  
agent, and excludes a producer or gatherer of gas to the extent 57587  
such producer or gatherer is not a natural gas company under 57588  
section 4905.03 of the Revised Code. 57589

(O) "Revenue decoupling mechanism" means a rate design or 57590  
other cost recovery mechanism that provides recovery of the fixed 57591  
costs of service and a fair and reasonable rate of return, 57592

irrespective of system throughput or volumetric sales. 57593

**Sec. 4929.02.** (A) It is the policy of this state to, 57594  
throughout this state: 57595

(1) Promote the availability to consumers of adequate, 57596  
reliable, and reasonably priced natural gas services and goods; 57597

(2) Promote the availability of unbundled and comparable 57598  
natural gas services and goods that provide wholesale and retail 57599  
consumers with the supplier, price, terms, conditions, and quality 57600  
options they elect to meet their respective needs; 57601

(3) Promote diversity of natural gas supplies and suppliers, 57602  
by giving consumers effective choices over the selection of those 57603  
supplies and suppliers; 57604

(4) Encourage innovation and market access for cost-effective 57605  
supply- and demand-side natural gas services and goods; 57606

(5) Encourage cost-effective and efficient access to 57607  
information regarding the operation of the distribution systems of 57608  
natural gas companies in order to promote effective customer 57609  
choice of natural gas services and goods; 57610

(6) Recognize the continuing emergence of competitive natural 57611  
gas markets through the development and implementation of flexible 57612  
regulatory treatment; 57613

(7) Promote an expeditious transition to the provision of 57614  
natural gas services and goods in a manner that achieves effective 57615  
competition and transactions between willing buyers and willing 57616  
sellers to reduce or eliminate the need for regulation of natural 57617  
gas services and goods under Chapters 4905. and 4909. of the 57618  
Revised Code; 57619

(8) Promote effective competition in the provision of natural 57620  
gas services and goods by avoiding subsidies flowing to or from 57621  
regulated natural gas services and goods; 57622

(9) Ensure that the risks and rewards of a natural gas company's offering of nonjurisdictional and exempt services and goods do not affect the rates, prices, terms, or conditions of nonexempt, regulated services and goods of a natural gas company and do not affect the financial capability of a natural gas company to comply with the policy of this state specified in this section; 57623  
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(10) Facilitate the state's competitiveness in the global economy; 57630  
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(11) Facilitate additional choices for the supply of natural gas for residential consumers, including aggregation; 57632  
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(12) Promote an alignment of natural gas company interests with consumer interest in energy efficiency and energy conservation. 57634  
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(B) The public utilities commission and the office of the consumers' counsel shall follow the policy specified in this section in exercising their respective authorities relative to sections 4929.03 to 4929.30 of the Revised Code. 57637  
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(C) Nothing in Chapter 4929. of the Revised Code shall be construed to alter the public utilities commission's construction or application of division ~~(A)(5)~~(E) of section 4905.03 of the Revised Code. 57641  
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**Sec. 4929.041.** (A) As used in this section, "regulatory exemption" means an exemption from all provisions of Chapter 4905. of the Revised Code with the exception of sections 4905.10, 4905.35, and 4905.90 to 4905.96 of the Revised Code, Chapters 4909., 4933., and 4935. of the Revised Code, with the exception of section 4935.03 of the Revised Code, and from any rule or order issued under the exempted provisions of those chapters. 57645  
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(B) The public utilities commission, upon ~~the~~ an application 57652

~~of~~ filed under section 4909.18 of the Revised Code by a natural 57653  
gas company in substantial compliance with the policy specified in 57654  
section 4929.02 of the Revised Code, shall ~~exempt~~ grant a 57655  
regulatory exemption, by order, ~~any investment~~ for either or both 57656  
of the following: 57657

(1) Any investments in ~~gathering lines or storage or~~ 57658  
~~gathering~~ facilities placed into service on or after January 1, 57659  
2010, and also any service of the natural gas company related to 57660  
those ~~gathering lines or storage~~ facilities from all provisions of 57661  
Chapter 4905. of the Revised Code with the exception of sections 57662  
4905.10, 4905.35, and 4905.90 to 4905.96 of the Revised Code, 57663  
Chapters 4909., 4933., and 4935. of the Revised Code, with the 57664  
exception of section 4935.03 of the Revised Code, and from any 57665  
rule or order issued under the ~~exempted~~ provisions of those 57666  
chapters; 57667

(2) Any investments in gathering facilities placed into 57668  
service before January 1, 2010, and also any service of the 57669  
natural gas company related to those facilities. 57670

(C)(1) A natural gas company requesting a regulatory 57671  
exemption under division (B)(2) of this section shall identify in 57672  
the application both of the following: 57673

(a) The valuation of the investments to be exempted, as 57674  
determined under division (A)(1) of section 4909.15 of the Revised 57675  
Code, in the rate case proceeding that established the company's 57676  
rates in effect at the time of the filing of the application 57677  
requesting the regulatory exemption; 57678

(b) The valuation of all nonexempt investments placed into 57679  
service after the date certain used in the rate case proceeding 57680  
described in division (C)(1)(a) of this section, excluding 57681  
investments for which deferral or recovery is authorized under 57682  
section 4909.18, 4929.05, or 4929.111 of the Revised Code. 57683

(2) The commission shall compare the valuations identified in divisions (C)(1)(a) and (b) of this section. 57684  
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(a) If the valuation identified in division (C)(1)(a) of this section exceeds the valuation identified in division (C)(1)(b) of this section, the commission shall, in addition to the adjustments needed to implement the regulatory exemption, reduce the gross annual revenues to which the utility is entitled under division (B) of section 4909.15 of the Revised Code by applying the rate of return, as determined under division (A)(2) of section 4909.15 of the Revised Code in the rate case proceeding in which the regulatory exemption is being sought, to the difference in the two valuations. 57686  
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(b) If the valuation identified in division (C)(1)(a) of this section does not exceed the valuation identified in division (C)(1)(b) of this section, the commission shall make no adjustments beyond those needed to implement the regulatory exemption. 57696  
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~~(B)(D)(1)~~ Subject to division ~~(C)(E)~~ of this section, a natural gas company subject to ~~an~~ a regulatory exemption order ~~issued under division (A) of this section~~ shall, to the maximum extent practicable, keep separate the company's operations, resources, and employees, and the associated books and records, involved in the provision or marketing of a company-provided service related to an investment exempted under the regulatory exemption order ~~order~~ from the operations, resources, and employees, and the associated books and records, involved in the provision or marketing of any company-provided service not exempted under the regulatory exemption order ~~order~~ or any other section of the Revised Code. 57701  
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(2) An order granting regulatory exemption ~~order issued under division (A) of this section~~ shall prescribe a functional separation plan for compliance with division ~~(B)(D)(1)~~ of this 57713  
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section. 57716

~~(C)~~(E)(1) No natural gas company subject to an a regulatory 57717  
exemption order issued under division (A) of this section may use 57718  
the company's storage ~~facilities and or~~ gathering lines facilities 57719  
associated with the regulatory exemption ~~order~~ to provide a 57720  
commodity sales service that is unregulated or subject to an 57721  
exemption order issued under section 4929.04 of the Revised Code. 57722  
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(2) Upon application to the commission by a natural gas 57724  
company and upon a finding of good cause shown, the commission 57725  
may, by order, waive the prohibition described in division 57726  
~~(C)~~(E)(1) of this section. The natural gas company shall bear the 57727  
burden of proof that the waiver is just and reasonable, which 57728  
shall constitute good cause. 57729

~~(D)~~(F) The commission shall have continuous jurisdiction to 57730  
enforce any terms that it imposes in an a regulatory exemption 57731  
order issued under division (A) of this section. Whenever the 57732  
commission is of the opinion, after hearing had upon complaint or 57733  
upon its own initiative or complaint, served as provided in 57734  
section 4905.26 of the Revised Code, that an a regulatory 57735  
exemption order issued under division (A) of this section has 57736  
adversely affected the quality, adequacy, or sufficiency of 57737  
service provided by the company subject to the regulatory 57738  
exemption ~~order~~, the commission may alter, amend, or suspend the 57739  
regulatory exemption ~~order~~. 57740

**Sec. 4933.18.** (A) In a prosecution for a theft offense, as 57741  
defined in section 2913.01 of the Revised Code, that involves 57742  
alleged tampering with a gas, electric, steam, or water meter, 57743  
conduit, or attachment of a utility that has been disconnected by 57744  
the utility, proof that a meter, conduit, or attachment of a 57745  
utility has been tampered with is prima-facie evidence that the 57746



person who is obligated to pay for the service rendered through 57747  
the meter, conduit, or attachment and is in possession or control 57748  
of the meter, conduit, or attachment at the time the tampering 57749  
occurred has caused the tampering with intent to commit a theft 57750  
offense. 57751

In a prosecution for a theft offense, as defined in section 57752  
2913.01 of the Revised Code, that involves the alleged 57753  
reconnection of a gas, electric, steam, or water meter, conduit, 57754  
or attachment of a utility that has been disconnected by the 57755  
utility, proof that a meter, conduit, or attachment disconnected 57756  
by a utility has been reconnected without the consent of the 57757  
utility is prima-facie evidence that the person in possession or 57758  
control of the meter, conduit, or attachment at the time of the 57759  
reconnection has reconnected the meter, conduit, or attachment 57760  
with intent to commit a theft offense. 57761

(B) As used in this section: 57762

(1) "Utility" means any electric light company, gas company, 57763  
natural gas company, pipe-line company, water-works company, or 57764  
heating or cooling company, as defined by division ~~(A)(3), (4),~~ 57765  
~~(5), (6), (7)~~(C), (D), (E), (F), (G), or ~~(8)~~(H) of section 4905.03 57766  
of the Revised Code, its lessees, trustees, or receivers, or any 57767  
similar utility owned or operated by a political subdivision. 57768

(2) "Tamper" means to interfere with, damage, or by-pass a 57769  
utility meter, conduit, or attachment with the intent to impede 57770  
the correct registration of a meter or the proper functions of a 57771  
conduit or attachment so as to reduce the amount of utility 57772  
service that is registered on the meter. 57773

**Sec. 4933.19.** Each electric light company, gas company, 57774  
natural gas company, pipe-line company, water-works company, or 57775  
heating or cooling company, as defined by division ~~(A)(3), (4),~~ 57776  
~~(5), (6), (7)~~(C), (D), (E), (F), (G), or ~~(8)~~(H) of section 57777

4905.03 of the Revised Code, or its lessees, trustees, or 57778  
receivers, and each similar utility owned or operated by a 57779  
political subdivision shall notify its customers, on an annual 57780  
basis, that tampering with or bypassing a meter constitutes a 57781  
theft offense that could result in the imposition of criminal 57782  
sanctions. 57783

**Sec. 4939.01.** As used in sections 4939.01 to 4939.08 of the 57784  
Revised Code: 57785

(A) "Cable operator," "cable service," and "franchise" have 57786  
the same meanings as in the "Cable Communications Policy Act of 57787  
1984," 98 Stat. 2779, 47 U.S.C.A. 522. 57788

(B) "Occupy or use" means, with respect to a public way, to 57789  
place a tangible thing in a public way for any purpose, including, 57790  
but not limited to, constructing, repairing, positioning, 57791  
maintaining, or operating lines, poles, pipes, conduits, ducts, 57792  
equipment, or other structures, appurtenances, or facilities 57793  
necessary for the delivery of public utility services or any 57794  
services provided by a cable operator. 57795

(C) "Person" means any natural person, corporation, or 57796  
partnership and also includes any governmental entity. 57797

(D) "Public utility" means any company described in section 57798  
4905.03 of the Revised Code except in divisions ~~(A)-(2)(B)~~ and 57799  
~~(9)(I)~~ of that section, which company also is a public utility as 57800  
defined in section 4905.02 of the Revised Code; and includes any 57801  
electric supplier as defined in section 4933.81 of the Revised 57802  
Code. 57803

(E) "Public way" means the surface of, and the space within, 57804  
through, on, across, above, or below, any public street, public 57805  
road, public highway, public freeway, public lane, public path, 57806  
public alley, public court, public sidewalk, public boulevard, 57807

public parkway, public drive, and any other land dedicated or 57808  
otherwise designated for a compatible public use, which, on or 57809  
after ~~the effective date of this section~~ July 2, 2002, is owned or 57810  
controlled by a municipal corporation. "Public way" excludes a 57811  
private easement. 57812

(F) "Public way fee" means a fee levied to recover the costs 57813  
incurred by a municipal corporation and associated with the 57814  
occupancy or use of a public way. 57815

**Sec. 4953.04.** No union terminal company or corporation shall 57816  
engage in the business of a for-hire motor transportation service 57817  
carrier, as defined in ~~sections 4905.03, 4921.02, and 4923.02~~ 57818  
4921.01 of the Revised Code, over any public highway in this 57819  
state, without obtaining authority from the public utilities 57820  
commission, and complying with all laws governing every 57821  
corporation or company when engaged or proposing to engage in ~~such~~ 57822  
the business of a for-hire motor transportation service carrier. 57823

**Sec. 4961.03.** Any railroad company owning or operating a 57824  
railroad in this state may own, control, operate, or manage motor 57825  
vehicles for the purpose of transporting persons or property, or 57826  
both, upon the public highways for hire, subject to ~~sections~~ 57827  
~~4921.02 to 4921.32, inclusive,~~ Chapters 4921. and 4923. of the 57828  
Revised Code. Any railroad company may also own and operate 57829  
equipment for and engage in the business of aerial transportation. 57830  
Any railroad company may acquire, own, and hold capital stock and 57831  
securities of corporations organized for or engaged in the 57832  
businesses authorized in this section and may operate the 57833  
properties, or any part thereof, of such corporations, and may 57834  
enter into working arrangements and agreements with such 57835  
corporations. 57836

**Sec. 4965.54.** Any common carrier, railroad, or ~~transportation~~ 57837

~~company~~ motor carrier receiving property at a point within this 57838  
state for transportation to a point within this state, shall issue 57839  
a receipt or bill of lading for such property and is liable to the 57840  
lawful holder of it for any loss, damage, or injury to such 57841  
property caused by it or by any common carrier, railroad, or 57842  
transportation company to which such property is delivered or over 57843  
whose line such property passes. No contract, receipt, rule, or 57844  
regulation shall exempt such common carrier, railroad, or 57845  
~~transportation company~~ motor carrier from the liability imposed by 57846  
this section. This section does not deprive any holder of such 57847  
receipt or bill of lading of any remedy or right of action which 57848  
~~he~~ the holder has under existing law. 57849

The common carrier, railroad, or ~~transportation company~~ motor 57850  
carrier issuing such receipt or bill of lading may recover from 57851  
the common carrier, railroad, or ~~transportation company~~ motor 57852  
carrier on whose line the loss, damage, or injury was sustained 57853  
the amount of such loss, damage, or injury it is required to pay 57854  
the owners of such property as is evidenced by any receipt, 57855  
judgment, or transcript thereof. 57856

As used in this section, "motor carrier" has the same meaning 57857  
as in section 4923.01 of the Revised Code. 57858

**Sec. 5101.46.** (A) As used in this section: 57859

(1) "Title XX" means Title XX of the "Social Security Act," 57860  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 57861

(2) "Respective local agency" means, with respect to the 57862  
department of job and family services, a county department of job 57863  
and family services; with respect to the department of mental 57864  
health, a board of alcohol, drug addiction, and mental health 57865  
services; and with respect to the department of developmental 57866  
disabilities, a county board of developmental disabilities. 57867

(3) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(B) The departments of job and family services, mental health, and developmental disabilities, with their respective local agencies, shall administer the provision of social services funded through grants made under Title XX. The social services furnished with Title XX funds shall be directed at the following goals:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(C)(1) All federal funds received under Title XX shall be appropriated as follows:

(a) Seventy-two and one-half per cent to the department of job and family services;

(b) Twelve and ninety-three ~~one-hundredths~~ one-hundredths per

cent to the department of mental health; 57898

(c) Fourteen and fifty-seven ~~one-hundredths~~ one-hundredths per 57899  
cent to the department of developmental disabilities. 57900

(2) Each of the state departments shall, subject to the 57901  
approval of the controlling board, develop a formula for the 57902  
distribution of the Title XX funds appropriated to the department 57903  
to its respective local agencies. The formula developed by each 57904  
state department shall take into account all of the following for 57905  
each of its respective local agencies: 57906

(a) The total population of the area that is served by the 57907  
respective local agency; 57908

(b) The percentage of the population in the area served that 57909  
falls below the federal poverty guidelines; 57910

(c) The respective local agency's history of and ability to 57911  
utilize Title XX funds. 57912

(3) Each of the state departments shall expend for state 57913  
administrative costs not more than three per cent of the Title XX 57914  
funds appropriated to the department. 57915

Each state department shall establish for each of its 57916  
respective local agencies the maximum percentage of the Title XX 57917  
funds distributed to the respective local agency that the 57918  
respective local agency may expend for local administrative costs. 57919  
The percentage shall be established by rule and shall comply with 57920  
federal law governing the use of Title XX funds. The rules shall 57921  
be adopted in accordance with section 111.15 of the Revised Code 57922  
as if they were internal management rules. 57923

(4) The department of job and family services shall expend 57924  
for the training of the following not more than two per cent of 57925  
the Title XX funds appropriated to the department: 57926

(a) Employees of county departments of job and family 57927

services; 57928

(b) Providers of services under contract with the state 57929  
departments' respective local agencies; 57930

(c) Employees of a public children services agency directly 57931  
engaged in providing Title XX services. 57932

(D) The department of job and family services shall prepare a 57933  
~~biennial~~ an annual comprehensive Title XX social services plan on 57934  
the intended use of Title XX funds. The department shall develop a 57935  
method for obtaining public comment during the development of the 57936  
plan and following its completion. 57937

For each ~~state~~ federal fiscal year, the department of job and 57938  
family services shall prepare a report on the actual use of Title 57939  
XX funds. The department shall make the annual report available 57940  
for public inspection. 57941

The departments of mental health and developmental 57942  
disabilities shall prepare and submit to the department of job and 57943  
family services the portions of each ~~biennial~~ annual plan and 57944  
~~annual~~ report that apply to services for mental health and mental 57945  
retardation and developmental disabilities. Each respective local 57946  
agency of the three state departments shall submit information as 57947  
necessary for the preparation of ~~biennial~~ annual plans and ~~annual~~ 57948  
reports. 57949

(E) Each county department of job and family services shall 57950  
adopt a county profile for the administration and provision of 57951  
Title XX social services in the county. In developing its county 57952  
profile, the county department shall take into consideration the 57953  
comments and recommendations received from the public by the 57954  
county family services planning committee pursuant to section 57955  
329.06 of the Revised Code. As part of its preparation of the 57956  
county profile, the county department may prepare a local needs 57957  
report analyzing the need for Title XX social services. 57958

The county department shall submit the county profile to the board of county commissioners for its review. Once the county profile has been approved by the board, the county department shall file a copy of the county profile with the department of job and family services. The department shall approve the county profile if the department determines the profile provides for the Title XX social services to meet the goals specified in division (B) of this section.

(F) Any of the three state departments and their respective local agencies may require that an entity under contract to provide social services with Title XX funds submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or respective local agency for the cost it incurred in conducting the audit or having the audit conducted.

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the appropriate state department or its respective local agency the amount of the adverse findings. The amount shall not be reimbursed with Title XX funds received under this section. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a social services provider if there are adverse findings in an audit that are the responsibility of the provider.

(G) Except with respect to the matters for which each of the state departments must adopt rules under division (C)(3) of this section, the department of job and family services may adopt any rules it considers necessary to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section



111.15 of the Revised Code. Rules governing eligibility for 57991  
services, program participation, and other matters pertaining to 57992  
applicants and participants shall be adopted in accordance with 57993  
Chapter 119. of the Revised Code. 57994

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 57995  
Revised Code: 57996

(A) "Abuse" means the infliction upon an adult by self or 57997  
others of injury, unreasonable confinement, intimidation, or cruel 57998  
punishment with resulting physical harm, pain, or mental anguish. 57999

(B) "Adult" means any person sixty years of age or older 58000  
within this state who is handicapped by the infirmities of aging 58001  
or who has a physical or mental impairment which prevents the 58002  
person from providing for the person's own care or protection, and 58003  
who resides in an independent living arrangement. An "independent 58004  
living arrangement" is a domicile of a person's own choosing, 58005  
including, but not limited to, a private home, apartment, trailer, 58006  
or rooming house. An "independent living arrangement" includes ~~an~~ 58007  
~~adult care~~ a residential facility licensed ~~pursuant to Chapter~~ 58008  
~~5119.~~ under section 5119.22 of the Revised Code that provides 58009  
accommodations, supervision, and personal care services for three 58010  
to sixteen unrelated adults, but does not include other 58011  
institutions or facilities licensed by the state or facilities in 58012  
which a person resides as a result of voluntary, civil, or 58013  
criminal commitment. 58014

(C) "Caretaker" means the person assuming the responsibility 58015  
for the care of an adult on a voluntary basis, by contract, 58016  
through receipt of payment for care, as a result of a family 58017  
relationship, or by order of a court of competent jurisdiction. 58018

(D) "Court" means the probate court in the county where an 58019  
adult resides. 58020

(E) "Emergency" means that the adult is living in conditions 58021  
which present a substantial risk of immediate and irreparable 58022  
physical harm or death to self or any other person. 58023

(F) "Emergency services" means protective services furnished 58024  
to an adult in an emergency. 58025

(G) "Exploitation" means the unlawful or improper act of a 58026  
caretaker using an adult or an adult's resources for monetary or 58027  
personal benefit, profit, or gain. 58028

(H) "In need of protective services" means an adult known or 58029  
suspected to be suffering from abuse, neglect, or exploitation to 58030  
an extent that either life is endangered or physical harm, mental 58031  
anguish, or mental illness results or is likely to result. 58032

(I) "Incapacitated person" means a person who is impaired for 58033  
any reason to the extent that the person lacks sufficient 58034  
understanding or capacity to make and carry out reasonable 58035  
decisions concerning the person's self or resources, with or 58036  
without the assistance of a caretaker. Refusal to consent to the 58037  
provision of services shall not be the sole determinative that the 58038  
person is incapacitated. "Reasonable decisions" are decisions made 58039  
in daily living which facilitate the provision of food, shelter, 58040  
clothing, and health care necessary for life support. 58041

(J) "Mental illness" means a substantial disorder of thought, 58042  
mood, perception, orientation, or memory that grossly impairs 58043  
judgment, behavior, capacity to recognize reality, or ability to 58044  
meet the ordinary demands of life. 58045

(K) "Neglect" means the failure of an adult to provide for 58046  
self the goods or services necessary to avoid physical harm, 58047  
mental anguish, or mental illness or the failure of a caretaker to 58048  
provide such goods or services. 58049

(L) "Peace officer" means a peace officer as defined in 58050  
section 2935.01 of the Revised Code. 58051

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult. 58052  
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(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter. 58054  
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(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code. 58065  
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**Sec. 5101.61.** (A) As used in this section: 58068

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code. 58069  
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(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that: 58072  
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(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients; 58075  
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(b) Has health and medical care policies which are developed 58081

with the advice of, and with the provision of review of such 58082  
policies, an advisory committee of professional personnel, 58083  
including one or more physicians, one or more dentists, if dental 58084  
care is provided, and one or more registered nurses; 58085

(c) Has a medical director, a dental director, if dental care 58086  
is provided, and a nursing director responsible for the execution 58087  
of such policies, and has physicians, dentists, nursing, and 58088  
ancillary staff appropriate to the scope of services provided; 58089

(d) Requires that the health care and medical care of every 58090  
patient be under the supervision of a physician, provides for 58091  
medical care in a case of emergency, has in effect a written 58092  
agreement with one or more hospitals and other centers or clinics, 58093  
and has an established patient referral system to other resources, 58094  
and a utilization review plan and program; 58095

(e) Maintains clinical records on all patients; 58096

(f) Provides nursing services and other therapeutic services 58097  
in accordance with programs and policies, with such services 58098  
supervised by a registered professional nurse, and has a 58099  
registered professional nurse on duty at all times of clinical 58100  
operations; 58101

(g) Provides approved methods and procedures for the 58102  
dispensing and administration of drugs and biologicals; 58103

(h) Has established an accounting and record keeping system 58104  
to determine reasonable and allowable costs; 58105

(i) "Ambulatory health facilities" also includes an 58106  
alcoholism treatment facility approved by the joint commission on 58107  
accreditation of healthcare organizations as an alcoholism 58108  
treatment facility or certified by the department of alcohol and 58109  
drug addiction services, and such facility shall comply with other 58110  
provisions of this division not inconsistent with such 58111  
accreditation or certification. 58112

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:                                                                                                                         | 58144 |
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| (a) Nursing care provided by or under the supervision of a registered professional nurse;                                                                                                                                                                                                                                             | 58148 |
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| (b) Physical, occupational, or speech therapy ordered by the patient's attending physician;                                                                                                                                                                                                                                           | 58150 |
|                                                                                                                                                                                                                                                                                                                                       | 58151 |
| (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;                                                                                                                                                   | 58152 |
|                                                                                                                                                                                                                                                                                                                                       | 58153 |
|                                                                                                                                                                                                                                                                                                                                       | 58154 |
| (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;                                                                                                                                          | 58155 |
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| (e) Medical supplies and the use of medical appliances;                                                                                                                                                                                                                                                                               | 58158 |
| (f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;                                                                                                                                    | 58159 |
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| (g) Any of the foregoing items and services which:                                                                                                                                                                                                                                                                                    | 58163 |
| (i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;                                                                                                                                                                                                  | 58164 |
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| (ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. | 58167 |
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| Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in                                                                                                                                                                                                         | 58172 |
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section 3701.01 of the Revised Code, any nurse licensed under 58174  
Chapter 4723. of the Revised Code, any employee of an ambulatory 58175  
health facility, any employee of a home health agency, any 58176  
employee of ~~an adult care~~ a residential facility as defined in 58177  
licensed under section ~~5119.70~~ 5119.22 of the Revised Code that 58178  
provides accommodations, supervision, and personal care services 58179  
for three to sixteen unrelated adults, any employee of a nursing 58180  
home, residential care facility, or home for the aging, as defined 58181  
in section 3721.01 of the Revised Code, any senior service 58182  
provider, any peace officer, coroner, ~~clergyman~~ member of the 58183  
clergy, any employee of a community mental health facility, and 58184  
any person engaged in social work or counseling having reasonable 58185  
cause to believe that an adult is being abused, neglected, or 58186  
exploited, or is in a condition which is the result of abuse, 58187  
neglect, or exploitation shall immediately report such belief to 58188  
the county department of job and family services. This section 58189  
does not apply to employees of any hospital or public hospital as 58190  
defined in section 5122.01 of the Revised Code. 58191

(B) Any person having reasonable cause to believe that an 58192  
adult has suffered abuse, neglect, or exploitation may report, or 58193  
cause reports to be made of such belief to the department. 58194

(C) The reports made under this section shall be made orally 58195  
or in writing except that oral reports shall be followed by a 58196  
written report if a written report is requested by the department. 58197  
Written reports shall include: 58198

(1) The name, address, and approximate age of the adult who 58199  
is the subject of the report; 58200

(2) The name and address of the individual responsible for 58201  
the adult's care, if any individual is, and if the individual is 58202  
known; 58203

(3) The nature and extent of the alleged abuse, neglect, or 58204

exploitation of the adult; 58205

(4) The basis of the reporter's belief that the adult has 58206  
been abused, neglected, or exploited. 58207

(D) Any person with reasonable cause to believe that an adult 58208  
is suffering abuse, neglect, or exploitation who makes a report 58209  
pursuant to this section or who testifies in any administrative or 58210  
judicial proceeding arising from such a report, or any employee of 58211  
the state or any of its subdivisions who is discharging 58212  
responsibilities under section 5101.62 of the Revised Code shall 58213  
be immune from civil or criminal liability on account of such 58214  
investigation, report, or testimony, except liability for perjury, 58215  
unless the person has acted in bad faith or with malicious 58216  
purpose. 58217

(E) No employer or any other person with the authority to do 58218  
so shall discharge, demote, transfer, prepare a negative work 58219  
performance evaluation, or reduce benefits, pay, or work 58220  
privileges, or take any other action detrimental to an employee or 58221  
in any way retaliate against an employee as a result of the 58222  
employee's having filed a report under this section. 58223

(F) Neither the written or oral report provided for in this 58224  
section nor the investigatory report provided for in section 58225  
5101.62 of the Revised Code shall be considered a public record as 58226  
defined in section 149.43 of the Revised Code. Information 58227  
contained in the report shall upon request be made available to 58228  
the adult who is the subject of the report, to agencies authorized 58229  
by the department to receive information contained in the report, 58230  
and to legal counsel for the adult. 58231

**Sec. 5104.012.** (A)(1) At the times specified in this 58232  
division, the administrator of a child day-care center or a type A 58233  
family day-care home shall request the superintendent of the 58234  
bureau of criminal identification and investigation to conduct a 58235



criminal records check with respect to any applicant who has 58236  
applied to the center or type A home for employment as a person 58237  
responsible for the care, custody, or control of a child. 58238

The administrator shall request a criminal records check 58239  
pursuant to this division at the time of the applicant's initial 58240  
application for employment and every four years thereafter. When 58241  
the administrator requests pursuant to this division a criminal 58242  
records check for an applicant at the time of the applicant's 58243  
initial application for employment, the administrator shall 58244  
request that the superintendent obtain information from the 58245  
federal bureau of investigation as a part of the criminal records 58246  
check for the applicant, including fingerprint-based checks of 58247  
national crime information databases as described in 42 U.S.C. 58248  
671, for the person subject to the criminal records check. In all 58249  
other cases in which the administrator requests a criminal records 58250  
check for an applicant pursuant to this division, the 58251  
administrator may request that the superintendent include 58252  
information from the federal bureau of investigation in the 58253  
criminal records check, including fingerprint-based checks of 58254  
national crime information databases as described in 42 U.S.C. 58255  
671. 58256

(2) A person required by division (A)(1) of this section to 58257  
request a criminal records check shall provide to each applicant a 58258  
copy of the form prescribed pursuant to division (C)(1) of section 58259  
109.572 of the Revised Code, provide to each applicant a standard 58260  
impression sheet to obtain fingerprint impressions prescribed 58261  
pursuant to division (C)(2) of section 109.572 of the Revised 58262  
Code, obtain the completed form and impression sheet from each 58263  
applicant, and forward the completed form and impression sheet to 58264  
the superintendent of the bureau of criminal identification and 58265  
investigation at the time the person requests a criminal records 58266  
check pursuant to division (A)(1) of this section. On and after 58267

August 14, 2008, the administrator of a child day-care center or a 58268  
type A family day-care home shall review the results of the 58269  
criminal records check before the applicant has sole 58270  
responsibility for the care, custody, or control of any child. 58271

(3) An applicant who receives pursuant to division (A)(2) of 58272  
this section a copy of the form prescribed pursuant to division 58273  
(C)(1) of section 109.572 of the Revised Code and a copy of an 58274  
impression sheet prescribed pursuant to division (C)(2) of that 58275  
section and who is requested to complete the form and provide a 58276  
set of fingerprint impressions shall complete the form or provide 58277  
all the information necessary to complete the form and shall 58278  
provide the impression sheet with the impressions of the 58279  
applicant's fingerprints. If an applicant, upon request, fails to 58280  
provide the information necessary to complete the form or fails to 58281  
provide impressions of the applicant's fingerprints, the center or 58282  
type A home shall not employ that applicant for any position for 58283  
which a criminal records check is required by division (A)(1) of 58284  
this section. 58285

(B)(1) Except as provided in rules adopted under division (E) 58286  
of this section, no child day-care center or type A family 58287  
day-care home shall employ or contract with another entity for the 58288  
services of a person as a person responsible for the care, 58289  
custody, or control of a child if the person previously has been 58290  
convicted of or pleaded guilty to any of the violations described 58291  
in division (A)~~(9)~~(6) of section 109.572 of the Revised Code. 58292

(2) A child day-care center or type A family day-care home 58293  
may employ an applicant conditionally until the criminal records 58294  
check required by this section is completed and the center or home 58295  
receives the results of the criminal records check. If the results 58296  
of the criminal records check indicate that, pursuant to division 58297  
(B)(1) of this section, the applicant does not qualify for 58298  
employment, the center or home shall release the applicant from 58299

employment. 58300

(C)(1) Each child day-care center and type A family day-care 58301  
home shall pay to the bureau of criminal identification and 58302  
investigation the fee prescribed pursuant to division (C)(3) of 58303  
section 109.572 of the Revised Code for each criminal records 58304  
check conducted in accordance with that section upon the request 58305  
pursuant to division (A)(1) of this section of the administrator 58306  
or provider of the center or home. 58307

(2) A child day-care center and type A family day-care home 58308  
may charge an applicant a fee for the costs it incurs in obtaining 58309  
a criminal records check under this section. A fee charged under 58310  
this division shall not exceed the amount of fees the center or 58311  
home pays under division (C)(1) of this section. If a fee is 58312  
charged under this division, the center or home shall notify the 58313  
applicant at the time of the applicant's initial application for 58314  
employment of the amount of the fee and that, unless the fee is 58315  
paid, the center or type A home will not consider the applicant 58316  
for employment. 58317

(D) The report of any criminal records check conducted by the 58318  
bureau of criminal identification and investigation in accordance 58319  
with section 109.572 of the Revised Code and pursuant to a request 58320  
under division (A)(1) of this section is not a public record for 58321  
the purposes of section 149.43 of the Revised Code and shall not 58322  
be made available to any person other than the applicant who is 58323  
the subject of the criminal records check or the applicant's 58324  
representative; the center or type A home requesting the criminal 58325  
records check or its representative; the department of job and 58326  
family services or a county department of job and family services; 58327  
and any court, hearing officer, or other necessary individual 58328  
involved in a case dealing with the denial of employment to the 58329  
applicant. 58330

(E) The director of job and family services shall adopt rules 58331

pursuant to Chapter 119. of the Revised Code to implement this 58332  
section, including rules specifying circumstances under which a 58333  
center or home may hire a person who has been convicted of an 58334  
offense listed in division (B)(1) of this section but who meets 58335  
standards in regard to rehabilitation set by the department. 58336

(F) Any person required by division (A)(1) of this section to 58337  
request a criminal records check shall inform each person, at the 58338  
time of the person's initial application for employment, that the 58339  
person is required to provide a set of impressions of the person's 58340  
fingerprints and that a criminal records check is required to be 58341  
conducted and satisfactorily completed in accordance with section 58342  
109.572 of the Revised Code if the person comes under final 58343  
consideration for appointment or employment as a precondition to 58344  
employment for that position. 58345

(G) As used in this section: 58346

(1) "Applicant" means a person who is under final 58347  
consideration for appointment to or employment in a position with 58348  
a child day-care center or a type A family day-care home as a 58349  
person responsible for the care, custody, or control of a child; 58350  
an in-home aide certified pursuant to section 5104.12 of the 58351  
Revised Code; or any person who would serve in any position with a 58352  
child day-care center or a type A family day-care home as a person 58353  
responsible for the care, custody, or control of a child pursuant 58354  
to a contract with another entity. 58355

(2) "Criminal records check" has the same meaning as in 58356  
section 109.572 of the Revised Code. 58357

**Sec. 5104.013.** (A)(1) At the times specified in division 58358  
(A)(3) of this section, the director of job and family services, 58359  
as part of the process of licensure of child day-care centers and 58360  
type A family day-care homes, shall request the superintendent of 58361  
the bureau of criminal identification and investigation to conduct 58362

a criminal records check with respect to the following persons: 58363

(a) Any owner, licensee, or administrator of a child day-care center; 58364  
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(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home. 58366  
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(2) At the times specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of type B family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any authorized provider of a certified type B family day-care home and any person eighteen years of age or older who resides in a certified type B family day-care home. 58369  
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(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every four years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every four years thereafter at the time of a certification renewal. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime 58378  
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information databases as described in 42 U.S.C. 671 for the person 58395  
subject to the criminal records check. In all other cases in which 58396  
the director of job and family services or the director of a 58397  
county department of job and family services requests a criminal 58398  
records check for an applicant pursuant to division (A)(1) or (2) 58399  
of this section, the director may request that the superintendent 58400  
include information from the federal bureau of investigation in 58401  
the criminal records check, including fingerprint-based checks of 58402  
national crime information databases as described in 42 U.S.C. 58403  
671. 58404

(4) The director of job and family services shall review the 58405  
results of a criminal records check subsequent to a request made 58406  
pursuant to divisions (A)(1) and (3) of this section prior to 58407  
approval of a license. The director of a county department of job 58408  
and family services shall review the results of a criminal records 58409  
check subsequent to a request made pursuant to divisions (A)(2) 58410  
and (3) of this section prior to approval of certification. 58411

(B) The director of job and family services or the director 58412  
of a county department of job and family services shall provide to 58413  
each person for whom a criminal records check is required under 58414  
this section a copy of the form prescribed pursuant to division 58415  
(C)(1) of section 109.572 of the Revised Code and a standard 58416  
impression sheet to obtain fingerprint impressions prescribed 58417  
pursuant to division (C)(2) of that section, obtain the completed 58418  
form and impression sheet from that person, and forward the 58419  
completed form and impression sheet to the superintendent of the 58420  
bureau of criminal identification and investigation. 58421

(C) A person who receives pursuant to division (B) of this 58422  
section a copy of the form and standard impression sheet described 58423  
in that division and who is requested to complete the form and 58424  
provide a set of fingerprint impressions shall complete the form 58425  
or provide all the information necessary to complete the form and 58426

shall provide the impression sheet with the impressions of the 58427  
person's fingerprints. If the person, upon request, fails to 58428  
provide the information necessary to complete the form or fails to 58429  
provide impressions of the person's fingerprints, the director may 58430  
consider the failure as a reason to deny licensure or 58431  
certification. 58432

(D) Except as provided in rules adopted under division (G) of 58433  
this section, the director of job and family services shall not 58434  
grant a license to a child day-care center or type A family 58435  
day-care home and a county director of job and family services 58436  
shall not certify a type B family day-care home if a person for 58437  
whom a criminal records check was required in connection with the 58438  
center or home previously has been convicted of or pleaded guilty 58439  
to any of the violations described in division (A)~~(9)~~(6) of 58440  
section 109.572 of the Revised Code. 58441

(E) Each child day-care center, type A family day-care home, 58442  
and type B family day-care home shall pay to the bureau of 58443  
criminal identification and investigation the fee prescribed 58444  
pursuant to division (C)(3) of section 109.572 of the Revised Code 58445  
for each criminal records check conducted in accordance with that 58446  
section upon a request made pursuant to division (A) of this 58447  
section. 58448

(F) The report of any criminal records check conducted by the 58449  
bureau of criminal identification and investigation in accordance 58450  
with section 109.572 of the Revised Code and pursuant to a request 58451  
made under division (A) of this section is not a public record for 58452  
the purposes of section 149.43 of the Revised Code and shall not 58453  
be made available to any person other than the person who is the 58454  
subject of the criminal records check or the person's 58455  
representative, the director of job and family services, the 58456  
director of a county department of job and family services, the 58457  
center, type A home, or type B home involved, and any court, 58458

hearing officer, or other necessary individual involved in a case 58459  
dealing with a denial of licensure or certification related to the 58460  
criminal records check. 58461

(G) The director of job and family services shall adopt rules 58462  
pursuant to Chapter 119. of the Revised Code to implement this 58463  
section, including rules specifying exceptions to the prohibition 58464  
in division (D) of this section for persons who have been 58465  
convicted of an offense listed in that division but who meet 58466  
standards in regard to rehabilitation set by the ~~department~~ 58467  
director. 58468

(H) As used in this section, "criminal records check" has the 58469  
same meaning as in section 109.572 of the Revised Code. 58470

**Sec. 5104.051.** (A)(1) The department of commerce is 58471  
responsible for the inspections of child day-care centers as 58472  
required by division (A)(1) of section 5104.05 of the Revised 58473  
Code. Where there is a municipal, township, or county building 58474  
department certified under section 3781.10 of the Revised Code to 58475  
exercise enforcement authority with respect to the category of 58476  
building occupancy which includes day-care centers, all 58477  
inspections required under division (A)(1) of section 5104.05 of 58478  
the Revised Code shall be made by that department according to the 58479  
standards established by the board of building standards. 58480  
Inspections in areas of the state where there is no municipal, 58481  
township, or county building department certified under section 58482  
3781.10 of the Revised Code to exercise enforcement authority with 58483  
respect to the category of building occupancy which includes 58484  
day-care centers shall be made by personnel of the department of 58485  
commerce. Inspections of centers shall be contingent upon payment 58486  
of a fee by the applicant to the department having jurisdiction to 58487  
inspect. 58488

(2) The department of commerce is responsible for the 58489



inspections of type A family day-care homes as required by 58490  
division (B)(3) of section 5104.05 of the Revised Code. Where 58491  
there is a municipal, township, or county building department 58492  
certified under section 3781.10 of the Revised Code to exercise 58493  
enforcement authority with respect to the category of building 58494  
occupancy which includes type A homes, all inspections required 58495  
under division (B)(3) of section 5104.05 of the Revised Code shall 58496  
be made by that department according to the standards established 58497  
by the board of building standards. Inspections in areas of the 58498  
state where there is no municipal, township, or county building 58499  
department certified under section 3781.10 of the Revised Code to 58500  
exercise enforcement authority with respect to the category of 58501  
building occupancy which includes type A homes shall be made by 58502  
personnel of the department of commerce. Inspections of type A 58503  
homes shall be contingent upon payment of a fee by the applicant 58504  
to the department having jurisdiction to inspect. 58505

(B) The state fire marshal is responsible for the inspections 58506  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 58507  
Revised Code. In municipal corporations and in townships outside 58508  
municipal corporations where there is a fire prevention official, 58509  
the inspections shall be made by the fire chief or the fire 58510  
prevention official under the supervision of and according to the 58511  
standards established by the state fire marshal. In townships 58512  
outside municipal corporations where there is no fire prevention 58513  
official, inspections shall be made by the employees of the state 58514  
fire marshal. 58515

(C) The state fire marshal shall enforce all statutes and 58516  
rules pertaining to fire safety and fire prevention in child 58517  
day-care centers and type A family day-care homes. In the event of 58518  
a dispute between the state fire marshal and any other responsible 58519  
officer under sections 5104.05 and 5104.051 of the Revised Code 58520  
with respect to the interpretation or application of a specific 58521

fire safety statute or rule, the interpretation of the state fire marshal shall prevail. 58522  
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(D) As used in this division, "licensor" has the same meaning as in section 3717.01 of the Revised Code. 58524  
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The licensor for food service operations in the city or general health district in which the center is located is responsible for the inspections required under Chapter 3717. of the Revised Code. 58526  
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(E) Any moneys collected by the department of commerce under this section shall be paid into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code. 58530  
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**Sec. 5104.09.** (A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)~~(9)~~(6) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in-home aide or be employed in any capacity in or own or operate a child day-care center, type A family day-care home, type B family day-care home, or certified type B family day-care home. 58534  
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(2) Each employee of a child day-care center and type A home and every person eighteen years of age or older residing in a type A home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee 58549  
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or resident person has not been convicted of or pleaded guilty to 58553  
any offense set forth in division (A)(1) of this section and that 58554  
no child has been removed from the employee's or resident person's 58555  
home pursuant to section 2151.353 of the Revised Code. Each 58556  
licensee of a type A home shall sign a statement on a form 58557  
prescribed by the director attesting to the fact that no person 58558  
who resides at the type A home and who is under the age of 58559  
eighteen has been adjudicated a delinquent child for committing a 58560  
violation of any section listed in division (A)(1) of this 58561  
section. The statements shall be kept on file at the center or 58562  
type A home. 58563

(3) Each in-home aide and every person eighteen years of age 58564  
or older residing in a certified type B home shall sign a 58565  
statement on forms prescribed by the director of job and family 58566  
services attesting that the aide or resident person has not been 58567  
convicted of or pleaded guilty to any offense set forth in 58568  
division (A)(1) of this section and that no child has been removed 58569  
from the aide's or resident person's home pursuant to section 58570  
2151.353 of the Revised Code. Each authorized provider shall sign 58571  
a statement on forms prescribed by the director attesting that the 58572  
provider has not been convicted of or pleaded guilty to any 58573  
offense set forth in division (A)(1) of this section and that no 58574  
child has been removed from the provider's home pursuant to 58575  
section 2151.353 of the Revised Code. Each authorized provider 58576  
shall sign a statement on a form prescribed by the director 58577  
attesting to the fact that no person who resides at the certified 58578  
type B home and who is under the age of eighteen has been 58579  
adjudicated a delinquent child for committing a violation of any 58580  
section listed in division (A)(1) of this section. The statements 58581  
shall be kept on file at the county department of job and family 58582  
services. 58583

(4) Each administrator and licensee of a center or type A 58584

home shall sign a statement on a form prescribed by the director 58585  
of job and family services attesting that the administrator or 58586  
licensee has not been convicted of or pleaded guilty to any 58587  
offense set forth in division (A)(1) of this section and that no 58588  
child has been removed from the administrator's or licensee's home 58589  
pursuant to section 2151.353 of the Revised Code. The statement 58590  
shall be kept on file at the center or type A home. 58591

(B) No in-home aide, no administrator, licensee, authorized 58592  
provider, or employee of a center, type A home, or certified type 58593  
B home, and no person eighteen years of age or older residing in a 58594  
type A home or certified type B home shall withhold information 58595  
from, or falsify information on, any statement required pursuant 58596  
to division (A)(2), (3), or (4) of this section. 58597

(C) No administrator, licensee, or child-care staff member 58598  
shall discriminate in the enrollment of children in a child 58599  
day-care center upon the basis of race, color, religion, sex, or 58600  
national origin. 58601

(D) The director of job and family services shall adopt rules 58602  
pursuant to Chapter 119. of the Revised Code to implement this 58603  
section, including rules specifying exceptions to the prohibition 58604  
in division (A) of this section for persons who have been 58605  
convicted of an offense listed in that division but meet 58606  
rehabilitation standards set by the ~~department~~ director. 58607

**Sec. 5104.37.** (A) As used in this section, "eligible 58608  
provider" means an individual or entity eligible to provide 58609  
publicly funded child care pursuant to section 5104.31 of the 58610  
Revised Code. 58611

(B) The department of job and family services may withhold 58612  
any money due, under this chapter and recover through any 58613  
appropriate method any money erroneously paid, under this chapter 58614  
if evidence exists of less than full compliance with this chapter 58615

and any rules adopted under it. 58616

(C) Notwithstanding any other provision of this chapter to 58617  
the contrary, the department shall take action against an eligible 58618  
provider as described in this section. 58619

(D) The department immediately shall suspend a contract 58620  
entered into with an eligible provider under section 5104.32 of 58621  
the Revised Code when the department initiates an investigation 58622  
concerning the eligible provider for either of the following 58623  
reasons: 58624

(1) The eligible provider receives an improper child care 58625  
payment. 58626

(2) The department receives notice and a copy of an 58627  
indictment, information, or complaint charging the eligible 58628  
provider or the owner or operator of the provider with committing 58629  
any of the following: 58630

(a) An act that is a felony or misdemeanor relating to 58631  
providing or billing for publicly funded child care or providing 58632  
management or administrative services relating to providing 58633  
publicly funded child care; 58634

(b) An act that would constitute an offense described in 58635  
section 5104.09 of the Revised Code. 58636

(E)(1) Except as provided in division (E)(2) of this section, 58637  
the suspension of a contract under division (D) of this section 58638  
shall continue until the department completes its investigation or 58639  
all criminal charges are disposed of through dismissal, a finding 58640  
of not guilty, conviction, or a plea of guilty. 58641

(2) If the department initiates the termination of a contract 58642  
that has been suspended pursuant to division (D) of this section, 58643  
the suspension shall continue until the termination process is 58644  
completed. 58645

(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care. 58646  
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(G) Not later than five days after suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following: 58652  
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(1) A description of the investigation or indictment, information, or complaint that resulted in the suspension, which need not disclose specific information concerning any ongoing administrative or criminal investigation; 58656  
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(2) A statement that the eligible provider is prohibited from providing publicly funded child care while the contract is under suspension; 58660  
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(3) A statement that the suspension will continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty, and that if the department initiates the termination of the contract, the suspension will continue until the termination process is completed. 58663  
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**Sec. 5107.05.** The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements 58669  
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shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code;

(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;

(6) For the purpose of section 5107.16 of the Revised Code, all of the following:

(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;

(b) The compliance form a member of an assistance group may complete to indicate willingness to come into full compliance with

a provision of a self-sufficiency contract; 58707

(c) The manner by which the compliance form is to be 58708  
completed and provided to a county department of job and family 58709  
services. 58710

(7) The department of job and family services providing 58711  
written notice of a sanction under section 5107.161 of the Revised 58712  
Code; 58713

(8) For the purpose of division (A)(2) of section 5107.17 of 58714  
the Revised Code, the period of time by which a county department 58715  
of job and family services is to receive a compliance form 58716  
established in rules adopted under division (A)(6)(b) of this 58717  
section; 58718

(9) Requirements for the collection and distribution of 58719  
support payments owed participants of Ohio works first pursuant to 58720  
section 5107.20 of the Revised Code; 58721

(10) For the purpose of section 5107.22 of the Revised Code, 58722  
what constitutes cooperating in establishing a minor child's 58723  
paternity or establishing, modifying, or enforcing a child support 58724  
order and good cause for failure or refusal to cooperate; 58725

(11) The requirements governing the LEAP program, including 58726  
the definitions of "equivalent of a high school diploma" and "good 58727  
cause," and the incentives provided under the LEAP program; 58728

(12) If the director implements section 5107.301 of the 58729  
Revised Code, the requirements governing the award provided under 58730  
that section, including the form that the award is to take and 58731  
requirements an individual must satisfy to receive the award; 58732

(13) Circumstances under which a county department of job and 58733  
family services may exempt a minor head of household or adult from 58734  
participating in a work activity or developmental activity for all 58735  
or some of the weekly hours otherwise required by section 5107.43 58736



of the Revised Code. 58737

(14) The maximum amount of time the department will subsidize 58738  
positions created by state agencies and political subdivisions 58739  
under division (C) of section 5107.52 of the Revised Code; 58740

(15) The implementation of sections 5107.71 to 5107.717 of 58741  
the Revised Code by county departments of job and family services; 58742

(16) A domestic violence screening process to be used for the 58743  
purpose of division (A) of section 5107.71 of the Revised Code; 58744

(17) The minimum frequency with which county departments of 58745  
job and family services must redetermine a member of an assistance 58746  
group's need for a waiver issued under section 5107.714 of the 58747  
Revised Code. 58748

(B) The rules adopted under division (A)(3) of this section 58749  
regarding income shall specify what is countable income, gross 58750  
earned income, and gross unearned income for the purpose of 58751  
section 5107.10 of the Revised Code. 58752

The rules adopted under division (A)(10) of this section 58753  
shall be consistent with 42 U.S.C. 654(29). 58754

The rules adopted under division (A)(13) of this section 58755  
shall specify that the circumstances include that a school or 58756  
place of work is closed due to a holiday or weather or other 58757  
emergency and that an employer grants the minor head of household 58758  
or adult leave for illness or earned vacation. 58759

(C) The rules may provide that a county department of job and 58760  
family services is not required to take action under section 58761  
5107.76 of the Revised Code to recover an erroneous payment ~~that~~ 58762  
~~is below an amount the department specifies~~ under circumstances 58763  
the rules specify. 58764

**Sec. 5111.031.** (A) As used in this section: 58765

(1) "Independent provider" has the same meaning as in section 5111.034 of the Revised Code. 58766  
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(2) "Intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code. 58768  
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(3) "Noninstitutional medicaid provider" means any person or entity with a medicaid provider agreement other than a hospital, nursing facility, or intermediate care facility for the mentally retarded. 58771  
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(4) "Owner" means any person having at least five per cent ownership in a noninstitutional medicaid provider. 58775  
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(B) Notwithstanding any provision of this chapter to the contrary, the department of job and family services shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee. 58777  
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(C) Except as provided in division (D) of this section and in rules adopted by the department under division (H) of this section, on receiving notice and a copy of an indictment that is issued on or after September 29, 2007, and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid reimbursement to the provider for services rendered. 58782  
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The suspension shall continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty. If the department commences a process to 58793  
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terminate the suspended provider agreement, the suspension shall 58797  
also continue in effect until the termination process is 58798  
concluded. 58799

Pursuant to section 5111.06 of the Revised Code, the 58800  
department is not required to take action under this division by 58801  
issuing an order pursuant to an adjudication conducted in 58802  
accordance with Chapter 119. of the Revised Code. 58803

When subject to a suspension under this division, a provider, 58804  
owner, officer, authorized agent, associate, manager, or employee 58805  
shall not own or provide services to any other medicaid provider 58806  
or risk contractor or arrange for, render, or order services for 58807  
medicaid recipients during the period of suspension. During the 58808  
period of suspension, the provider, owner, officer, authorized 58809  
agent, associate, manager, or employee shall not receive 58810  
reimbursement in the form of direct payments from the department 58811  
or indirect payments of medicaid funds in the form of salary, 58812  
shared fees, contracts, kickbacks, or rebates from or through any 58813  
participating provider or risk contractor. 58814

(D)(1) The department shall not suspend a provider agreement 58815  
or terminate medicaid reimbursement under division (C) of this 58816  
section if the provider or owner can demonstrate through the 58817  
submission of written evidence that the provider or owner did not 58818  
directly or indirectly sanction the action of its authorized 58819  
agent, associate, manager, or employee that resulted in the 58820  
indictment. 58821

(2) The termination of medicaid reimbursement applies only to 58822  
payments for medicaid services rendered subsequent to the date on 58823  
which the notice required under division (F) of this section is 58824  
sent. Claims for reimbursement for medicaid services rendered by 58825  
the provider prior to the issuance of the notice may be subject to 58826  
prepayment review procedures whereby the department reviews claims 58827  
to determine whether they are supported by sufficient 58828

documentation, are in compliance with state and federal statutes 58829  
and rules, and are otherwise complete. 58830

(E)(1) In the case of a noninstitutional medicaid provider 58831  
that is not an independent provider, the suspension of a provider 58832  
agreement under division (C) of this section applies when an 58833  
indictment charges a person with committing an act that would be a 58834  
felony or misdemeanor under the laws of this state and the act 58835  
relates to or results from either of the following: 58836

(a) Furnishing or billing for medical care, services, or 58837  
supplies under the medicaid program; 58838

(b) Participating in the performance of management or 58839  
administrative services relating to furnishing medical care, 58840  
services, or supplies under the medicaid program. 58841

(2) In the case of a noninstitutional medicaid provider that 58842  
is an independent provider, the suspension of a provider agreement 58843  
under division (C) of this section applies when an indictment 58844  
charges a person with committing an act that would constitute ~~one~~ 58845  
~~of the offenses specified in division (D) of a disqualifying~~ 58846  
offense as defined in section 5111.034 5111.032 of the Revised 58847  
Code. 58848

(F) Not later than five days after suspending a provider 58849  
agreement under division (C) of this section, the department shall 58850  
send notice of the suspension to the affected provider or owner. 58851  
In providing the notice, the department shall do all of the 58852  
following: 58853

(1) Describe the indictment that was the cause of the 58854  
suspension, without necessarily disclosing specific information 58855  
concerning any ongoing civil or criminal investigation; 58856

(2) State that the suspension will continue in effect until 58857  
the proceedings in the criminal case are completed through 58858  
dismissal of the indictment or through conviction, entry of a 58859

guilty plea, or finding of not guilty and, if the department 58860  
commences a process to terminate the suspended provider agreement, 58861  
until the termination process is concluded; 58862

(3) Inform the provider or owner of the opportunity to submit 58863  
to the department, not later than thirty days after receiving the 58864  
notice, a request for a reconsideration pursuant to division (G) 58865  
of this section. 58866

(G)(1) Pursuant to the procedure specified in division (G)(2) 58867  
of this section, a noninstitutional medicaid provider or owner 58868  
subject to a suspension under this section may request a 58869  
reconsideration. The request shall be made not later than thirty 58870  
days after receipt of the notice provided under division (F) of 58871  
this section. The reconsideration is not subject to an 58872  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 58873

(2) In requesting a reconsideration, the provider or owner 58874  
shall submit written information and documents to the department. 58875  
The information and documents may pertain to any of the following 58876  
issues: 58877

(a) Whether the determination to suspend the provider 58878  
agreement was based on a mistake of fact, other than the validity 58879  
of the indictment; 58880

(b) Whether any offense charged in the indictment resulted 58881  
from an offense specified in division (E) of this section; 58882

(c) Whether the provider or owner can demonstrate that the 58883  
provider or owner did not directly or indirectly sanction the 58884  
action of its authorized agent, associate, manager, or employee 58885  
that resulted in the indictment. 58886

(3) The department shall review the information and documents 58887  
submitted in a request for reconsideration. After the review, the 58888  
suspension may be affirmed, reversed, or modified, in whole or in 58889  
part. The department shall notify the affected provider or owner 58890

of the results of the review. The review and notification of its 58891  
results shall be completed not later than forty-five days after 58892  
receiving the information and documents submitted in a request for 58893  
reconsideration. 58894

(H) The department may adopt rules in accordance with Chapter 58895  
119. of the Revised Code to implement this section. The rules may 58896  
specify circumstances under which the department would not suspend 58897  
a provider agreement pursuant to this section. 58898

**Sec. 5111.032.** (A) As used in this section: 58899

(1) "Criminal records check" has the same meaning as in 58900  
section 109.572 of the Revised Code. 58901

(2) ~~"Department" includes a designee of the department of job 58902  
and family services. 58903~~

~~(3) "Disqualifying offense" means any of the following: 58904~~

~~(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 58905  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 58906  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 58907  
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 58908  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 58909  
2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 58910  
2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 58911  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 58912  
2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 58913  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 58914  
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 58915  
2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 58916  
2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 58917  
2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 58918  
2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 58919  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 58920~~

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|---------------------------------------------------------------------------|-------|
| <u>2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>     | 58921 |
| <u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>         | 58922 |
| <u>(b) Felonious sexual penetration in violation of former</u>            | 58923 |
| <u>section 2907.12 of the Revised Code;</u>                               | 58924 |
| <u>(c) A violation of section 2905.04 of the Revised Code as it</u>       | 58925 |
| <u>existed prior to July 1, 1996;</u>                                     | 58926 |
| <u>(d) A violation of section 2923.01, 2923.02, or 2923.03 of</u>         | 58927 |
| <u>the Revised Code when the underlying offense that is the object of</u> | 58928 |
| <u>the conspiracy, attempt, or complicity is one of the offenses</u>      | 58929 |
| <u>listed in division (A)(2)(a) to (c) of this section;</u>               | 58930 |
| <u>(e) A violation of an existing or former municipal ordinance</u>       | 58931 |
| <u>or law of this state, any other state, or the United States that</u>   | 58932 |
| <u>is substantially equivalent to any of the offenses listed in</u>       | 58933 |
| <u>division (A)(2)(a) to (d) of this section.</u>                         | 58934 |
| <u>(3) "Owner" means a person who has an ownership interest in a</u>      | 58935 |
| <u>provider or applicant to be a provider in an amount designated by</u>  | 58936 |
| <u>the department of job and family services in rules adopted under</u>   | 58937 |
| <u>this section.</u>                                                      | 58938 |
| <u>(4) "Person subject to the criminal records check</u>                  | 58939 |
| <u>requirement" means the following:</u>                                  | 58940 |
| <u>(a) A provider or applicant to be a provider who is notified</u>       | 58941 |
| <u>under division (E)(1) of this section that the provider or</u>         | 58942 |
| <u>applicant is subject to a criminal records check;</u>                  | 58943 |
| <u>(b) An owner or prospective owner, officer or prospective</u>          | 58944 |
| <u>officer, or board member or prospective board member of a provider</u> | 58945 |
| <u>or applicant to be a provider if, pursuant to division (E)(1)(a)</u>   | 58946 |
| <u>of this section, the owner or prospective owner, officer or</u>        | 58947 |
| <u>prospective officer, or board member or prospective board member</u>   | 58948 |
| <u>is specified in information given to the provider or applicant</u>     | 58949 |
| <u>under division (E)(1) of this section;</u>                             | 58950 |

(c) An employee or prospective employee of a provider or applicant to be a provider if both of the following apply: 58951  
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(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider or applicant under division (E)(1) of this section. 58953  
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(ii) The provider or applicant is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 58957  
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(5) "Provider" means a person, institution, or entity that has a medicaid provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 58960  
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(6) "Responsible entity" means the following: 58964

(a) With respect to a criminal records check required under this section for a provider or applicant to be a provider, the department of job and family services or the department's designee; 58965  
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a provider or applicant to be a provider, the provider or applicant. 58969  
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(B)(1) Except as provided in division (B)(2) of this section, the This section does not apply to any individual who is subject to a criminal records check under section 3712.09, 3721.121, 5111.034, 5123.081, or 5123.169 of the Revised Code or any individual who is subject to a database review or criminal records check under section 173.394, 3701.881, or 5111.033 of the Revised Code. 58974  
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(C) The department of job and family services may require do 58981  
any of the following: 58982

(1) Require that any provider, or applicant to be a provider, 58983  
employee or prospective employee of a provider, owner or 58984  
prospective owner of a provider, officer or prospective officer of 58985  
a provider, or board member or prospective board member of a 58986  
provider submit to a criminal records check as a condition of 58987  
obtaining having a medicaid provider agreement, continuing to hold 58988  
a provider agreement, being employed by a provider, having an 58989  
ownership interest in a provider, or being an officer or board 58990  
member of a provider. The department may designate the categories 58991  
of persons who are subject to the criminal records check 58992  
requirement. The department shall designate the times at which the 58993  
criminal records checks must be conducted. 58994

(2) The section does not apply to providers, applicants to be 58995  
providers, employees of a provider, or prospective employees of a 58996  
provider who are subject to criminal records checks under section 58997  
5111.033 or 5111.034 of the Revised Code; 58998

(2) Require that any provider or applicant to be a provider 58999  
require an owner or prospective owner, officer or prospective 59000  
officer, or board member or prospective board member of the 59001  
provider or applicant submit to a criminal records check as a 59002  
condition of being an owner, officer, or board member of the 59003  
provider or applicant; 59004

(3) Require that any provider or applicant to be a provider 59005  
do the following: 59006

(a) If so required by rules adopted under this section, 59007  
determine pursuant to a database review conducted under division 59008  
(F)(1)(a) of this section whether any employee or prospective 59009  
employee of the provider or applicant is included in a database; 59010

(b) Unless the provider or applicant is prohibited by 59011

division (D)(3)(b) of this section from employing the employee or 59012  
prospective employee, require the employee or prospective employee 59013  
to submit to a criminal records check as a condition of being an 59014  
employee of the provider or applicant. 59015

(D)(1) The department or the department's designee shall 59016  
terminate a provider's medicaid provider agreement or deny an 59017  
applicant's application for a medicaid provider agreement if the 59018  
provider or applicant is a person subject to the criminal records 59019  
check requirement and either of the following applies: 59020

(a) The provider or applicant fails to obtain the criminal 59021  
records check after being given the information specified in 59022  
division (G)(1) of this section. 59023

(b) Except as provided in rules adopted under this section, 59024  
the provider or applicant is found by the criminal records check 59025  
to have been convicted of, pleaded guilty to, or been found 59026  
eligible for intervention in lieu of conviction for a 59027  
disqualifying offense, regardless of the date of the conviction, 59028  
the date of entry of the guilty plea, or the date the applicant or 59029  
provider was found eligible for intervention in lieu of 59030  
conviction. 59031

(2) No provider or applicant to be a provider shall permit a 59032  
person to be an owner, officer, or board member of the provider or 59033  
applicant if the person is a person subject to the criminal 59034  
records check requirement and either of the following applies: 59035

(a) The person fails to obtain the criminal records check 59036  
after being given the information specified in division (G)(1) of 59037  
this section. 59038

(b) Except as provided in rules adopted under this section, 59039  
the person is found by the criminal records check to have been 59040  
convicted of, pleaded guilty to, or been found eligible for 59041  
intervention in lieu of conviction for a disqualifying offense, 59042

regardless of the date of the conviction, the date of entry of the 59043  
guilty plea, or the date the person was found eligible for 59044  
intervention in lieu of conviction. 59045

(3) No provider or applicant to be a provider shall employ a 59046  
person if any of the following apply: 59047

(a) The person has been excluded from providing services or 59048  
items under the medicaid program, the medicare program operated 59049  
pursuant to Title XVIII of the "Social Security Act," or any other 59050  
federal health care program. 59051

(b) If the person is subject to a database review conducted 59052  
under division (F)(1)(a) of this section, the person is found by 59053  
the database review to be included in a database and the rules 59054  
adopted under this section regarding the database review prohibit 59055  
the provider or applicant from employing a person included in the 59056  
database. 59057

(c) If the person is a person subject to the criminal records 59058  
check requirement, either of the following applies: 59059

(i) The person fails to obtain the criminal records check 59060  
after being given the information specified in division (G)(1) of 59061  
this section. 59062

(ii) Except as provided in rules adopted under this section, 59063  
the person is found by the criminal records check to have been 59064  
convicted of, pleaded guilty to, or been found eligible for 59065  
intervention in lieu of conviction for a disqualifying offense, 59066  
regardless of the date of the conviction, the date of entry of the 59067  
guilty plea, or the date the person was found eligible for 59068  
intervention in lieu of conviction. 59069

~~(C)(E)(1)~~ The department or the department's designee shall 59070  
inform each provider or applicant to be a provider whether the 59071  
provider or applicant is subject to a criminal records check 59072  
requirement under division (B) of this section. For providers, the 59073

information shall be given at times designated in rules adopted 59074  
under this section. For applicants to be providers, the 59075  
information shall be given at the time of initial application. 59076  
When the information is given, the department or the department's 59077  
designee shall specify ~~which~~ the following: 59078

(a) Which of the provider's or applicant's ~~employees or~~ 59079  
~~prospective employees,~~ owners or prospective owners, officers or 59080  
prospective officers, or board members or prospective board 59081  
members are subject to ~~the~~ a criminal records check ~~requirement;~~ 59082

(b) Which of the provider's or applicant's employees or 59083  
prospective employees are subject to division (C)(3) of this 59084  
section. 59085

(2) At times designated in rules adopted under this section, 59086  
a provider or applicant to be a provider that is a person subject 59087  
to the criminal records check requirement shall ~~inform~~ do the 59088  
following: 59089

(a) Inform each person specified ~~by the department~~ under 59090  
division ~~(C)(1)(E)(1)(a)~~ of this section that the person is 59091  
required, ~~as applicable,~~ to submit to a criminal records check ~~for~~ 59092  
~~final consideration for employment in a full time, part time, or~~ 59093  
~~temporary position; as a condition of continued employment; or as~~ 59094  
a condition of ~~becoming or continuing to be~~ being an owner, 59095  
officer, or board member ~~or owner~~ of a the provider or applicant; 59096

(b) Inform each person specified under division (E)(1)(b) of 59097  
this section that the person is subject to division (C)(3) of this 59098  
section. 59099

~~(D)(F)(1)~~ If a provider or applicant to be a provider is a 59100  
person subject to ~~a~~ the criminal records check ~~under this section~~ 59101  
requirement, the department or the department's designee shall 59102  
require the conduct of a criminal records check by the 59103  
superintendent of the bureau of criminal identification and 59104

~~investigation. If a provider or applicant to be a provider for whom a criminal records check is required does not present proof of having been a resident of this state for the five year period immediately prior to the date the criminal records check is requested or provide evidence that within that five year period the superintendent has requested information about the individual from the federal bureau of investigation in a criminal records check, the department shall require the provider or applicant to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the provider or applicant. Even if a provider or applicant for whom a criminal records check request is required presents proof of having been a resident of this state for the five year period, the department may require that the provider or applicant request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the provider or applicant.~~

~~(2) investigation. A provider or applicant to be a provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified by the department under division (C)(1)(E)(1)(a) of this section. If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five year period immediately prior to the date the criminal records check is requested or provide evidence that within that five year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident~~

~~of this state for the five year period, the department may require~~ 59138  
~~the provider to request that the superintendent obtain information~~ 59139  
~~from the federal bureau of investigation and include it in the~~ 59140  
~~criminal records check of the person. With respect to each~~ 59141  
~~employee and prospective employee specified under division~~ 59142  
~~(E)(1)(b) of this section, a provider or applicant to be a~~ 59143  
~~provider shall do the following:~~ 59144

(a) If rules adopted under this section require the provider 59145  
or applicant to conduct a database review to determine whether the 59146  
employee or prospective employee is included in a database, 59147  
conduct the database review in accordance with the rules; 59148

(b) Unless the provider or applicant is prohibited by 59149  
division (D)(3)(b) of this section from employing the employee or 59150  
prospective employee, require the conduct of a criminal records 59151  
check of the employee or prospective employee by the 59152  
superintendent. 59153

(2) If a person subject to the criminal records check 59154  
requirement does not present proof of having been a resident of 59155  
this state for the five-year period immediately prior to the date 59156  
the criminal records check is requested or provide evidence that 59157  
within that five-year period the superintendent has requested 59158  
information about the person from the federal bureau of 59159  
investigation in a criminal records check, the responsible entity 59160  
shall require the person to request that the superintendent obtain 59161  
information from the federal bureau of investigation as part of 59162  
the criminal records check of the person. Even if the person 59163  
presents proof of having been a resident of this state for the 59164  
five-year period, the responsible entity may require that the 59165  
person request that the superintendent obtain information from the 59166  
federal bureau of investigation and include it in the criminal 59167  
records check of the person. 59168

~~(E)(1)(G)~~ Criminal records checks required ~~under~~ by this 59169

section for ~~providers or applicants to be providers~~ shall be 59170  
obtained as follows: 59171

~~(a)(1)~~ The ~~department~~ responsible entity shall provide each 59172  
~~provider or applicant~~ person subject to the criminal records check 59173  
requirement information about accessing and completing the form 59174  
prescribed pursuant to division (C)(1) of section 109.572 of the 59175  
Revised Code and the standard ~~fingerprint~~ impression sheet 59176  
prescribed pursuant to division (C)(2) of that section. 59177

~~(b)(2)~~ The ~~provider or applicant~~ person subject to the 59178  
criminal records check requirement shall submit the required form 59179  
and one complete set of the person's fingerprint impressions 59180  
directly to the superintendent for purposes of conducting the 59181  
criminal records check using the applicable methods prescribed by 59182  
division (C) of section 109.572 of the Revised Code. The ~~applicant~~ 59183  
~~or provider~~ person shall pay all fees associated with obtaining 59184  
the criminal records check. 59185

~~(c)(3)~~ The superintendent shall conduct the criminal records 59186  
check in accordance with section 109.572 of the Revised Code. The 59187  
~~provider or applicant~~ person subject to the criminal records check 59188  
requirement shall instruct the superintendent to submit the report 59189  
of the criminal records check directly to the ~~director of job and~~ 59190  
~~family services.~~ 59191

~~(2)~~ ~~Criminal records checks required under this section for~~ 59192  
~~persons specified by the department under division (C)(1) of this~~ 59193  
~~section shall be obtained as follows:~~ 59194

~~(a)~~ The ~~provider~~ shall give to each person subject to 59195  
~~criminal records check requirement~~ information about accessing and 59196  
~~completing the form prescribed pursuant to division (C)(1) of~~ 59197  
~~section 109.572 of the Revised Code and the standard fingerprint~~ 59198  
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 59199  
~~section.~~ 59200

~~(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.~~

~~(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider responsible entity. The If the department or the department's designee is not the responsible entity, the department or designee may require the provider responsible entity to submit the report to the department or designee.~~

~~(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as applicable, terminate the provider agreement or deny the application to be a provider.~~

~~If a person is given the information specified in division (E)(2)(a) of this section but fails to obtain a criminal records check, the provider shall not, as applicable, permit the person to be an employee, owner, officer, or board member of the provider.~~

~~(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the~~



~~applicant or provider was found eligible for intervention in lieu of conviction;~~ 59233  
59234

~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;~~ 59235  
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~~(2) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (G)(1) of this section.~~ 59257  
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~~(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is~~ 59261  
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~~subject to a criminal records check under this section and the~~ 59265  
~~person has been convicted of, has pleaded guilty to, or has been~~ 59266  
~~found eligible for intervention in lieu of conviction for any of~~ 59267  
~~the offenses specified in division (G)(1) or (2) of this section.~~ 59268

~~(b) No provider shall employ a person who has been excluded~~ 59269  
~~from participating in the medicaid program, the medicare program~~ 59270  
~~operated pursuant to Title XVIII of the "Social Security Act," or~~ 59271  
~~any other federal health care program.~~ 59272

~~(2)(a)(H)(1)~~ A provider or applicant to be a provider may 59273  
employ conditionally a person for whom a criminal records check is 59274  
required ~~under~~ by this section prior to obtaining the results of a 59275  
the criminal records check ~~regarding the person, but only if the~~ 59276  
both of the following apply: 59277

(a) The provider or applicant is not prohibited by division 59278  
(D)(3)(b) of this section from employing the person. 59279

(b) The person submits a request for a the criminal records 59280  
check not later than five business days after the ~~individual~~ 59281  
person begins conditional employment. 59282

~~(b)(2)~~ A provider or applicant to be a provider that employs 59283  
a person conditionally under ~~authority of~~ division (H)~~(2)(a)(1)~~ of 59284  
this section shall terminate the person's employment if the 59285  
results of the criminal records check request are not obtained 59286  
within the period ending sixty days after the date the request is 59287  
made. Regardless of when the results of the criminal records check 59288  
are obtained, if the results indicate that the ~~individual~~ person 59289  
has been convicted of, has pleaded guilty to, or has been found 59290  
eligible for intervention in lieu of conviction for ~~any of the~~ 59291  
~~offenses specified in division (G)(1) or (2) of this section a~~ 59292  
disqualifying offense, the provider or applicant shall terminate 59293  
the person's employment unless circumstances specified in rules 59294  
adopted under this section exist that permit the provider or 59295

applicant to employ the person and the provider or applicant 59296  
chooses to employ the ~~individual pursuant to division (J) of this~~ 59297  
~~section~~ person. 59298

(I) The report of a criminal records check conducted pursuant 59299  
to this section is not a public record for the purposes of section 59300  
149.43 of the Revised Code and shall not be made available to any 59301  
person other than the following: 59302

(1) The person who is the subject of the criminal records 59303  
check or the person's representative; 59304

(2) The director of job and family services and the staff of 59305  
the department in the administration of the medicaid program; 59306

(3) The department's designee; 59307

(4) The provider or applicant to be a provider who required 59308  
the person who is the subject of the criminal records check to 59309  
submit to the criminal records check; 59310

(5) A court, hearing officer, or other necessary individual 59311  
involved in a case dealing with ~~the~~ any of the following: 59312

(a) The denial or termination of a medicaid provider 59313  
agreement; 59314

~~(4) A court, hearing officer, or other necessary individual~~ 59315  
~~involved in a case dealing with a~~ (b) A person's denial of 59316  
employment, termination of employment, or employment or 59317  
unemployment benefits; 59318

(c) A civil or criminal action regarding the medicaid 59319  
program. 59320

(J) The ~~department~~ director of job and family services may 59321  
adopt rules in accordance with Chapter 119. of the Revised Code to 59322  
implement this section. If the director adopts such rules, the 59323  
rules shall designate the times at which a criminal records check 59324  
must be conducted under this section. The rules may ~~specify~~ do any 59325

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 59326 |
| <u>(1) Designate the categories of persons who are subject to a criminal records check under this section;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 59327 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59328 |
| <u>(2) Specify circumstances under which the department or the department's designee may continue a medicaid provider agreement or issue a medicaid provider agreement to an applicant when the provider or applicant <del>has</del> <u>is found by a criminal records check to have</u> been convicted of, <del>has</del> pleaded guilty to, or <del>has</del> been found eligible for intervention in lieu of conviction for <del>any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify a disqualifying offense;</del></u> | 59329 |
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| <u>(3) Specify circumstances under which a provider or applicant to be a provider may permit a person to be an employee, owner, officer, or board member of the provider or applicant, when the person <del>has</del> <u>is found by a criminal records check conducted pursuant to this section to have</u> been convicted of, <del>has</del> pleaded guilty to, or <del>has</del> been found eligible for intervention in lieu of conviction for <del>any of the offenses specified in division (G)(1) or (2) of this section</del> <u>a disqualifying offense;</u></u>  | 59337 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59338 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59344 |
| <u>(4) Specify all of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 59345 |
| <u>(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a provider or applicant to be a provider is included in a database;</u>                                                                                                                                                                                                                                                                                                                      | 59346 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59347 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59348 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59349 |
| <u>(b) The procedures for conducting the database review;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 59350 |
| <u>(c) The databases that are to be checked;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 59351 |
| <u>(d) The circumstances under which a provider or applicant to be a provider is prohibited from employing a person who is found by the database review to be included in a database.</u>                                                                                                                                                                                                                                                                                                                                                                                  | 59352 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59353 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 59354 |
| <b>Sec. 5111.033. (A) As used in this section:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 59355 |

(1) "Applicant" means a person who is under final consideration for employment ~~or, after September 26, 2003, an existing employee~~ with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based ~~waiver services to a person with disabilities.~~ "Applicant" ~~also means an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community based waiver services to a person with disabilities after September 26, 2003.~~

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) ~~"Waiver agency" means a person or government entity that is not certified under the medicare program and is accredited by the community health accreditation program or the joint commission on accreditation of health care organizations or a company that provides home and community based waiver services to persons with disabilities through department of job and family services administered home and community based waiver programs.~~

(4) "Home Disqualifying offense" has the same meaning as in section 5111.032 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Home and community-based ~~waiver~~ services medicaid waiver component" means ~~services furnished under the provision of 42 C.F.R. 441, subpart C, that permit individuals to live in a home setting rather than a nursing facility or hospital~~ has the same meaning as in section 5111.85 of the Revised Code. ~~Home and community based waiver services are approved by the centers for medicare and medicaid for specific populations and are not otherwise available under the medicaid state plan.~~

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of job and family services, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5111.034 of the Revised Code. 59387  
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(B) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply: 59394  
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(1) A review of the databases listed in division (D) of this section reveals any of the following: 59397  
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(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 59399  
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(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident; 59402  
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(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services. 59408  
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(2) After the applicant or employee is given the information and notification required by divisions (E)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following: 59414  
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(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 59418  
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency. 59423  
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(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, date of entry of the guilty plea, or the date the applicant or employee was found eligible for intervention in lieu of conviction. 59426  
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(C) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following: 59434  
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(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the waiver agency is prohibited by division (B)(1) of this section from employing the applicant in the position; 59438  
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(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check. 59442  
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(D) As a condition of employing any applicant in a position that involves providing home and community-based services, the 59447  
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chief administrator of a waiver agency shall conduct a database 59449  
review of the applicant in accordance with rules adopted under 59450  
this section. If rules adopted under this section so require, the 59451  
chief administrator of a waiver agency shall conduct a database 59452  
review of an employee in accordance with the rules as a condition 59453  
of continuing to employ the employee in a position that involves 59454  
providing home and community-based services. A database review 59455  
shall determine whether the applicant or employee is included in 59456  
any of the following: 59457

(1) The excluded parties list system maintained by the United 59458  
States general services administration pursuant to subpart 9.4 of 59459  
the federal acquisition regulation; 59460

(2) The list of excluded individuals and entities maintained 59461  
by the office of inspector general in the United States department 59462  
of health and human services pursuant to section 1128 of the 59463  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 59464  
amended, and section 1156 of the "Social Security Act," 96 Stat. 59465  
388 (1982), 42 U.S.C. 1320c-5, as amended; 59466

(3) The registry of MR/DD employees established under section 59467  
5123.52 of the Revised Code; 59468

(4) The internet-based sex offender and child-victim offender 59469  
database established under division (A)(11) of section 2950.13 of 59470  
the Revised Code; 59471

(5) The internet-based database of inmates established under 59472  
section 5120.66 of the Revised Code; 59473

(6) The state nurse aide registry established under section 59474  
3721.32 of the Revised Code; 59475

(7) Any other database, if any, specified in rules adopted 59476  
under this section. 59477

(E)(1) The As a condition of employing any applicant in a 59478



position that involves providing home and community-based 59479  
services, the chief administrator of a waiver agency shall require 59480  
~~each~~ the applicant to request that the superintendent of the 59481  
bureau of criminal identification and investigation conduct a 59482  
criminal records check ~~with respect to~~ of the applicant. If rules 59483  
adopted under this section so require, the chief administrator of 59484  
a waiver agency shall require an employee to request that the 59485  
superintendent conduct a criminal records check of the employee at 59486  
times specified in the rules as a condition of continuing to 59487  
employ the employee in a position that involves providing home and 59488  
community-based services. However, a criminal records check is not 59489  
required for an applicant or employee if the waiver agency is 59490  
prohibited by division (B)(1) of this section from employing the 59491  
applicant or continuing to employ the employee in a position that 59492  
involves providing home and community-based services. If an 59493  
applicant or employee for whom a criminal records check request is 59494  
required ~~under this division~~ by this section does not present 59495  
proof of having been a resident of this state for the five-year 59496  
period immediately prior to the date the criminal records check is 59497  
requested or provide evidence that within that five-year period 59498  
the superintendent has requested information about the applicant 59499  
or employee from the federal bureau of investigation in a criminal 59500  
records check, the chief administrator shall require the applicant 59501  
or employee to request that the superintendent obtain information 59502  
from the federal bureau of investigation as part of the criminal 59503  
records check ~~of the applicant~~. Even if an applicant or employee 59504  
for whom a criminal records check request is required ~~under this~~ 59505  
~~division~~ by this section presents proof of having been a resident 59506  
of this state for the five-year period, the chief administrator 59507  
may require the applicant or employee to request that the 59508  
superintendent include information from the federal bureau of 59509  
investigation in the criminal records check. 59510

(2) The chief administrator shall provide the following to 59511

each applicant and employee for whom a criminal records check 59512  
~~request~~ is required ~~under division (B)(1) of~~ by this section: 59513

(a) Information about accessing, completing, and forwarding 59514  
to the superintendent of the bureau of criminal identification and 59515  
investigation the form prescribed pursuant to division (C)(1) of 59516  
section 109.572 of the Revised Code and the standard ~~fingerprint~~ 59517  
impression sheet prescribed pursuant to division (C)(2) of that 59518  
section; 59519

(b) Written notification that the applicant or employee is to 59520  
instruct the superintendent to submit the completed report of the 59521  
criminal records check directly to the chief administrator. 59522

(3) ~~An applicant given information and notification under~~ 59523  
~~divisions (B)(2)(a) and (b) of this section who fails to access,~~ 59524  
~~complete, and forward to the superintendent the form or the~~ 59525  
~~standard fingerprint impression sheet, or who fails to instruct~~ 59526  
~~the superintendent to submit the completed report of the criminal~~ 59527  
~~records check directly to the chief administrator, shall not be~~ 59528  
~~employed in any position in a waiver agency for which a criminal~~ 59529  
~~records check is required by this section. A waiver agency shall~~ 59530  
~~pay to the bureau of criminal identification and investigation the~~ 59531  
~~fee prescribed pursuant to division (C)(3) of section 109.572 of~~ 59532  
~~the Revised Code for any criminal records check required by this~~ 59533  
~~section. However, a waiver agency may require an applicant to pay~~ 59534  
~~to the bureau the fee for a criminal records check of the~~ 59535  
~~applicant. If the waiver agency pays the fee for an applicant, it~~ 59536  
~~may charge the applicant a fee not exceeding the amount the waiver~~ 59537  
~~agency pays to the bureau under this section if the waiver agency~~ 59538  
~~notifies the applicant at the time of initial application for~~ 59539  
~~employment of the amount of the fee and that, unless the fee is~~ 59540  
~~paid, the applicant will not be considered for employment.~~ 59541

~~(C)(1) Except as provided in rules adopted by the department~~ 59542  
~~of job and family services in accordance with division (F) of this~~ 59543

~~section and subject to division (C)(2) of this section, no waiver 59544  
agency shall employ a person in a position that involves providing 59545  
home and community based waiver services to persons with 59546  
disabilities if the person has been convicted of, has pleaded 59547  
guilty to, or has been found eligible for intervention in lieu of 59548  
conviction for any of the following, regardless of the date of the 59549  
conviction, the date of entry of the guilty plea, or the date the 59550  
person was found eligible for intervention in lieu of conviction. 59551~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 59552  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 59553  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 59554  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 59555  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 59556  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 59557  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 59558  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 59559  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 59560  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 59561  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 59562  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 59563  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 59564  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 59565  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 59566  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 59567  
penetration in violation of former section 2907.12 of the Revised 59568  
Code, a violation of section 2905.04 of the Revised Code as it 59569  
existed prior to July 1, 1996, a violation of section 2919.23 of 59570  
the Revised Code that would have been a violation of section 59571  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 59572  
had the violation been committed prior to that date; 59573~~

~~(b) A violation of an existing or former municipal ordinance 59574  
or law of this state, any other state, or the United States that 59575~~

~~is substantially equivalent to any of the offenses listed in~~ 59576  
~~division (C)(1)(a) of this section.~~ 59577

~~(2)(a)(F)(1)~~ A waiver agency may employ conditionally an 59578  
applicant for whom a criminal records check ~~request~~ is required 59579  
~~under division (B) of~~ by this section prior to obtaining the 59580  
results of a the criminal records check ~~regarding the individual,~~ 59581  
~~provided that the~~ if both of the following apply: 59582

(a) The waiver agency is not prohibited by division (B)(1) of 59583  
this section from employing the applicant in a position that 59584  
involves providing home and community-based services. 59585

(b) The chief administrator of the waiver agency shall 59586  
require ~~requires~~ the ~~individual~~ applicant to request a criminal 59587  
records check regarding the ~~individual~~ applicant in accordance 59588  
with division ~~(B)(E)~~(1) of this section not later than five 59589  
business days after the ~~individual~~ applicant begins conditional 59590  
employment. 59591

~~(b)(2)~~ A waiver agency that employs an ~~individual~~ applicant 59592  
conditionally under ~~authority of~~ division ~~(C)(2)(a)(F)(1)~~ of this 59593  
section shall terminate the ~~individual's~~ applicant's employment if 59594  
the results of the criminal records check ~~request under division~~ 59595  
~~(B) of this section,~~ other than the results of any request for 59596  
information from the federal bureau of investigation, are not 59597  
obtained within the period ending sixty days after the date the 59598  
request for the criminal records check is made. Regardless of when 59599  
the results of the criminal records check are obtained, if the 59600  
results indicate that the ~~individual~~ applicant has been convicted 59601  
of, has pleaded guilty to, or has been found eligible for 59602  
intervention in lieu of conviction for ~~any of the offenses listed~~ 59603  
~~or described in division (C)(1) of this section~~ a disqualifying 59604  
offense, the waiver agency shall terminate the ~~individual's~~ 59605  
applicant's employment unless circumstances specified in rules 59606  
adopted under this section exist that permit the waiver agency to 59607

employ the applicant and the waiver agency chooses to employ the 59608  
individual pursuant to division (F) of this section applicant. 59609

~~(D)(1) The fee prescribed pursuant to division (C)(3) of~~ 59610  
~~section 109.572 of the Revised Code for each criminal records~~ 59611  
~~check conducted pursuant to a request made under division (B) of~~ 59612  
~~this section shall be paid to the bureau of criminal~~ 59613  
~~identification and investigation by the applicant or the waiver~~ 59614  
~~agency.~~ 59615

~~(2) If a waiver agency pays the fee, it may charge the~~ 59616  
~~applicant a fee not exceeding the amount the agency pays under~~ 59617  
~~division (D)(1) of this section. An agency may collect a fee only~~ 59618  
~~if the agency notifies the person at the time of initial~~ 59619  
~~application for employment of the amount of the fee and that,~~ 59620  
~~unless the fee is paid, the person will not be considered for~~ 59621  
~~employment.~~ 59622

~~(E)(G)~~ The report of any criminal records check conducted 59623  
pursuant to a request made under this section is not a public 59624  
record for the purposes of section 149.43 of the Revised Code and 59625  
shall not be made available to any person other than the 59626  
following: 59627

(1) The ~~individual~~ applicant or employee who is the subject 59628  
of the criminal records check or the ~~individual's~~ representative 59629  
of the applicant or employee; 59630

(2) The chief administrator of the waiver agency ~~requesting~~ 59631  
that requires the applicant or employee to request the criminal 59632  
records check or the administrator's representative; 59633

(3) ~~An administrator at~~ The director of job and family 59634  
services and the staff of the department in the administration of 59635  
the medicaid program; 59636

(4) A court, hearing officer, or other necessary individual 59637  
involved in a case dealing with a any of the following: 59638

|                                                                                        |       |
|----------------------------------------------------------------------------------------|-------|
| <u>(a) A denial of employment of the applicant or <del>dealing with</del></u>          | 59639 |
| <u>employment employee;</u>                                                            | 59640 |
| <u>(b) Employment or unemployment benefits of the applicant or</u>                     | 59641 |
| <u>employee;</u>                                                                       | 59642 |
| <u>(c) A civil or criminal action regarding the medicaid</u>                           | 59643 |
| <u>program.</u>                                                                        | 59644 |
| <u><del>(F)</del>(H) The <del>department</del> director of job and family services</u> | 59645 |
| shall adopt rules in accordance with Chapter 119. of the Revised                       | 59646 |
| Code to implement this section. <del>The</del>                                         | 59647 |
| <u>(1) The rules may do the following:</u>                                             | 59648 |
| <u>(a) Require employees to undergo database reviews and</u>                           | 59649 |
| <u>criminal records checks under this section;</u>                                     | 59650 |
| <u>(b) If the rules require employees to undergo database</u>                          | 59651 |
| <u>reviews and criminal records checks under this section, exempt one</u>              | 59652 |
| <u>or more classes of employees from the requirements;</u>                             | 59653 |
| <u>(c) For the purpose of division (D)(7) of this section,</u>                         | 59654 |
| <u>specify other databases that are to be checked as part of a</u>                     | 59655 |
| <u>database review conducted under this section.</u>                                   | 59656 |
| <u>(2) The rules shall specify all of the following:</u>                               | 59657 |
| <u>(a) The procedures for conducting a database review under</u>                       | 59658 |
| <u>this section;</u>                                                                   | 59659 |
| <u>(b) If the rules require employees to undergo database</u>                          | 59660 |
| <u>reviews and criminal records checks under this section, the times</u>               | 59661 |
| <u>at which the database reviews and criminal records checks are to</u>                | 59662 |
| <u>be conducted;</u>                                                                   | 59663 |
| <u>(c) If the rules specify other databases to be checked as</u>                       | 59664 |
| <u>part of a database review, the circumstances under which a waiver</u>               | 59665 |
| <u>agency is prohibited from employing an applicant or continuing to</u>               | 59666 |
| <u>employ an employee who is found by the database review to be</u>                    | 59667 |
| <u>included in one or more of those databases;</u>                                     | 59668 |

~~(d) The circumstances under which a waiver agency may employ a person an applicant or employee who has is found by a criminal records check required by this section to have been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for an offense listed or described in division (C)(1) of this section a disqualifying offense.~~

~~(G) The chief administrator of a waiver agency shall inform each person, at the time of initial application for a position that involves providing home and community based waiver services to a person with a disability, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment.~~

~~(H)(1) A person who, on September 26, 2003, is an employee of a waiver agency in a full time, part time, or temporary position that involves providing home and community based waiver services to a person with disabilities shall comply with this section within sixty days after September 26, 2003, unless division (H)(2) of this section applies.~~

~~(2) This section shall not apply to a person to whom all of the following apply:~~

~~(a) On September 26, 2003, the person is an employee of a waiver agency in a full time, part time, or temporary position that involves providing home and community based waiver services to a person with disabilities.~~

~~(b) The person previously had been the subject of a criminal background check relating to that position;~~

~~(c) The person has been continuously employed in that position since that criminal background check had been conducted.~~

(I) The amendments made by ...B... to this section do not preclude the department of job and family services from taking

action against a person for failure to comply with former division 59700  
(H) of this section as that division existed on the day preceding 59701  
the effective date of this amendment. 59702

**Sec. 5111.034.** (A) As used in this section: 59703

(1) "Anniversary date" means the later of the effective date 59704  
of the provider agreement relating to the independent provider or 59705  
sixty days after September 26, 2003. 59706

(2) ~~"Criminal"~~ "Applicant" means a person who has applied for 59707  
a medicaid provider agreement to provide home and community-based 59708  
services as an independent provider under a home and 59709  
community-based medicaid waiver component administered by the 59710  
department of job and family services. 59711

"Criminal records check" has the same meaning as in section 59712  
109.572 of the Revised Code. 59713

(3) ~~"Department" includes a designee of the department of job~~ 59714  
~~and family services.~~ 59715

(4) ~~"Independent"~~ "Disqualifying offense" has the same meaning 59716  
as in section 5111.032 of the Revised Code. 59717

"Independent provider" means a person who is submitting an 59718  
application for a provider agreement or who has a medicaid 59719  
provider agreement to provide home and community-based services as 59720  
an independent provider in a home and community-based services 59721  
medicaid waiver component administered by the department of job 59722  
and family services administered home and community based services 59723  
program providing home and community based waiver services to 59724  
consumers with disabilities. 59725

(5) "Home and community-based ~~waiver services~~ medicaid waiver 59726  
component" has the same meaning as in section 5111.033 5111.85 of 59727  
the Revised Code. 59728

(B) The department of job and family services or the 59729



department's designee shall deny an applicant's application for a 59730  
medicaid provider agreement and shall terminate an independent 59731  
provider's medicaid provider agreement if either of the following 59732  
applies: 59733

(1) After the applicant or independent provider is given the 59734  
information and notification required by divisions (D)(2)(a) and 59735  
(b) of this section, the applicant or independent provider fails 59736  
to do either of the following: 59737

(a) Access, complete, or forward to the superintendent of the 59738  
bureau of criminal identification and investigation the form 59739  
prescribed pursuant to division (C)(1) of section 109.572 of the 59740  
Revised Code or the standard impression sheet prescribed pursuant 59741  
to division (C)(2) of that section; 59742

(b) Instruct the superintendent to submit the completed 59743  
report of the criminal records check required by this section 59744  
directly to the department or the department's designee. 59745

(2) Except as provided in rules adopted under this section, 59746  
the applicant or independent provider is found by a criminal 59747  
records check required by this section to have been convicted of, 59748  
pleaded guilty to, or been found eligible for intervention in lieu 59749  
of conviction for a disqualifying offense, regardless of the date 59750  
of the conviction, the date of entry of the guilty plea, or the 59751  
date the applicant or independent provider was found eligible for 59752  
intervention in lieu of conviction. 59753

(C)(1) The department of ~~job and family services~~ or the 59754  
department's designee shall inform each ~~independent provider~~ 59755  
applicant, at the time of initial application for a medicaid 59756  
provider agreement ~~that involves providing home and~~ 59757  
~~community based waiver services to consumers with disabilities,~~ 59758  
that the ~~independent provider~~ applicant is required to provide a 59759  
set of the applicant's fingerprint impressions and that a criminal 59760

records check is required to be conducted ~~if the person is to~~ 59761  
~~become an independent provider in a department administered home~~ 59762  
~~and community based waiver program as a condition of the~~ 59763  
department's approving the application. 59764

(2) Beginning on September 26, 2003, the department or the 59765  
department's designee shall inform each ~~enrolled medicaid~~ 59766  
independent provider on or before the time of the anniversary date 59767  
of the medicaid provider agreement ~~that involves providing home~~ 59768  
~~and community based waiver services to consumers with disabilities~~ 59769  
that the independent provider is required to provide a set of the 59770  
independent provider's fingerprint impressions and that a criminal 59771  
records check is required to be conducted. 59772

~~(C)(D)~~(1) The department or the department's designee shall 59773  
require ~~the independent provider~~ an applicant to complete a 59774  
criminal records check prior to entering into a medicaid provider 59775  
agreement with the ~~independent provider and~~ applicant. The 59776  
department or the department's designee shall require an 59777  
independent provider to complete a criminal records check at least 59778  
annually ~~thereafter~~. If an applicant or independent provider for 59779  
whom a criminal records check is required ~~under this division~~ by 59780  
this section does not present proof of having been a resident of 59781  
this state for the five-year period immediately prior to the date 59782  
the criminal records check is requested or provide evidence that 59783  
within that five-year period the superintendent of the bureau of 59784  
criminal identification and investigation has requested 59785  
information about the applicant or independent provider from the 59786  
federal bureau of investigation in a criminal records check, the 59787  
department or the department's designee shall request that the 59788  
applicant or independent provider obtain through the 59789  
superintendent a criminal records request from the federal bureau 59790  
of investigation as part of the criminal records check of the 59791  
applicant or independent provider. Even if an applicant or 59792

independent provider for whom a criminal records check request is 59793  
required ~~under this division by this section~~ presents proof of 59794  
having been a resident of this state for the five-year period, the 59795  
department or the department's designee may request that the 59796  
applicant or independent provider obtain information through the 59797  
superintendent from the federal bureau of investigation in the 59798  
criminal records check. 59799

(2) The department or the department's designee shall provide 59800  
the following to each applicant and independent provider for whom 59801  
a criminal records check ~~request~~ is required ~~under division (C)(1)~~  
~~of~~ by this section: 59803

(a) Information about accessing, completing, and forwarding 59804  
to the superintendent of the bureau of criminal identification and 59805  
investigation the form prescribed pursuant to division (C)(1) of 59806  
section 109.572 of the Revised Code and the standard ~~fingerprint~~ 59807  
impression sheet prescribed pursuant to division (C)(2) of that 59808  
section; 59809

(b) Written notification that the applicant or independent 59810  
provider is to instruct the superintendent to submit the completed 59811  
report of the criminal records check directly to the department or 59812  
the department's designee. 59813

(3) ~~An independent provider given information and~~ 59814  
~~notification under divisions (C)(2)(a) and (b) of this section who~~ 59815  
~~fails to access, complete, and forward to the superintendent the~~ 59816  
~~form or the standard fingerprint impression sheet, or who fails to~~ 59817  
~~instruct the superintendent to submit the completed report of the~~ 59818  
~~criminal records check directly to the department, shall not be~~ 59819  
~~approved as an independent provider. Each applicant and~~ 59820  
independent provider for whom a criminal records check is required 59821  
by this section shall pay to the bureau of criminal identification 59822  
and investigation the fee prescribed pursuant to division (C)(3) 59823  
of section 109.572 of the Revised Code for the criminal records 59824

check conducted of the applicant or independent provider. 59825

~~(D) Except as provided in rules adopted by the department in accordance with division (G) of this section, the department shall not issue a new provider agreement to, and shall terminate an existing provider agreement of, an independent provider if the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:~~ 59826  
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~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;~~ 59835  
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~~(2) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (D)(1) of this section.~~ 59857  
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~~(E) Each independent provider shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (C) of this section.~~ 59861  
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~~(F)~~(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under ~~division (C)~~ of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 59866  
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(1) The person who is the subject of the criminal records check or the person's representative; 59873  
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(2) An administrator at The director of job and family services and the staff of the department or the administrator's representative in the administration of the medicaid program; 59875  
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(3) The department's designee; 59878

(4) An individual who receives home and community-based services from the person who is the subject of the criminal records check; 59879  
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(5) A court, hearing officer, or other necessary individual involved in a case dealing with a either of the following: 59882  
59883

(a) A denial or termination of a provider agreement related to the criminal records check; 59884  
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(b) A civil or criminal action regarding the medicaid 59886

program. 59887

~~(G)~~(F) The department director of job and family services 59888  
shall adopt rules in accordance with Chapter 119. of the Revised 59889  
Code to implement this section. The rules shall specify 59890  
circumstances under which the department or the department's 59891  
designee may either ~~issue a provider agreement to an independent~~ 59892  
~~provider~~ approve an applicant's application or allow an 59893  
independent provider to maintain an existing medicaid provider 59894  
agreement ~~when~~ even though the applicant or independent provider 59895  
~~has~~ is found by a criminal records check required by this section 59896  
to have been convicted of, ~~has~~ pleaded guilty to, or ~~has~~ been 59897  
found eligible for intervention in lieu of conviction for ~~an~~ 59898  
~~offense listed or described in division (D)(1) or (2) of this~~ 59899  
~~section~~ a disqualifying offense. 59900

**Sec. 5111.06.** (A)(1) As used in this section and in sections 59901  
5111.061 and 5111.063 of the Revised Code: 59902

(a) "Provider" means any person, institution, or entity that 59903  
furnishes medicaid services under a provider agreement with the 59904  
department of job and family services pursuant to Title XIX of the 59905  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 59906  
amended. 59907

(b) "Party" has the same meaning as in division (G) of 59908  
section 119.01 of the Revised Code. 59909

(c) "Adjudication" has the same meaning as in division (D) of 59910  
section 119.01 of the Revised Code. 59911

(2) This section does not apply to ~~any~~ either of the 59912  
following: 59913

(a) Any action taken or decision made by the department of 59914  
job and family services with respect to entering into or refusing 59915  
to enter into a contract with a managed care organization pursuant 59916

to section 5111.17 of the Revised Code; 59917

(b) Any action taken by the department under sections 5111.16 59918  
to 5111.177 or sections 5111.35 to 5111.62 of the Revised Code. 59919

(B) Except as provided in division (D) of this section and 59920  
section 5111.914 of the Revised Code, the department shall do 59921  
either of the following by issuing an order pursuant to an 59922  
adjudication conducted in accordance with Chapter 119. of the 59923  
Revised Code: 59924

(1) Enter into or refuse to enter into a provider agreement 59925  
with a provider, or suspend, terminate, renew, or refuse to renew 59926  
an existing provider agreement with a provider; 59927

(2) Take any action based upon a final fiscal audit of a 59928  
provider. 59929

(C) Any party who is adversely affected by the issuance of an 59930  
adjudication order under division (B) of this section may appeal 59931  
to the court of common pleas of Franklin county in accordance with 59932  
section 119.12 of the Revised Code. 59933

(D) The department is not required to comply with division 59934  
(B)(1) of this section whenever any of the following occur: 59935

(1) The terms of a provider agreement require the provider to 59936  
hold a license, permit, or certificate or maintain a certification 59937  
issued by an official, board, commission, department, division, 59938  
bureau, or other agency of state or federal government other than 59939  
the department of job and family services, and the license, 59940  
permit, certificate, or certification has been denied, revoked, 59941  
not renewed, suspended, or otherwise limited. 59942

(2) The terms of a provider agreement require the provider to 59943  
hold a license, permit, or certificate or maintain certification 59944  
issued by an official, board, commission, department, division, 59945  
bureau, or other agency of state or federal government other than 59946

the department of job and family services, and the provider has 59947  
not obtained the license, permit, certificate, or certification. 59948

(3) The provider agreement is denied, terminated, or not 59949  
renewed due to the termination, refusal to renew, or denial of a 59950  
license, permit, certificate, or certification by an official, 59951  
board, commission, department, division, bureau, or other agency 59952  
of this state other than the department of job and family 59953  
services, notwithstanding the fact that the provider may hold a 59954  
license, permit, certificate, or certification from an official, 59955  
board, commission, department, division, bureau, or other agency 59956  
of another state. 59957

(4) The provider agreement is denied, terminated, or not 59958  
renewed pursuant to division (C) or (F) of section 5111.03 of the 59959  
Revised Code. 59960

(5) The provider agreement is denied, terminated, or not 59961  
renewed due to the provider's termination, suspension, or 59962  
exclusion from the medicare program established under Title XVIII 59963  
of the "Social Security Act" or from another state's medicaid 59964  
program and, in either case, the termination, suspension, or 59965  
exclusion is binding on the provider's participation in the 59966  
medicaid program in this state. 59967

(6) The provider agreement is denied, terminated, or not 59968  
renewed due to the provider's pleading guilty to or being 59969  
convicted of a criminal activity materially related to either the 59970  
medicare or medicaid program. 59971

(7) The provider agreement is denied, terminated, or 59972  
suspended as a result of action by the United States department of 59973  
health and human services and that action is binding on the 59974  
provider's participation in the medicaid program. 59975

(8) Pursuant to either section 5111.031 or 5111.035 of the 59976  
Revised Code, the provider agreement is suspended and payments to 59977



the provider are suspended pending indictment of the provider. 59978

(9) The provider agreement is denied, terminated, or not 59979  
renewed because the provider or its owner, officer, authorized 59980  
agent, associate, manager, or employee has been convicted of one 59981  
of the offenses that caused the provider agreement to be suspended 59982  
pursuant to section 5111.031 of the Revised Code. 59983

(10) The provider agreement is converted under section 59984  
5111.028 of the Revised Code from a provider agreement that is not 59985  
time-limited to a provider agreement that is time-limited. 59986

(11) The provider agreement is terminated or an application 59987  
for re-enrollment is denied because the provider has failed to 59988  
apply for re-enrollment within the time or in the manner specified 59989  
for re-enrollment pursuant to section 5111.028 of the Revised 59990  
Code. 59991

(12) The provider agreement is suspended or terminated, or an 59992  
application for enrollment or re-enrollment is denied, for any 59993  
reason authorized or required by one or more of the following: 42 59994  
C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450. 59995

(13) The provider agreement is terminated or not renewed 59996  
because the provider has not billed or otherwise submitted a 59997  
medicaid claim to the department for two years or longer. 59998

(14) The provider agreement is denied, terminated, or not 59999  
renewed because the provider fails to provide to the department 60000  
the national provider identifier assigned the provider by the 60001  
national provider system pursuant to 45 C.F.R. 162.408. 60002

In the case of a provider described in division (D)(13) or 60003  
(14) of this section, the department may take its proposed action 60004  
against a provider agreement by sending a notice explaining the 60005  
proposed action to the provider. The notice shall be sent to the 60006  
provider's address on record with the department. The notice may 60007  
be sent by regular mail. 60008

(E) The department may withhold payments for services rendered by a medicaid provider under the medicaid program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code.

~~Sec. 5111.091. Not later than the first day of each calendar quarter~~ Semiannually, the director of job and family services shall submit ~~a report~~ to the president and minority leader of the senate, speaker and minority leader of the house of representatives, and the chairpersons of the standing committees of the senate and house of representatives ~~that hear bills with primary responsibility for legislation~~ making biennial appropriations a report on the establishment and implementation of programs designed to control the increase of the cost of the medicaid program, increase the efficiency of the medicaid program, and promote better health outcomes. In each calendar year, one report shall be submitted not later than the last day of June and the subsequent report shall be submitted not later than the last day of December.

~~The report shall include information regarding all of the following:~~

- ~~(A) Provider network management;~~
- ~~(B) Electronic claims submission and payment systems;~~

|                                                                                                                                                                                                                                                                     |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <del>(C) Limited provider contracts and payments based on performance;</del>                                                                                                                                                                                        | 60040 |
|                                                                                                                                                                                                                                                                     | 60041 |
| <del>(D) Efforts to enforce third party liability;</del>                                                                                                                                                                                                            | 60042 |
| <del>(E) Implementation of the medicaid information technology system;</del>                                                                                                                                                                                        | 60043 |
|                                                                                                                                                                                                                                                                     | 60044 |
| <del>(F) Expansion of the medicaid data warehouse and decision support system;</del>                                                                                                                                                                                | 60045 |
|                                                                                                                                                                                                                                                                     | 60046 |
| <del>(G) Development of infrastructure policies for electronic health records and e-prescribing.</del>                                                                                                                                                              | 60047 |
|                                                                                                                                                                                                                                                                     | 60048 |
| <b>Sec. 5111.113.</b> (A) As used in this section:                                                                                                                                                                                                                  | 60049 |
| (1) <del>"Adult care facility" has the same meaning as in section 5119.70 of the Revised Code.</del>                                                                                                                                                                | 60050 |
|                                                                                                                                                                                                                                                                     | 60051 |
| <del>(2) "Commissioner" means a person appointed by a probate court under division (E) of section 2113.03 of the Revised Code to act as a commissioner.</del>                                                                                                       | 60052 |
|                                                                                                                                                                                                                                                                     | 60053 |
|                                                                                                                                                                                                                                                                     | 60054 |
| <del>(3)(2) "Home" has the same meaning as in section 3721.10 of the Revised Code.</del>                                                                                                                                                                            | 60055 |
|                                                                                                                                                                                                                                                                     | 60056 |
| <del>(4)(3) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of an adult care facility or home and that the facility or home manages for the resident.</del>                                               | 60057 |
|                                                                                                                                                                                                                                                                     | 60058 |
|                                                                                                                                                                                                                                                                     | 60059 |
|                                                                                                                                                                                                                                                                     | 60060 |
| <u>(4) "Residential facility" means a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.</u>                                      | 60061 |
|                                                                                                                                                                                                                                                                     | 60062 |
|                                                                                                                                                                                                                                                                     | 60063 |
|                                                                                                                                                                                                                                                                     | 60064 |
| (B) Except as provided in divisions (C) and (D) of this section, the owner or operator of <del>an adult care facility or a home or residential facility</del> shall transfer to the department of job and family services the money in the personal needs allowance | 60065 |
|                                                                                                                                                                                                                                                                     | 60066 |
|                                                                                                                                                                                                                                                                     | 60067 |
|                                                                                                                                                                                                                                                                     | 60068 |

account of a resident of the ~~facility or~~ home or facility who was 60069  
a recipient of the medical assistance program no earlier than 60070  
sixty days but not later than ninety days after the resident dies. 60071  
The ~~adult care facility or~~ home or facility shall transfer the 60072  
money even though the owner or operator of the facility or home 60073  
has not been issued letters testamentary or letters of 60074  
administration concerning the resident's estate. 60075

(C) If funeral or burial expenses for a resident of ~~an adult~~ 60076  
~~care facility or~~ a home or residential facility who has died have 60077  
not been paid and the only resource the resident had that could be 60078  
used to pay for the expenses is the money in the resident's 60079  
personal needs allowance account, or all other resources of the 60080  
resident are inadequate to pay the full cost of the expenses, the 60081  
money in the resident's personal needs allowance account shall be 60082  
used to pay for the expenses rather than being transferred to the 60083  
department of job and family services pursuant to division (B) of 60084  
this section. 60085

(D) If, not later than sixty days after a resident of ~~an~~ 60086  
~~adult care facility or~~ a home or residential facility dies, 60087  
letters testamentary or letters of administration are issued, or 60088  
an application for release from administration is filed under 60089  
section 2113.03 of the Revised Code, concerning the resident's 60090  
estate, the owner or operator of the ~~facility or~~ home or facility 60091  
shall transfer the money in the resident's personal needs 60092  
allowance account to the administrator, executor, commissioner, or 60093  
person who filed the application for release from administration. 60094

(E) The transfer or use of money in a resident's personal 60095  
needs allowance account in accordance with division (B), (C), or 60096  
(D) of this section discharges and releases the ~~adult care~~ 60097  
~~facility or~~ home or residential facility, and the owner or 60098  
operator of the ~~facility or~~ home, from any claim for the money 60099  
from any source. 60100

(F) If, sixty-one or more days after a resident of an ~~adult~~ 60101  
~~care facility or a home or residential facility~~ dies, letters 60102  
testamentary or letters of administration are issued, or an 60103  
application for release from administration under section 2113.03 60104  
of the Revised Code is filed, concerning the resident's estate, 60105  
the department of job and family services shall transfer the funds 60106  
to the administrator, executor, commissioner, or person who filed 60107  
the application, unless the department is entitled to recover the 60108  
money under the medicaid estate recovery program instituted under 60109  
section 5111.11 of the Revised Code. 60110

**Sec. 5111.171.** ~~(A)~~ The department of job and family services 60111  
may provide financial incentive awards to managed care 60112  
organizations under contract with the department pursuant to 60113  
section 5111.17 of the Revised Code that meet or exceed 60114  
performance standards specified in provider agreements or rules 60115  
adopted by the department. The department may specify in a 60116  
contract with a managed care organization the amounts of financial 60117  
incentive awards, methodology for distributing awards, types of 60118  
awards, and standards for administration by the department. 60119

~~(B) There is hereby created in the state treasury the health 60120  
care compliance fund. The fund shall consist of all fines imposed 60121  
on and collected from managed care organizations for failure to 60122  
meet performance standards or other requirements specified in 60123  
provider agreements or rules adopted by the department. All 60124  
investment earnings of the fund shall be credited to the fund. 60125  
Moneys credited to the fund shall be used solely for the following 60126  
purposes:~~ 60127

~~(1) To reimburse managed care organizations that have paid 60128  
fines for failures to meet performance standards or other 60129  
requirements and that have come into compliance by meeting 60130  
requirements as specified by the department;~~ 60131

~~(2) To provide financial incentive awards established 60132  
pursuant to division (A) of this section and specified in 60133  
contracts between managed care organizations and the department. 60134~~

**Sec. 5111.20.** As used in sections 5111.20 to 5111.331 of the 60135  
Revised Code: 60136

(A) "Allowable costs" are those costs determined by the 60137  
department of job and family services to be reasonable and do not 60138  
include fines paid under sections 5111.35 to 5111.61 and section 60139  
5111.99 of the Revised Code. 60140

(B) "Ancillary and support costs" means all reasonable costs 60141  
incurred by a nursing facility other than direct care costs, tax 60142  
costs, or capital costs. "Ancillary and support costs" includes, 60143  
but is not limited to, costs of activities, social services, 60144  
pharmacy consultants, habilitation supervisors, qualified mental 60145  
retardation professionals, program directors, medical and 60146  
habilitation records, program supplies, incontinence supplies, 60147  
food, enterals, dietary supplies and personnel, laundry, 60148  
housekeeping, security, administration, medical equipment, 60149  
utilities, liability insurance, bookkeeping, purchasing 60150  
department, human resources, communications, travel, dues, license 60151  
fees, subscriptions, home office costs not otherwise allocated, 60152  
legal services, accounting services, minor equipment, ~~wheelchairs,~~ 60153  
~~resident transportation,~~ maintenance and repairs, help-wanted 60154  
advertising, informational advertising, start-up costs, 60155  
organizational expenses, other interest, property insurance, 60156  
employee training and staff development, employee benefits, 60157  
payroll taxes, and workers' compensation premiums or costs for 60158  
self-insurance claims and related costs as specified in rules 60159  
adopted by the director of job and family services under section 60160  
5111.02 of the Revised Code, for personnel listed in this 60161  
division. "Ancillary and support costs" also means the cost of 60162

equipment, including vehicles, acquired by operating lease 60163  
executed before December 1, 1992, if the costs are reported as 60164  
administrative and general costs on the facility's cost report for 60165  
the cost reporting period ending December 31, 1992. 60166

(C) "Capital costs" means costs of ownership and, in the case 60167  
of an intermediate care facility for the mentally retarded, costs 60168  
of nonextensive renovation. 60169

(1) "Cost of ownership" means the actual expense incurred for 60170  
all of the following: 60171

(a) Depreciation and interest on any capital assets that cost 60172  
five hundred dollars or more per item, including the following: 60173

(i) Buildings; 60174

(ii) Building improvements that are not approved as 60175  
nonextensive renovations under section 5111.251 of the Revised 60176  
Code; 60177

(iii) Except as provided in division (B) of this section, 60178  
equipment; 60179

(iv) In the case of an intermediate care facility for the 60180  
mentally retarded, extensive renovations; 60181

(v) Transportation equipment. 60182

(b) Amortization and interest on land improvements and 60183  
leasehold improvements; 60184

(c) Amortization of financing costs; 60185

(d) Except as provided in division (K) of this section, lease 60186  
and rent of land, building, and equipment. 60187

The costs of capital assets of less than five hundred dollars 60188  
per item may be considered capital costs in accordance with a 60189  
provider's practice. 60190

(2) "Costs of nonextensive renovation" means the actual 60191

expense incurred by an intermediate care facility for the mentally 60192  
retarded for depreciation or amortization and interest on 60193  
renovations that are not extensive renovations. 60194

(D) "Capital lease" and "operating lease" shall be construed 60195  
in accordance with generally accepted accounting principles. 60196

(E) "Case-mix score" means the measure determined under 60197  
section 5111.232 of the Revised Code of the relative direct-care 60198  
resources needed to provide care and habilitation to a resident of 60199  
a nursing facility or intermediate care facility for the mentally 60200  
retarded. 60201

(F)(1) "Date of licensure," for a facility originally 60202  
licensed as a nursing home under Chapter 3721. of the Revised 60203  
Code, means the date specific beds were originally licensed as 60204  
nursing home beds under that chapter, regardless of whether they 60205  
were subsequently licensed as residential facility beds under 60206  
section 5123.19 of the Revised Code. For a facility originally 60207  
licensed as a residential facility under section 5123.19 of the 60208  
Revised Code, "date of licensure" means the date specific beds 60209  
were originally licensed as residential facility beds under that 60210  
section. 60211

If nursing home beds licensed under Chapter 3721. of the 60212  
Revised Code or residential facility beds licensed under section 60213  
5123.19 of the Revised Code were not required by law to be 60214  
licensed when they were originally used to provide nursing home or 60215  
residential facility services, "date of licensure" means the date 60216  
the beds first were used to provide nursing home or residential 60217  
facility services, regardless of the date the present provider 60218  
obtained licensure. 60219

If a facility adds nursing home beds or residential facility 60220  
beds or extensively renovates all or part of the facility after 60221  
its original date of licensure, it will have a different date of 60222



licensure for the additional beds or extensively renovated portion 60223  
of the facility, unless the beds are added in a space that was 60224  
constructed at the same time as the previously licensed beds but 60225  
was not licensed under Chapter 3721. or section 5123.19 of the 60226  
Revised Code at that time. 60227

(2) The definition of "date of licensure" in this section 60228  
applies in determinations of the medicaid reimbursement rate for a 60229  
nursing facility or intermediate care facility for the mentally 60230  
retarded but does not apply in determinations of the franchise 60231  
permit fee for a nursing facility or intermediate care facility 60232  
for the mentally retarded. 60233

(G) "Desk-reviewed" means that costs as reported on a cost 60234  
report submitted under section 5111.26 of the Revised Code have 60235  
been subjected to a desk review under division (A) of section 60236  
5111.27 of the Revised Code and preliminarily determined to be 60237  
allowable costs. 60238

(H) "Direct care costs" means all of the following: 60239

(1)(a) Costs for registered nurses, licensed practical 60240  
nurses, and nurse aides employed by the facility; 60241

(b) Costs for direct care staff, administrative nursing 60242  
staff, medical directors, respiratory therapists, and except as 60243  
provided in division (H)(2) of this section, other persons holding 60244  
degrees qualifying them to provide therapy; 60245

(c) Costs of purchased nursing services; 60246

(d) Costs of quality assurance; 60247

(e) Costs of training and staff development, employee 60248  
benefits, payroll taxes, and workers' compensation premiums or 60249  
costs for self-insurance claims and related costs as specified in 60250  
rules adopted by the director of job and family services in 60251  
accordance with Chapter 119. of the Revised Code, for personnel 60252

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| listed in divisions (H)(1)(a), (b), and (d) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 60253                                                                         |
| (f) Costs of consulting and management fees related to direct care;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 60254<br>60255                                                                |
| (g) Allocated direct care home office costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 60256                                                                         |
| (2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs of habilitation staff (other than habilitation supervisors), medical supplies, oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, <u>wheelchairs, resident transportation,</u> and universal precautions supplies. | 60257<br>60258<br>60259<br>60260<br>60261<br>60262<br>60263<br>60264<br>60265 |
| (3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:                                                                                                                                                                                                                                                                                                                                                                   | 60266<br>60267<br>60268                                                       |
| (a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and psychology assistants, and social workers and counselors;                                                                                                                        | 60269<br>60270<br>60271<br>60272<br>60273<br>60274<br>60275                   |
| (b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.                                                                                                                                                                                                                                                    | 60276<br>60277<br>60278<br>60279<br>60280                                     |
| (4) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5111.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                   | 60281<br>60282<br>60283                                                       |

(I) "Fiscal year" means the fiscal year of this state, as 60284  
specified in section 9.34 of the Revised Code. 60285

(J) "Franchise permit fee" means the following: 60286

(1) In the context of nursing facilities, the fee imposed by 60287  
sections 3721.50 to 3721.58 of the Revised Code; 60288

(2) In the context of intermediate care facilities for the 60289  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 60290  
of the Revised Code. 60291

(K) "Indirect care costs" means all reasonable costs incurred 60292  
by an intermediate care facility for the mentally retarded other 60293  
than direct care costs, other protected costs, or capital costs. 60294  
"Indirect care costs" includes but is not limited to costs of 60295  
habilitation supplies, pharmacy consultants, medical and 60296  
habilitation records, program supplies, incontinence supplies, 60297  
food, enterals, dietary supplies and personnel, laundry, 60298  
housekeeping, security, administration, liability insurance, 60299  
bookkeeping, purchasing department, human resources, 60300  
communications, travel, dues, license fees, subscriptions, home 60301  
office costs not otherwise allocated, legal services, accounting 60302  
services, minor equipment, maintenance and repairs, help-wanted 60303  
advertising, informational advertising, start-up costs, 60304  
organizational expenses, other interest, property insurance, 60305  
employee training and staff development, employee benefits, 60306  
payroll taxes, and workers' compensation premiums or costs for 60307  
self-insurance claims and related costs as specified in rules 60308  
adopted under section 5111.02 of the Revised Code, for personnel 60309  
listed in this division. Notwithstanding division (C)(1) of this 60310  
section, "indirect care costs" also means the cost of equipment, 60311  
including vehicles, acquired by operating lease executed before 60312  
December 1, 1992, if the costs are reported as administrative and 60313  
general costs on the facility's cost report for the cost reporting 60314  
period ending December 31, 1992. 60315

(L) "Inpatient days" means ~~all~~ the following: 60316

(1) In the context of a nursing facility, both of the 60317  
following: 60318

(a) All days during which a resident, regardless of payment 60319  
source, occupies a bed in a nursing facility ~~or intermediate care~~ 60320  
~~facility for the mentally retarded~~ that is included in the nursing 60321  
facility's certified capacity under Title XIX. ~~Therapeutic or~~ 60322  
~~hospital leave~~; 60323

(b) Fifty per cent of the days for which payment is made 60324  
under section ~~5111.33 or~~ 5111.331 of the Revised Code ~~are~~ 60325  
~~considered inpatient days proportionate to the percentage of the~~ 60326  
~~facility's per resident per day rate paid for those days.~~ 60327

(2) In the context of an intermediate care facility for the 60328  
mentally retarded, both of the following: 60329

(a) All days during which a resident, regardless of payment 60330  
source, occupies a bed in an intermediate care facility for the 60331  
mentally retarded that is included in the facility's certified 60332  
capacity under Title XIX; 60333

(b) All days for which payment is made under section 5111.33 60334  
of the Revised Code. 60335

(M) "Intermediate care facility for the mentally retarded" 60336  
means an intermediate care facility for the mentally retarded 60337  
certified as in compliance with applicable standards for the 60338  
medicaid program by the director of health in accordance with 60339  
Title XIX. 60340

(N) "Maintenance and repair expenses" means, except as 60341  
provided in division (BB)(2) of this section, expenditures that 60342  
are necessary and proper to maintain an asset in a normally 60343  
efficient working condition and that do not extend the useful life 60344  
of the asset two years or more. "Maintenance and repair expenses" 60345

includes but is not limited to the cost of ordinary repairs such as painting and wallpapering.

(O) "Medicaid days" means ~~all~~ the following:

(1) In the context of a nursing facility, both of the following:

(a) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's certified capacity under Title XIX. ~~Therapeutic or hospital leave;~~

(b) Fifty per cent of the days for which payment is made under section ~~5111.33~~ or 5111.331 of the Revised Code are considered medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days.

(2) In the context of an intermediate care facility for the mentally retarded, both of the following:

(a) All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;

(b) All days for which payment is made under section 5111.33 of the Revised Code.

(P) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII.

(Q) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.

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(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.

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(S)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:

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(a) The land on which the facility is located;

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(b) The structure in which the facility is located;

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(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the facility is located;

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(d) Any lease or sublease of the land or structure on or in which the facility is located.

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(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility or intermediate care facility for the mentally retarded and purchased at public issue or a regulated lender that has made a loan related to the facility unless the holder or lender operates the facility directly or through a subsidiary.

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(T) "Patient" includes "resident."

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(U) Except as provided in divisions (U)(1) and (2) of this section, "per diem" means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.

(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.

(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(V) "Provider" means an operator with a provider agreement.

(W) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medicaid program.

(X) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.

(Y) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(Z) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the



types of goods or services the supplier furnishes. 60468

(c) The types of goods or services are commonly obtained by 60469  
other nursing facilities or intermediate care facilities for the 60470  
mentally retarded from outside organizations and are not a basic 60471  
element of patient care ordinarily furnished directly to patients 60472  
by the facilities. 60473

(d) The charge to the provider is in line with the charge for 60474  
the goods or services in the open market and no more than the 60475  
charge made under comparable circumstances to others by the 60476  
supplier. 60477

(AA) "Relative of owner" means an individual who is related 60478  
to an owner of a nursing facility or intermediate care facility 60479  
for the mentally retarded by one of the following relationships: 60480

(1) Spouse; 60481

(2) Natural parent, child, or sibling; 60482

(3) Adopted parent, child, or sibling; 60483

(4) Stepparent, stepchild, stepbrother, or stepsister; 60484

(5) Father-in-law, mother-in-law, son-in-law, 60485  
daughter-in-law, brother-in-law, or sister-in-law; 60486

(6) Grandparent or grandchild; 60487

(7) Foster caregiver, foster child, foster brother, or foster 60488  
sister. 60489

(BB) "Renovation" and "extensive renovation" mean: 60490

(1) Any betterment, improvement, or restoration of an 60491  
intermediate care facility for the mentally retarded started 60492  
before July 1, 1993, that meets the definition of a renovation or 60493  
extensive renovation established in rules adopted by the director 60494  
of job and family services in effect on December 22, 1992. 60495

(2) In the case of betterments, improvements, and 60496

restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993: 60497  
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(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified capacity. 60499  
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(b) "Extensive renovation" means a renovation that costs more than sixty-five per cent and no more than eighty-five per cent of the cost of constructing a new bed and that extends the useful life of the assets for at least ten years. 60512  
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For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 60516  
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The department of job and family services may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds. 60524  
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| (CC) <u>"Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.</u>                                                                                                                                                                                           | 60529 |
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|                                                                                                                                                                                                                                                                                                                                                                        | 60531 |
| (DD) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.                                                                                                                                                                                                                                                        | 60532 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60533 |
| <del>(DD)</del> (EE) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.                                                                                                                                                                                                                                    | 60534 |
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| <b>Sec. 5111.222.</b> (A) Except as otherwise provided by sections 5111.20 to 5111.331 of the Revised Code and by division (B) of this section, the total rate that the department of job and family services shall agree to pay for a fiscal year to the provider of a nursing facility pursuant to a provider agreement shall equal the sum of all of the following: | 60536 |
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| (1) The rate for direct care costs determined for the nursing facility under section 5111.231 of the Revised Code;                                                                                                                                                                                                                                                     | 60542 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60543 |
| (2) The rate for ancillary and support costs determined for the nursing facility's ancillary and support cost peer group under section 5111.24 of the Revised Code;                                                                                                                                                                                                    | 60544 |
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|                                                                                                                                                                                                                                                                                                                                                                        | 60546 |
| (3) The rate for tax costs determined for the nursing facility under section 5111.242 of the Revised Code;                                                                                                                                                                                                                                                             | 60547 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60548 |
| (4) The quality incentive payment paid to the nursing facility under section 5111.244 of the Revised Code;                                                                                                                                                                                                                                                             | 60549 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60550 |
| (5) <u>If the nursing facility qualifies as a critical access nursing facility, the critical access incentive payment paid to the nursing facility under section 5111.246 of the Revised Code;</u>                                                                                                                                                                     | 60551 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60552 |
|                                                                                                                                                                                                                                                                                                                                                                        | 60553 |
| (6) The rate for capital costs determined for the nursing facility's capital costs peer group under section 5111.25 of the Revised Code.                                                                                                                                                                                                                               | 60554 |
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| (B) The department shall adjust the rates otherwise                                                                                                                                                                                                                                                                                                                    | 60557 |

determined under division (A) of this section as directed by the 60558  
general assembly through the enactment of law governing medicaid 60559  
payments to providers of nursing facilities, including any law 60560  
that establishes factors by which the rates are to be adjusted. 60561

(C) In addition to paying a nursing facility provider the 60562  
total rate determined for the nursing facility under division (A) 60563  
of this section for a fiscal year, the department shall pay the 60564  
provider a quality bonus under section 5111.245 of the Revised 60565  
Code for that fiscal year if the provider's nursing facility is a 60566  
qualifying nursing facility, as defined in that section, for that 60567  
fiscal year. The quality bonus shall not be part of the total 60568  
rate. 60569

**Sec. 5111.23.** (A) The department of job and family services 60570  
shall pay a provider for each of the provider's eligible 60571  
intermediate care facilities for the mentally retarded a per 60572  
resident per day rate for direct care costs established 60573  
prospectively for each facility. The department shall establish 60574  
each facility's rate for direct care costs quarterly. 60575

(B) Each facility's rate for direct care costs shall be based 60576  
on the facility's cost per case-mix unit, subject to the maximum 60577  
costs per case-mix unit established under division (B)(2) of this 60578  
section, from the calendar year preceding the fiscal year in which 60579  
the rate is paid. To determine the rate, the department shall do 60580  
all of the following: 60581

(1) Determine each facility's cost per case-mix unit for the 60582  
calendar year preceding the fiscal year in which the rate will be 60583  
paid by dividing the facility's desk-reviewed, actual, allowable, 60584  
per diem direct care costs for that year by its average case-mix 60585  
score determined under section 5111.232 of the Revised Code for 60586  
the same calendar year. 60587

(2)(a) Set the maximum cost per case-mix unit for each peer 60588

group of intermediate care facilities for the mentally retarded 60589  
with more than eight beds specified in rules adopted under 60590  
division (F) of this section at a percentage above the cost per 60591  
case-mix unit of the facility in the group that has the group's 60592  
median medicaid ~~inpatient~~ day for the calendar year preceding the 60593  
fiscal year in which the rate will be paid, as calculated under 60594  
division (B)(1) of this section, that is no less than the 60595  
percentage calculated under division (E)(2) of this section. 60596

(b) Set the maximum cost per case-mix unit for each peer 60597  
group of intermediate care facilities for the mentally retarded 60598  
with eight or fewer beds specified in rules adopted under division 60599  
(F) of this section at a percentage above the cost per case-mix 60600  
unit of the facility in the group that has the group's median 60601  
medicaid ~~inpatient~~ day for the calendar year preceding the fiscal 60602  
year in which the rate will be paid, as calculated under division 60603  
(B)(1) of this section, that is no less than the percentage 60604  
calculated under division (E)(3) of this section. 60605

(c) In calculating the maximum cost per case-mix unit under 60606  
divisions (B)(2)(a) and (b) of this section for each peer group, 60607  
the department shall exclude from its calculations the cost per 60608  
case-mix unit of any facility in the group that participated in 60609  
the medicaid program under the same operator for less than twelve 60610  
months during the calendar year preceding the fiscal year in which 60611  
the rate will be paid. 60612

(3) Estimate the rate of inflation for the eighteen-month 60613  
period beginning on the first day of July of the calendar year 60614  
preceding the fiscal year in which the rate will be paid and 60615  
ending on the thirty-first day of December of the fiscal year in 60616  
which the rate will be paid, using the index specified in division 60617  
(C) of this section. If the estimated inflation rate for the 60618  
eighteen-month period is different from the actual inflation rate 60619  
for that period, as measured using the same index, the difference 60620

shall be added to or subtracted from the inflation rate estimated 60621  
under division (B)(3) of this section for the following fiscal 60622  
year. 60623

(4) The department shall not recalculate a maximum cost per 60624  
case-mix unit under division (B)(2) of this section or a 60625  
percentage under division (E) of this section based on additional 60626  
information that it receives after the maximum costs per case-mix 60627  
unit or percentages are set. The department shall recalculate a 60628  
maximum cost per case-mix units or percentage only if it made an 60629  
error in computing the maximum cost per case-mix unit or 60630  
percentage based on information available at the time of the 60631  
original calculation. 60632

(C) The department shall use the following index for the 60633  
purpose of division (B)(3) of this section: 60634

(1) The employment cost index for total compensation, health 60635  
services component, published by the United States bureau of labor 60636  
statistics; 60637

(2) If the United States bureau of labor statistics ceases to 60638  
publish the index specified in division (C)(1) of this section, 60639  
the index that is subsequently published by the bureau and covers 60640  
nursing facilities' staff costs. 60641

(D) Each facility's rate for direct care costs shall be 60642  
determined as follows for each calendar quarter within a fiscal 60643  
year: 60644

(1) Multiply the lesser of the following by the facility's 60645  
average case-mix score determined under section 5111.232 of the 60646  
Revised Code for the calendar quarter that preceded the 60647  
immediately preceding calendar quarter: 60648

(a) The facility's cost per case-mix unit for the calendar 60649  
year preceding the fiscal year in which the rate will be paid, as 60650  
determined under division (B)(1) of this section; 60651

(b) The maximum cost per case-mix unit established for the 60652  
fiscal year in which the rate will be paid for the facility's peer 60653  
group under division (B)(2) of this section; 60654

(2) Adjust the product determined under division (D)(1) of 60655  
this section by the inflation rate estimated under division (B)(3) 60656  
of this section. 60657

(E)(1) The department shall calculate the percentage above 60658  
the median cost per case-mix unit determined under division (B)(1) 60659  
of this section for the facility that has the median medicaid 60660  
~~inpatient~~ day for calendar year 1992 for all intermediate care 60661  
facilities for the mentally retarded with more than eight beds 60662  
that would result in payment of all desk-reviewed, actual, 60663  
allowable direct care costs for eighty and one-half per cent of 60664  
the medicaid ~~inpatient~~ days for such facilities for calendar year 60665  
1992. 60666

(2) The department shall calculate the percentage above the 60667  
median cost per case-mix unit determined under division (B)(1) of 60668  
this section for the facility that has the median medicaid 60669  
~~inpatient~~ day for calendar year 1992 for all intermediate care 60670  
facilities for the mentally retarded with eight or fewer beds that 60671  
would result in payment of all desk-reviewed, actual, allowable 60672  
direct care costs for eighty and one-half per cent of the medicaid 60673  
~~inpatient~~ days for such facilities for calendar year 1992. 60674

(F) The director of job and family services shall adopt rules 60675  
under section 5111.02 of the Revised Code that specify peer groups 60676  
of intermediate care facilities for the mentally retarded with 60677  
more than eight beds and intermediate care facilities for the 60678  
mentally retarded with eight or fewer beds, based on findings of 60679  
significant per diem direct care cost differences due to geography 60680  
and facility bed-size. The rules also may specify peer groups 60681  
based on findings of significant per diem direct care cost 60682  
differences due to other factors which may include case-mix. 60683

(G) The department, in accordance with division (D) of 60684  
section 5111.232 of the Revised Code and rules adopted under 60685  
division (F) of that section, may assign case-mix scores or costs 60686  
per case-mix unit if a provider fails to submit assessment data 60687  
necessary to calculate an intermediate care facility for the 60688  
mentally retarded's case-mix score in accordance with that 60689  
section. 60690

**Sec. 5111.242.** (A) As used in this section+ 60691

~~(1) "Applicable, "applicable~~ calendar year" means the 60692  
following: 60693

~~(a)(1)~~ For the purpose of the department of job and family 60694  
services' initial determination under this section of nursing 60695  
facilities' rate for tax costs, calendar year 2003; 60696

~~(b)(2)~~ For the purpose of the department's subsequent 60697  
determinations under division (C) of this section of nursing 60698  
facilities' rate for tax costs, the calendar year the department 60699  
selects. 60700

~~(2) "Tax costs" means the costs of taxes imposed under 60701  
Chapter 5751. of the Revised Code, real estate taxes, personal 60702  
property taxes, and corporate franchise taxes. 60703~~

(B) The department of job and family services shall pay a 60704  
provider for each of the provider's eligible nursing facilities a 60705  
per resident per day rate for tax costs determined under division 60706  
(C) of this section. 60707

(C) At least once every ten years, the department shall 60708  
determine the rate for tax costs for each nursing facility. The 60709  
rate for tax costs determined under this division for a nursing 60710  
facility shall be used for subsequent years until the department 60711  
redetermines it. To determine a nursing facility's rate for tax 60712  
costs and except as provided in division (D) of this section, the 60713



department shall divide the nursing facility's desk-reviewed, 60714  
actual, allowable tax costs paid for the applicable calendar year 60715  
by the number of inpatient days the nursing facility would have 60716  
had if its occupancy rate had been one hundred per cent during the 60717  
applicable calendar year. 60718

(D) If a nursing facility had a credit regarding its real 60719  
estate taxes reflected on its cost report for calendar year 2003, 60720  
the department shall determine its rate for tax costs for the 60721  
period beginning on July 1, 2010, and ending on the first day of 60722  
the fiscal year for which the department first redetermines all 60723  
nursing facilities' rate for tax costs under division (C) of this 60724  
section by dividing the nursing facility's desk-reviewed, actual, 60725  
allowable tax costs paid for calendar year 2004 by the number of 60726  
inpatient days the nursing facility would have had if its 60727  
occupancy rate had been one hundred per cent during calendar year 60728  
2004. 60729

Sec. 5111.246. (A) Each fiscal year, the department of job 60730  
and family services shall pay a critical access incentive payment 60731  
to the provider of each nursing facility that qualifies as a 60732  
critical access nursing facility. To qualify as a critical access 60733  
nursing facility for a fiscal year, a nursing facility must meet 60734  
all of the following requirements: 60735

(1) The nursing facility must be located in an area that, on 60736  
December 31, 2011, was designated an empowerment zone under 60737  
section 1391 of the "Internal Revenue Code of 1986," 107 Stat. 60738  
543, 26 U.S.C. 1391, as amended. 60739

(2) The nursing facility must have an occupancy rate of at 60740  
least eighty-five per cent as of the last day of the calendar year 60741  
preceding the fiscal year. 60742

(3) The nursing facility must have a medicaid utilization 60743  
rate of at least sixty-five per cent as of the last day of the 60744

calendar year preceding the fiscal year. 60745

(B) A critical access nursing facility's critical access 60746  
incentive payment for a fiscal year shall equal five per cent of 60747  
the portion of the nursing facility's total rate for the fiscal 60748  
year that is the sum of the rates and payment identified in 60749  
divisions (A)(1) to (4) and (6) of section 5111.222 of the Revised 60750  
Code. 60751

**Sec. 5111.254.** (A) The department of job and family services 60752  
shall establish initial rates for a nursing facility with a first 60753  
date of licensure that is on or after July 1, 2006, including a 60754  
facility that replaces one or more existing facilities, or for a 60755  
nursing facility with a first date of licensure before that date 60756  
that was initially certified for the medicaid program on or after 60757  
that date, in the following manner: 60758

(1) The rate for direct care costs shall be the product of 60759  
the cost per case-mix unit determined under division (D) of 60760  
section 5111.231 of the Revised Code for the facility's peer group 60761  
and the nursing facility's case-mix score. For the purpose of 60762  
division (A)(1) of this section, the nursing facility's case-mix 60763  
score shall be the following: 60764

(a) Unless the nursing facility replaces an existing nursing 60765  
facility that participated in the medicaid program immediately 60766  
before the replacement nursing facility begins participating in 60767  
the medicaid program, the median annual average case-mix score for 60768  
the nursing facility's peer group; 60769

(b) If the nursing facility replaces an existing nursing 60770  
facility that participated in the medicaid program immediately 60771  
before the replacement nursing facility begins participating in 60772  
the medicaid program, the semiannual case-mix score most recently 60773  
determined under section 5111.232 of the Revised Code for the 60774  
replaced nursing facility as adjusted, if necessary, to reflect 60775

any difference in the number of beds in the replaced and 60776  
replacement nursing facilities. 60777

(2) The rate for ancillary and support costs shall be the 60778  
rate for the facility's peer group determined under division (D) 60779  
of section 5111.24 of the Revised Code. 60780

(3) The rate for capital costs shall be the rate for the 60781  
facility's peer group determined under division (D) of section 60782  
5111.25 of the Revised Code. 60783

(4) The rate for tax costs ~~as defined in section 5111.242 of~~ 60784  
~~the Revised Code~~ shall be the median rate for tax costs for the 60785  
facility's peer group in which the facility is placed under 60786  
division (C) of section 5111.24 of the Revised Code. 60787

(5) The quality incentive payment shall be the mean payment 60788  
made to nursing facilities under section 5111.244 of the Revised 60789  
Code. 60790

(B) Subject to division (C) of this section, the department 60791  
shall adjust the rates established under division (A) of this 60792  
section effective the first day of July, to reflect new rate 60793  
calculations for all nursing facilities under sections 5111.20 to 60794  
5111.331 of the Revised Code. 60795

(C) If a rate for direct care costs is determined under this 60796  
section for a nursing facility using the median annual average 60797  
case-mix score for the nursing facility's peer group, the rate 60798  
shall be redetermined to reflect the replacement nursing 60799  
facility's actual semiannual case-mix score determined under 60800  
section 5111.232 of the Revised Code after the nursing facility 60801  
submits its first two quarterly assessment data that qualify for 60802  
use in calculating a case-mix score in accordance with rules 60803  
authorized by division (E) of section 5111.232 of the Revised 60804  
Code. If the nursing facility's quarterly submissions do not 60805  
qualify for use in calculating a case-mix score, the department 60806

shall continue to use the median annual average case-mix score for 60807  
the nursing facility's peer group in lieu of the nursing 60808  
facility's semiannual case-mix score until the nursing facility 60809  
submits two consecutive quarterly assessment data that qualify for 60810  
use in calculating a case-mix score. 60811

**Sec. 5111.862.** (A) As used in this section: 60812

"Hospital long-term care unit" has the same meaning as in 60813  
section 3721.50 of the Revised Code. 60814

"Nursing facility" has the same meaning as in section 5111.20 60815  
of the Revised Code. 60816

"Ohio home care program" means the medicaid waiver component 60817  
created under section 5111.861 of the Revised Code. 60818

"Residential treatment facility" means a residential facility 60819  
licensed by the department of mental health under section 5119.22 60820  
of the Revised Code, or an institution certified by the department 60821  
of job and family services under section 5103.03 of the Revised 60822  
Code, that serves children and either has more than sixteen beds 60823  
or is part of a campus of multiple facilities or institutions 60824  
that, combined, have a total of more than sixteen beds. 60825

(B) Subject to division (C) of section 5111.861 of the 60826  
Revised Code, the department of job and family services shall 60827  
establish a home first component for the Ohio home care program. 60828  
An individual is eligible for the Ohio home care program's home 60829  
first component if the individual has been determined to be 60830  
eligible for the Ohio home care program and at least one of the 60831  
following applies: 60832

(1) If the individual is under twenty-one years of age, the 60833  
individual received inpatient hospital services for at least 60834  
fourteen consecutive days, or had at least three inpatient 60835  
hospital stays during the twelve months, immediately preceding the 60836

date the individual applies for the Ohio home care program. 60837

(2) If the individual is at least twenty-one but less than 60838  
sixty years of age, the individual received inpatient hospital 60839  
services for at least fourteen consecutive days immediately 60840  
preceding the date the individual applies for the Ohio home care 60841  
program. 60842

(3) The individual received private duty nursing services 60843  
under the medicaid program for at least twelve consecutive months 60844  
immediately preceding the date the individual applies for the Ohio 60845  
home care program. 60846

(4) The individual does not reside in a nursing facility or 60847  
hospital long-term care unit at the time the individual applies 60848  
for the Ohio home care program but is at risk of imminent 60849  
admission to a nursing facility or hospital long-term care unit 60850  
due to a documented loss of a primary caregiver. 60851

(5) The individual resides in a nursing facility at the time 60852  
the individual applies for the Ohio home care program. 60853

(6) At the time the individual applies for the Ohio home care 60854  
program, the individual participates in the money follows the 60855  
person demonstration project authorized by section 6071 of the 60856  
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 60857  
and either resides in a residential treatment facility or 60858  
inpatient hospital setting. 60859

(C) An individual determined to be eligible for the home 60860  
first component of the Ohio home care program shall be enrolled in 60861  
the Ohio home care program in accordance with rules adopted under 60862  
section 5111.85 of the Revised Code. 60863

**Sec. 5111.874.** (A) As used in sections 5111.874 to 5111.8710 60864  
of the Revised Code: 60865

"Home and community-based services" has the same meaning as 60866

in section 5123.01 of the Revised Code. 60867

"ICF/MR services" means intermediate care facility for the 60868  
mentally retarded services covered by the medicaid program that an 60869  
intermediate care facility for the mentally retarded provides to a 60870  
resident of the facility who is a medicaid recipient eligible for 60871  
medicaid-covered intermediate care facility for the mentally 60872  
retarded services. 60873

"Intermediate care facility for the mentally retarded" means 60874  
an intermediate care facility for the mentally retarded that is 60875  
certified as in compliance with applicable standards for the 60876  
medicaid program by the director of health in accordance with 60877  
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 60878  
U.S.C. 1396, as amended, and licensed as a residential facility 60879  
under section 5123.19 of the Revised Code. 60880

"Residential facility" has the same meaning as in section 60881  
5123.19 of the Revised Code. 60882

(B) For the purpose of increasing the number of slots 60883  
available for home and community-based services and subject to 60884  
sections 5111.877 and 5111.878 of the Revised Code, the operator 60885  
of an intermediate care facility for the mentally retarded may 60886  
convert some or all of the beds in the facility from providing 60887  
ICF/MR services to providing home and community-based services if 60888  
all of the following requirements are met: 60889

(1) The operator provides the directors of health, ~~job and~~ 60890  
~~family services,~~ and developmental disabilities at least ninety 60891  
days' notice of the operator's intent to make the conversion. 60892

(2) The operator complies with the requirements of sections 60893  
5111.65 to 5111.689 of the Revised Code regarding a voluntary 60894  
termination as defined in section 5111.65 of the Revised Code if 60895  
those requirements are applicable. 60896

(3) If the operator intends to convert all of the facility's 60897

beds, the operator notifies each of the facility's residents that 60898  
the facility is to cease providing ICF/MR services and inform each 60899  
resident that the resident may do either of the following: 60900

(a) Continue to receive ICF/MR services by transferring to 60901  
another facility that is an intermediate care facility for the 60902  
mentally retarded willing and able to accept the resident if the 60903  
resident continues to qualify for ICF/MR services; 60904

(b) Begin to receive home and community-based services 60905  
instead of ICF/MR services from any provider of home and 60906  
community-based services that is willing and able to provide the 60907  
services to the resident if the resident is eligible for the 60908  
services and a slot for the services is available to the resident. 60909

(4) If the operator intends to convert some but not all of 60910  
the facility's beds, the operator notifies each of the facility's 60911  
residents that the facility is to convert some of its beds from 60912  
providing ICF/MR services to providing home and community-based 60913  
services and inform each resident that the resident may do either 60914  
of the following: 60915

(a) Continue to receive ICF/MR services from any provider of 60916  
ICF/MR services that is willing and able to provide the services 60917  
to the resident if the resident continues to qualify for ICF/MR 60918  
services; 60919

(b) Begin to receive home and community-based services 60920  
instead of ICF/MR services from any provider of home and 60921  
community-based services that is willing and able to provide the 60922  
services to the resident if the resident is eligible for the 60923  
services and a slot for the services is available to the resident. 60924

(5) The operator meets the requirements for providing home 60925  
and community-based services, including the following: 60926

(a) Such requirements applicable to a residential facility if 60927  
the operator maintains the facility's license as a residential 60928

facility; 60929

(b) Such requirements applicable to a facility that is not 60930  
licensed as a residential facility if the operator surrenders the 60931  
facility's license as a residential facility license under section 60932  
5123.19 of the Revised Code. 60933

(6) The ~~directors~~ director of developmental disabilities ~~and~~ 60934  
~~job and family services approve~~ approves the conversion. 60935

(C) A decision by the ~~directors~~ director of developmental 60936  
disabilities to approve or refuse to approve a proposed conversion 60937  
of beds is final. In making a decision, the ~~directors~~ director 60938  
shall consider all of the following: 60939

(1) The fiscal impact on the facility if some but not all of 60940  
the beds are converted; 60941

(2) The fiscal impact on the medical assistance program; 60942

(3) The availability of home and community-based services. 60943

(D) The notice provided to the directors under division 60944  
(B)(1) of this section shall specify whether some or all of the 60945  
facility's beds are to be converted. If some but not all of the 60946  
beds are to be converted, the notice shall specify how many of the 60947  
facility's beds are to be converted and how many of the beds are 60948  
to continue to provide ICF/MR services. The notice to the director 60949  
of developmental disabilities shall specify whether the operator 60950  
wishes to surrender the facility's license as a residential 60951  
facility under section 5123.19 of the Revised Code. 60952

(E)(1) If the ~~directors~~ director of developmental 60953  
disabilities ~~and job and family services approve~~ approves a 60954  
conversion under division (C) of this section, the director of 60955  
health shall do the following: 60956

(a) Terminate the certification of the intermediate care 60957  
facility for the mentally retarded if the notice specifies that 60958



all of the facility's beds are to be converted; 60959

(b) Reduce the facility's certified capacity by the number of 60960  
beds being converted if the notice specifies that some but not all 60961  
of the beds are to be converted. 60962

(2) The director of health shall notify the director of job 60963  
and family services of the termination or reduction. On receipt of 60964  
the director of health's notice, the director of job and family 60965  
services shall do the following: 60966

(a) Terminate the operator's medicaid provider agreement that 60967  
authorizes the operator to provide ICF/MR services at the facility 60968  
if the facility's certification was terminated; 60969

(b) Amend the operator's medicaid provider agreement to 60970  
reflect the facility's reduced certified capacity if the 60971  
facility's certified capacity is reduced. 60972

(3) In the case of action taken under division (E)(2)(a) of 60973  
this section, the operator is not entitled to notice or a hearing 60974  
under Chapter 119. of the Revised Code before the director of job 60975  
and family services terminates the medicaid provider agreement. 60976

**Sec. 5111.877.** The director of job and family services may 60977  
seek approval from the United States secretary of health and human 60978  
services for not more than a total of ~~two~~ five hundred slots for 60979  
home and community-based services for the purposes of sections 60980  
5111.874, 5111.875, and 5111.876 of the Revised Code. 60981

**Sec. 5111.878.** Not more than a total of ~~one~~ five hundred beds 60982  
may be converted from providing ICF/MR services to providing home 60983  
and community-based services under sections 5111.874 and 5111.875 60984  
of the Revised Code. 60985

**Sec. 5111.894.** (A) Subject to division (C)(2) of section 60986  
5111.89 of the Revised Code, the department of aging shall 60987

establish a home first component of the assisted living program 60988  
under which eligible individuals may be enrolled in the 60989  
medicaid-funded component of the assisted living program in 60990  
accordance with this section. An individual is eligible for the 60991  
assisted living program's home first component if both of the 60992  
following apply: 60993

(1) The individual has been determined to be eligible for the 60994  
medicaid-funded component of the assisted living program. 60995

(2) At least one of the following applies: 60996

(a) The individual has been admitted to a nursing facility. 60997

(b) A physician has determined and documented in writing that 60998  
the individual has a medical condition that, unless the individual 60999  
is enrolled in home and community-based services such as the 61000  
assisted living program, will require the individual to be 61001  
admitted to a nursing facility within thirty days of the 61002  
physician's determination. 61003

(c) The individual has been hospitalized and a physician has 61004  
determined and documented in writing that, unless the individual 61005  
is enrolled in home and community-based services such as the 61006  
assisted living program, the individual is to be transported 61007  
directly from the hospital to a nursing facility and admitted. 61008

(d) Both of the following apply: 61009

(i) The individual is the subject of a report made under 61010  
section 5101.61 of the Revised Code regarding abuse, neglect, or 61011  
exploitation or such a report referred to a county department of 61012  
job and family services under section 5126.31 of the Revised Code 61013  
or has made a request to a county department for protective 61014  
services as defined in section 5101.60 of the Revised Code. 61015

(ii) A county department of job and family services and an 61016  
area agency on aging have jointly documented in writing that, 61017

unless the individual is enrolled in home and community-based 61018  
services such as the assisted living program, the individual 61019  
should be admitted to a nursing facility. 61020

~~(c) The individual resided in a residential care facility for 61021  
at least six months immediately before applying for the 61022  
medicaid-funded component of the assisted living program and is at 61023  
risk of imminent admission to a nursing facility because the costs 61024  
of residing in the residential care facility have depleted the 61025  
individual's resources such that the individual is unable to 61026  
continue to afford the cost of residing in the residential care 61027  
facility. 61028~~

(B) Each month, each area agency on aging shall identify 61029  
individuals residing in the area that the area agency on aging 61030  
serves who are eligible for the home first component of the 61031  
assisted living program. When an area agency on aging identifies 61032  
such an individual and determines that there is a vacancy in a 61033  
residential care facility participating in the medicaid-funded 61034  
component of the assisted living program that is acceptable to the 61035  
individual, the agency shall notify the long-term care 61036  
consultation program administrator serving the area in which the 61037  
individual resides. The administrator shall determine whether the 61038  
assisted living program is appropriate for the individual and 61039  
whether the individual would rather participate in the assisted 61040  
living program than continue or begin to reside in a nursing 61041  
facility. If the administrator determines that the assisted living 61042  
program is appropriate for the individual and the individual would 61043  
rather participate in the assisted living program than continue or 61044  
begin to reside in a nursing facility, the administrator shall so 61045  
notify the department of aging. On receipt of the notice from the 61046  
administrator, the department shall approve the individual's 61047  
enrollment in the medicaid-funded component of the assisted living 61048  
program regardless of the unified waiting list established under 61049

section 173.404 of the Revised Code, unless the enrollment would 61050  
cause the component to exceed any limit on the number of 61051  
individuals who may participate in the component as set by the 61052  
United States secretary of health and human services in the 61053  
assisted living waiver. 61054

**Sec. 5111.941.** (A) The ~~medicaid revenue and collections~~ 61055  
health care/medicaid support and recoveries fund is hereby created 61056  
in the state treasury. ~~Except~~ All of the following shall be 61057  
credited to the fund: 61058

(1) Except as otherwise provided by statute or as authorized 61059  
by the controlling board, the nonfederal share of all 61060  
medicaid-related revenues, collections, and recoveries ~~shall be~~ 61061  
~~credited to the fund;~~ 61062

(2) Federal reimbursement received for payment adjustments 61063  
made pursuant to section 1923 of the "Social Security Act," 101 61064  
Stat. 1330-148 (1987), 42 U.S.C. 1396r-4, as amended, under the 61065  
medicaid program to state mental health hospitals maintained and 61066  
operated by the department of mental health under division (A) of 61067  
section 5119.02 of the Revised Code; 61068

(3) Revenues the department of job and family services 61069  
receives from another state agency for medicaid services pursuant 61070  
to an interagency agreement, other than such revenues required to 61071  
be deposited into the health care services administration fund 61072  
created under section 5111.94 of the Revised Code; 61073

(4) The first seven hundred fifty thousand dollars the 61074  
department receives in a fiscal year for performing eligibility 61075  
verification services necessary for compliance with the 61076  
independent, certified audit requirement of 42 C.F.R. 455.304. 61077

(B) The department of job and family services shall use money 61078  
credited to the ~~medicaid revenue and collections~~ health 61079

care/medicaid support and recoveries fund to pay for medicaid 61080  
services and contracts. 61081

Sec. 5111.946. (A) As used in this section, "medicaid managed 61082  
care organization" means a managed care organization under 61083  
contract with the department of job and family services pursuant 61084  
to section 5111.17 of the Revised Code. 61085

(B) There is hereby created in the state treasury the health 61086  
care compliance fund. All of the following shall be credited to 61087  
the fund: 61088

(1) All fines imposed on and collected from medicaid managed 61089  
care organizations for failure to meet performance standards or 61090  
other requirements specified in provider agreements or rules 61091  
adopted by the department; 61092

(2) Money the department receives in a fiscal year for 61093  
performing eligibility verification services necessary for 61094  
compliance with the independent, certified audit requirement of 42 61095  
C.F.R. 455.304, other than the amounts of such money that are to 61096  
be credited to the medicaid revenue and collections fund under 61097  
section 5111.941 of the Revised Code; 61098

(3) All investment earnings of the fund. 61099

(C) Money credited to the health care compliance fund shall 61100  
be used solely for the following purposes: 61101

(1) To reimburse medicaid managed care organizations that 61102  
have paid fines for failure to meet performance standards or other 61103  
requirements and have come into compliance by meeting requirements 61104  
as specified by the department; 61105

(2) To provide financial incentive awards established 61106  
pursuant to section 5111.171 of the Revised Code and specified in 61107  
contracts between medicaid managed care organizations and the 61108  
department. 61109

Sec. 5111.96. (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the Deficit Reduction Act of 2005 (Pub. L. No. 109-171, as amended).

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(B) To the extent funds are available under an MFP demonstration project awarded to the department of job and family services, the director of job and family services may operate the helping Ohioans move, expanding (HOME) choice demonstration component of the medicaid program to transition medicaid recipients who qualify for the demonstration component to community settings. The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and operation of the demonstration component.

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Sec. 5111.97. (A) As used in this section, ~~"nursing:~~

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(1) "Home and community-based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

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(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

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(B) To the extent funds are available, the director of job and family services may establish the Ohio access success project to help medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. The project may be established as a separate nonmedicaid program or integrated into a new or existing ~~program of medicaid-funded home and community-based services authorized by a medicaid waiver approved by the United States department of health and human services component.~~ The director shall permit any recipient of

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medicaid-funded nursing facility services to apply for 61140  
participation in the project, but may limit the number of project 61141  
participants. 61142

The director shall ensure that an assessment of an applicant 61143  
is conducted as soon as practicable to determine whether the 61144  
applicant is eligible for participation in the project. To the 61145  
maximum extent possible, the assessment and eligibility 61146  
determination shall be completed not later than the date that 61147  
occurs six months after the applicant became a recipient of 61148  
medicaid-funded nursing facility services. 61149

(C) To be eligible for benefits under the project, a medicaid 61150  
recipient must satisfy all of the following requirements: 61151

(1) The medicaid recipient must be a recipient of 61152  
medicaid-funded nursing facility services, at the time of applying 61153  
for the project benefits. 61154

(2) If the project is established as a nonmedicaid program, 61155  
the medicaid recipient must be able to remain in the community as 61156  
a result of receiving project benefits and the projected cost of 61157  
the benefits to the project does not exceed eighty per cent of the 61158  
average monthly medicaid cost of a medicaid recipient in a nursing 61159  
facility. 61160

(3) If the project is integrated into a ~~medicaid-funded~~ home 61161  
and community-based services medicaid waiver ~~program~~ component, 61162  
the medicaid recipient must meet the waiver component's enrollment 61163  
criteria. 61164

(D) If the director establishes the Ohio access success 61165  
project, the benefits provided under the project may include 61166  
payment of all of the following: 61167

(1) The first month's rent in a community setting; 61168

(2) Rental deposits; 61169

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (3) Utility deposits;                                                                                                                                                                                                                                                                                                                                                                                                                             | 61170                                                       |
| (4) Moving expenses;                                                                                                                                                                                                                                                                                                                                                                                                                              | 61171                                                       |
| (5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting.                                                                                                                                                                                                                                                                                                | 61172<br>61173<br>61174                                     |
| (E) If the project is established as a nonmedicaid program, no participant may receive more than two thousand dollars' worth of benefits under the project.                                                                                                                                                                                                                                                                                       | 61175<br>61176<br>61177                                     |
| (F) <u>If the department of job and family services enters into a contract with an entity to provide fiscal management services regarding the project, the contract may provide for a portion of a participant's benefits under the project to be paid to the contracting entity. The contract shall specify the portion to be paid to the contracting entity.</u>                                                                                | 61178<br>61179<br>61180<br>61181<br>61182<br>61183          |
| (G) The director may submit a request to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 95 Stat. 286 809 (1965 1981), 42 U.S.C. 1396n, as amended, to create a <del>medicaid</del> home and community-based services <u>medicaid waiver program component</u> to serve individuals who meet the criteria for participation in the Ohio access success project. <del>The</del> | 61184<br>61185<br>61186<br>61187<br>61188<br>61189<br>61190 |
| (H) <u>The director may adopt rules under in accordance with Chapter 119. of the Revised Code for the administration and operation of the project. If the project is integrated into a home and community-based services medicaid waiver component, the rules shall be adopted under section 5111.85 of the Revised Code.</u>                                                                                                                     | 61191<br>61192<br>61193<br>61194<br>61195                   |
| <b>Sec. 5112.31.</b> The department of job and family services shall do all of the following:                                                                                                                                                                                                                                                                                                                                                     | 61196<br>61197                                              |
| (A) Subject to <u>section 5112.331 of the Revised Code and</u> divisions (B) and (C) of this section and for the purposes                                                                                                                                                                                                                                                                                                                         | 61198<br>61199                                              |



specified in ~~sections 5112.37 and~~ section 5112.371 of the Revised Code, assess for each fiscal year each intermediate care facility for the mentally retarded a franchise permit fee equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds certified under Title XIX of the "Social Security Act" on the first day of May of the calendar year in which the assessment is determined pursuant to division (A) of section 5112.33 of the Revised Code;

(2) The number of days in the fiscal year.

(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all intermediate care facilities for the mentally retarded for that fiscal year and seventy-five per cent or more of the total number of intermediate care facilities for the mentally retarded receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following:

(1) Recalculate the assessments under division (A) of this section using a per bed per day rate equal to the indirect guarantee percentage of actual net patient revenue for all intermediate care facilities for the mentally retarded for that fiscal year;

(2) Refund the difference between the amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the subsequent fiscal year.

(C) If the United States secretary of health and human services determines that the franchise permit fee established by

sections 5112.30 to 5112.39 of the Revised Code would be an 61231  
impermissible health care-related tax under section 1903(w) of the 61232  
"Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C.A.- 61233  
1396b(w), as amended, take all necessary actions to cease 61234  
implementation of those sections in accordance with rules adopted 61235  
under section 5112.39 of the Revised Code. 61236

**Sec. 5112.33.** (A) Not later than the fifteenth day of August 61237  
of each year, the department of job and family services shall 61238  
determine the annual franchise permit fee for each intermediate 61239  
care facility for the mentally retarded in accordance with section 61240  
5112.31 of the Revised Code. 61241

(B) Not later than the first day of September of each year, 61242  
the department shall mail to each intermediate care facility for 61243  
the mentally retarded notice of the amount of the franchise permit 61244  
fee the facility has been assessed under section 5112.31 of the 61245  
Revised Code. 61246

(C) ~~Each~~ Subject to section 5112.331 of the Revised Code, 61247  
each intermediate care facility for the mentally retarded shall 61248  
pay its fee under section 5112.31 of the Revised Code to the 61249  
department in quarterly installment payments not later than 61250  
forty-five days after the last day of each September, December, 61251  
March, and June. 61252

**Sec. 5112.331.** (A) If, during the period beginning on the 61253  
first day of May of a calendar year and ending on the first day of 61254  
January of the immediately following calendar year, the operator 61255  
of an intermediate care facility for the mentally retarded 61256  
converts, pursuant to section 5111.874 of the Revised Code, one or 61257  
more of the facility's beds to providing home and community-based 61258  
services, the department of job and family services shall do the 61259  
following: 61260

(1) If the facility's medicaid certification is terminated because of the conversion, terminate the facility's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health; 61261  
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(2) If the facility's certified capacity under medicaid is reduced because of the conversion, redetermine the facility's franchise permit fee in accordance with division (B) of this section for the second half of the fiscal year for which the fee is assessed. 61266  
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(B)(1) To redetermine an intermediate care facility for the mentally retarded's franchise permit fee, the department shall multiply the franchise permit fee rate by the product of the following: 61271  
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(a) The number of the facility's beds that remain certified under Title XIX of the "Social Security Act" as of the date the conversion takes effect; 61275  
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(b) The number of days in the second half of the fiscal year for which the redetermination is made. 61278  
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(2) The intermediate care facility for the mentally retarded shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made. 61280  
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**Sec. 5112.341.** (A) In addition to assessing a penalty pursuant to section 5112.34 of the Revised Code, the department of job and family services may do any of the following if an intermediate care facility for the mentally retarded fails to pay the full amount of a franchise permit fee installment when due: 61285  
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(1) Withhold an amount less than or equal to the installment 61290

and penalty assessed under section 5112.34 of the Revised Code 61291  
from a medicaid payment due the facility until the facility pays 61292  
the installment and penalty; 61293

(2) Offset an amount less than or equal to the installment 61294  
and penalty assessed under section 5112.34 of the Revised Code 61295  
from a ~~Medicaid~~ medicaid payment due the ~~nursing~~ facility ~~or~~ 61296  
~~hospital~~; 61297

(3) Terminate the facility's medicaid provider agreement. 61298

(B) The department may offset a medicaid payment under 61299  
division (A) of this section without providing notice to the 61300  
intermediate care facility for the mentally retarded and without 61301  
conducting an adjudication under Chapter 119. of the Revised Code. 61302

**Sec. 5112.37.** There is hereby created in the state treasury 61303  
the home and community-based services for the mentally retarded 61304  
and developmentally disabled fund. ~~Eighty one and seventy seven~~ 61305  
~~hundredths per cent of all~~ All installment payments and penalties 61306  
paid by an intermediate care facility for the mentally retarded 61307  
under sections 5112.33 and 5112.34 of the Revised Code ~~for state~~ 61308  
~~fiscal year 2012~~ shall be deposited into the fund. ~~Eighty two and~~ 61309  
~~two tenths per cent of all installment payments and penalties paid~~ 61310  
~~by an intermediate care facility for the mentally retarded under~~ 61311  
~~sections 5112.33 and 5112.34 of the Revised Code for state fiscal~~ 61312  
~~year 2013 and thereafter shall be deposited into the fund. The~~ 61313  
~~department~~ As soon as possible after the end of each quarter, the 61314  
director of job and family services shall ~~distribute~~ certify to 61315  
the director of budget and management the amount of money in that 61316  
is in the fund ~~in accordance with rules adopted under section~~ 61317  
~~5112.39 of the Revised Code~~ as of the last day of that quarter. 61318  
~~The departments of job and family services and developmental~~ 61319  
~~disabilities shall use the money for the medicaid program~~ 61320  
~~established under Chapter 5111. of the Revised Code and home and~~ 61321

~~community based services to mentally retarded and developmentally disabled persons. On receipt of a certification, the director of budget and management shall transfer the amount so certified from the home and community-based services for the mentally retarded and developmentally disabled fund to the department of developmental disabilities operating and services fund created under section 5112.371 of the Revised Code.~~ 61322  
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**Sec. 5112.371.** There is hereby created in the state treasury the department of developmental disabilities operating and services fund. ~~All installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code that are not deposited into the home and community based services for the mentally retarded and developmentally disabled fund shall be deposited into the department of developmental disabilities operating and services~~ The fund shall consist of the money transferred to it under section 5112.37 of the Revised Code. The money in the fund shall be used for the expenses of the programs that the department of developmental disabilities administers and the department's administrative expenses. 61329  
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**Sec. 5112.39.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to do ~~all~~ both of the following: 61342  
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(A) Prescribe the actions the department will take to cease implementation of sections 5112.30 to 5112.39 of the Revised Code if the United States secretary of health and human services determines that the franchise permit fee imposed under section 5112.31 of the Revised Code is an impermissible health care-related tax under section 1903(w) of the "Social Security Act," ~~49~~ 105 Stat. ~~620~~ 1793 (~~1935~~ 1991), 42 U.S.C.A. ~~1396b(w)~~, as amended; 61345  
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~~(B) Establish the method of distributing the money in the home and community based services for the mentally retarded and developmentally disabled fund created by section 5112.37 of the Revised Code;~~ 61353  
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~~(C)~~ Establish any other requirements or procedures the director considers necessary to implement sections 5112.30 to 5112.39 of the Revised Code. 61357  
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**Sec. 5119.22.** (A)~~(1)~~ As used in this section and section 5119.221 of the Revised Code: 61360  
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~~(a)~~(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care. 61362  
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(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services. 61367  
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(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age. 61369  
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(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age. 61372  
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(5) "Community mental health agency" means a community mental health agency as defined in division (H) of section 5122.01 of the Revised Code. 61375  
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~~(b)~~(6) "Community mental health services" means any of the services listed in section 340.09 of the Revised Code. 61378  
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~~(c)~~(7) "Operator" means the person that is responsible for the administration and management of a residential facility. 61380  
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(8) "Personal care services" means services including, but not limited to, the following:

~~(i)~~(a) Assisting residents with activities of daily living;

~~(ii)~~(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

~~(iii)~~(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)~~(1)~~~~(e)~~(8) of this section to be considered to be providing personal care services.

~~(d)~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:

~~(i) Room and board~~ (a) Accommodations, supervision, personal care services, and community mental health services to for one or more of the following unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner:

(i) Adults with mental illness;

(ii) Persons of any age with severe mental disabilities;

(iii) Children with serious emotional disturbances or in need of mental health services.

~~(ii) Room and board~~ (b) Accommodations, supervision, and personal care services to for three to sixteen unrelated adults or for one or two of the following unrelated persons:

(i) Persons of any age with mental illness or persons with

~~severe mental disabilities~~ who are referred by or are receiving 61412  
community mental health services from a community mental health 61413  
agency, hospital, or practitioner; 61414

~~(iii) Room and board to~~ (ii) Persons of any age with severe 61415  
mental disabilities who are referred by or are receiving community 61416  
mental health services from a community mental health agency, 61417  
hospital, or practitioner; 61418

(iii) Adults who are recipients under the residential state 61419  
supplement program. 61420

(c) Accommodations for five or more of the following 61421  
unrelated persons: 61422

(i) Adults with mental illness ~~or persons with severe mental~~ 61423  
~~disabilities~~ who are referred by or are receiving community mental 61424  
health services from a community mental health agency, hospital, 61425  
or practitioner; 61426

(ii) Adults with severe mental disabilities who are referred 61427  
by or are receiving community mental health services from a 61428  
community mental health agency, hospital, or practitioner. 61429

~~The following are not residential facilities (10)~~ 61430  
"Residential facility" does not include any of the following: the 61431  
~~residence of a relative or guardian of a mentally ill individual,~~ 61432  
a 61433

(a) A hospital subject to licensure under section 5119.20 of 61434  
the Revised Code, ~~a;~~ 61435

(b) A residential facility as defined in licensed under 61436  
section 5123.19 of the Revised Code, ~~a facility providing care for~~ 61437  
~~a child in the custody of a public children services agency or a~~ 61438  
~~private agency certified under section 5103.03 of the Revised~~ 61439  
Code, a foster care facility or otherwise regulated by the 61440  
department of developmental disabilities; 61441



|                                                                                 |       |
|---------------------------------------------------------------------------------|-------|
| <u>(c) An institution or association subject to certification</u>               | 61442 |
| <u>under section 5103.03 of the Revised Code,</u>                               | 61443 |
| <u><del>an adult care facility</del></u>                                        | 61444 |
| <u><del>subject to licensure under sections 5119.70 to 5119.88 of the</del></u> | 61445 |
| <u><del>Revised Code, and a</del></u>                                           |       |
| <u>(d) A facility operated by a hospice care program licensed</u>               | 61446 |
| <u>under section 3712.04 of the Revised Code that is used exclusively</u>       | 61447 |
| <u>for care of hospice patients;</u>                                            | 61448 |
| <u>(e) A nursing home, residential care facility, or home for</u>               | 61449 |
| <u>the aging</u>                                                                | 61450 |
| <u><del>subject to licensure under</del> as defined in section 3721.02</u>      | 61451 |
| <u>of the Revised Code;</u>                                                     |       |
| <u>(f) An alcohol or drug addiction program as defined in</u>                   | 61452 |
| <u>section 3793.01 of the Revised Code;</u>                                     | 61453 |
| <u>(g) A facility licensed to provide methadone treatment under</u>             | 61454 |
| <u>section 3793.11 of the Revised Code;</u>                                     | 61455 |
| <u>(h) Any facility that receives funding for operating costs</u>               | 61456 |
| <u>from the department of development under any program established</u>         | 61457 |
| <u>to provide emergency shelter housing or transitional housing for</u>         | 61458 |
| <u>the homeless;</u>                                                            | 61459 |
| <u>(i) A terminal care facility for the homeless that has</u>                   | 61460 |
| <u>entered into an agreement with a hospice care program under</u>              | 61461 |
| <u>section 3712.07 of the Revised Code;</u>                                     | 61462 |
| <u>(j) A facility approved by the veterans administration under</u>             | 61463 |
| <u>section 104(a) of the "Veterans Health Care Amendments of 1983,"</u>         | 61464 |
| <u>97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for</u>        | 61465 |
| <u>the placement and care of veterans.</u>                                      | 61466 |
| <u>(11) "Supervision" means any of the following:</u>                           | 61467 |
| <u>(a) Observing a resident to ensure the resident's health,</u>                | 61468 |
| <u>safety, and welfare while the resident engages in activities of</u>          | 61469 |
| <u>daily living or other activities;</u>                                        | 61470 |
| <u>(b) Reminding a resident to perform or complete an activity,</u>             | 61471 |

such as reminding a resident to engage in personal hygiene or 61472  
other self-care activities; 61473

(c) Assisting a resident in making or keeping an appointment. 61474

(12) "Unrelated" means that a resident is not related to the 61475  
owner or operator of a residential facility or to the owner's or 61476  
operator's spouse as a parent, grandparent, child, stepchild, 61477  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 61478  
the child of an aunt or uncle. 61479

~~(2)(B)~~ Nothing in division (A)~~(1)(d)(9)~~ of this section shall 61480  
be construed to permit personal care services to be imposed on a 61481  
resident who is capable of performing the activity in question 61482  
without assistance. 61483

~~(3)(C)~~ Except in the case of a residential facility described 61484  
in division (A)~~(1)(d)(i)(9)(a)~~ of this section, members of the 61485  
staff of a residential facility shall not administer medication to 61486  
the facility's residents, all medication taken by residents of a 61487  
residential facility shall be self-administered, and no person 61488  
shall be admitted to or retained by a residential facility unless 61489  
the person is capable of taking the person's own medication and 61490  
biologicals, as determined in writing by the person's personal 61491  
physician. Members of the staff of a residential facility but 61492  
do any of the following: 61493

~~(a)(1)~~ Remind a resident when to take medication and watch to 61494  
ensure that the resident follows the directions on the container; 61495

~~(b)(2)~~ Assist a resident in the self-administration of 61496  
medication by taking the medication from the locked area where it 61497  
is stored, in accordance with rules adopted pursuant to this 61498  
section, and handing it to the resident. If the resident is 61499  
physically unable to open the container, a staff member may open 61500  
the container for the resident. 61501

~~(e)(3)~~ Assist a physically impaired but mentally alert 61502

resident, such as a resident with arthritis, cerebral palsy, or 61503  
Parkinson's disease, in removing oral or topical medication from 61504  
containers and in consuming or applying the medication, upon 61505  
request by or with the consent of the resident. If a resident is 61506  
physically unable to place a dose of medicine to the resident's 61507  
mouth without spilling it, a staff member may place the dose in a 61508  
container and place the container to the mouth of the resident. 61509

~~(B) Every (D)(1) Except as provided in division (D)(2) of~~ 61510  
~~this section, a person operating or desiring seeking to operate a~~ 61511  
residential facility shall apply for licensure of the facility to 61512  
the department of mental health ~~and. The application shall be~~ 61513  
~~submitted by the operator. When applying for the license, the~~ 61514  
~~applicant shall pay to the department the application fee~~ 61515  
~~specified in rules adopted under division (L) of this section. The~~ 61516  
~~fee is nonrefundable.~~ 61517

~~The department shall send a copy of the an application to the~~ 61518  
~~ADAMHS board of alcohol, drug addiction, and mental health~~ 61519  
~~services whose service district includes serving the county in~~ 61520  
which the person operates or ~~desires~~ seeks to operate a 61521  
~~residential~~ the facility. The ADAMHS board shall review ~~such~~ 61522  
~~applications and recommend approval or disapproval to the~~ 61523  
~~department. Each recommendation shall be consistent with the~~ 61524  
~~board's community mental health plan.~~ 61525

~~(C) the application and provide to the department any~~ 61526  
~~information about the applicant or the facility that the board~~ 61527  
~~would like the department to consider in reviewing the~~ 61528  
~~application.~~ 61529

(2) A person may not apply for a license to operate a 61530  
residential facility if the person is or has been the owner, 61531  
operator, or manager of a residential facility for which a license 61532  
to operate was revoked or for which renewal of a license was 61533  
refused for any reason other than nonpayment of the license 61534

renewal fee, unless both of the following conditions are met: 61535

(a) A period of not less than two years has elapsed since the date the director of mental health issued the order revoking or refusing to renew the facility's license. 61536  
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(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation. 61539  
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(E)(1) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of this section as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone. 61543  
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(2) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of this section as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit development districts as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the 61553  
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zoning ordinance or resolution to: 61567

(a) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood; 61568  
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(b) Require compliance with yard, parking, and sign regulation. 61572  
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(3) Divisions (E)(1) and (2) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under this section in a single-family residential district or zone under conditions established by the political subdivision. 61574  
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(4)(a) Notwithstanding divisions (E)(1) and (2) of this section and except as provided in division (E)(4)(b) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of this section. 61579  
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(b) Division (E)(4)(a) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on the effective date of this section and that meet the criteria specified in division (A)(9)(b) of this section. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of this section that are not existing and operating on the effective date of this section. 61585  
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(F)(1) The department of mental health shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant 61595  
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or licensee in arriving at its licensure decision. The 61598

The department may issue full, probationary, and interim 61599  
licenses. A full license shall expire two years after the date of 61600  
issuance, a probationary license shall expire in a shorter period 61601  
of time as ~~prescribed by rule~~ specified in rules adopted by the 61602  
director of mental health ~~pursuant to Chapter 119. of the Revised~~ 61603  
~~Code~~ under division (L) of this section, and an interim license 61604  
shall expire ninety days after the date of issuance. ~~The~~ A license 61605  
may be renewed in accordance with rules adopted by the director 61606  
under division (L) of this section. The renewal application shall 61607  
be submitted by the operator. When applying for renewal of a 61608  
license, the applicant shall pay to the department the renewal fee 61609  
specified in rules adopted under division (L) of this section. The 61610  
fee is nonrefundable. 61611

(2) The department may issue an order suspending the 61612  
admission of residents to the facility or refuse to issue or renew 61613  
and may revoke a license if it finds the facility is not in 61614  
compliance with rules adopted by the ~~department~~ director pursuant 61615  
to division ~~(G)~~(L) of this section or if any facility operated by 61616  
the applicant or licensee has ~~had~~ been cited for repeated 61617  
violations of statutes or rules during the period of previous 61618  
licenses. Proceedings initiated to deny applications for full or 61619  
probationary licenses or to revoke such licenses are governed by 61620  
Chapter 119. of the Revised Code. 61621

~~(D)~~(G) The department may issue an interim license to operate 61622  
a residential facility if both of the following conditions are 61623  
met: 61624

(1) The department determines that the closing of or the need 61625  
to remove residents from another residential facility has created 61626  
an emergency situation requiring immediate removal of residents 61627  
and an insufficient number of licensed beds are available. 61628

(2) The residential facility applying for an interim license 61629  
meets standards established for interim licenses in rules adopted 61630  
by the director under ~~Chapter 119. of the Revised Code~~ division 61631  
(L) of this section. 61632

An interim license shall be valid for ninety days and may be 61633  
renewed by the director no more than twice. Proceedings initiated 61634  
to deny applications for or to revoke interim licenses under this 61635  
division are not subject to Chapter 119. of the Revised Code. 61636

~~(E)~~(H)(1) The department of mental health may conduct an 61637  
inspection of a residential facility as follows: 61638

~~(1)~~(a) Prior to ~~the~~ issuance of a license ~~to a prospective~~ 61639  
~~operator~~ for the facility; 61640

~~(2)~~(b) Prior to ~~the~~ renewal of ~~any operator's~~ the facility's 61641  
license; 61642

~~(3)~~(c) To determine whether ~~a~~ the facility has completed a 61643  
plan of correction required pursuant to ~~this~~ division (H)(2) of 61644  
this section and corrected deficiencies to the satisfaction of the 61645  
department and in compliance with this section and rules adopted 61646  
pursuant to it; 61647

~~(4)~~(d) Upon complaint by any individual or agency; 61648

~~(5)~~(e) At any time the director considers an inspection to be 61649  
necessary in order to determine whether ~~a residential~~ the facility 61650  
is in compliance with this section and rules adopted pursuant to 61651  
this section. 61652

(2) In conducting inspections the department may conduct an 61653  
on-site examination and evaluation of the residential facility, 61654  
and its personnel, activities, and services. The department shall 61655  
have access to examine and copy all records, accounts, and any 61656  
other documents relating to the operation of the residential 61657  
facility, including records pertaining to residents, and shall 61658

have access to the facility in order to conduct interviews with 61659  
the operator, staff, and residents. Following each inspection and 61660  
review, the department shall complete a report listing any 61661  
deficiencies, and including, when appropriate, a time table within 61662  
which the operator shall correct the deficiencies. The department 61663  
may require the operator to submit a plan of correction describing 61664  
how the deficiencies will be corrected. 61665

~~(F)~~(I) No person shall do any of the following: 61666

(1) Operate a residential facility unless the facility holds 61667  
a valid license; 61668

(2) Violate any of the conditions of licensure after having 61669  
been granted a license; 61670

(3) Interfere with a state or local official's inspection or 61671  
investigation of a residential facility; 61672

(4) Violate any of the provisions of this section or any 61673  
rules adopted pursuant to this section. 61674

~~(G)~~(J) The following may enter a residential facility at any 61675  
time: 61676

(1) Employees designated by the director of mental health; 61677

(2) Employees of an ADAMHS board when a resident of the 61678  
facility is receiving services from a community mental health 61679  
agency under contract with that ADAMHS board or another ADAMHS 61680  
board; 61681

(3) Employees of a community mental health agency under any 61682  
of the following circumstances: 61683

(a) When the agency has a client residing in the facility; 61684

(b) When the agency is acting as an agent of an ADAMHS board 61685  
other than the board with which it is under contract. 61686

The employees specified in division (J) of this section shall 61687



be afforded access to examine and copy all records, accounts, and  
any other documents relating to the operation of the residential  
facility, including records pertaining to residents. 61688  
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(K) Employees of the department of mental health may enter,  
for the purpose of investigation, any institution, residence,  
facility, or other structure which has been reported to the  
department as, or that the department has reasonable cause to  
believe is, operating as a residential facility without a valid  
license. 61691  
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(L) The director shall adopt and may amend and rescind rules  
pursuant to Chapter 119. of the Revised Code, ~~prescribing minimum~~  
governing the licensing and operation of residential facilities.  
The rules shall establish all of the following: 61697  
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(1) Minimum standards for the health, safety, adequacy, and  
cultural ~~specificity and sensitivity~~ competency of treatment of  
and services for persons in residential facilities; ~~establishing~~  
~~procedures~~ 61701  
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(2) Procedures for the issuance, renewal or revocation of the  
licenses of ~~such~~ residential facilities; ~~establishing the~~ 61705  
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(3) Procedures for conducting criminal records checks for  
prospective operators, staff, and other individuals who, if  
employed by a residential facility, would have unsupervised access  
to facility residents; 61707  
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(4) The fee to be paid when applying for a new residential  
facility license or renewing the license; 61711  
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(5) Procedures for the operator of a residential facility to  
follow when notifying the ADAMHS board serving the county in which  
the facility is located when the facility is serving residents  
with mental illness or severe mental disability, including the  
circumstances under which the operator is required to make such a  
notification; 61713  
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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <u>(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;</u>                                                                                                                                                                                                                                                                                                                                                       | 61719<br>61720                                                       |
| <u>(7) Measures to be taken by residential facilities relative to residents' medication;</u>                                                                                                                                                                                                                                                                                                                                                                                              | 61721<br>61722                                                       |
| <u>(8) Requirements relating to preparation of special diets;</u>                                                                                                                                                                                                                                                                                                                                                                                                                         | 61723                                                                |
| <u>(9) The maximum number of residents of who may be served in a residential facility; establishing the</u>                                                                                                                                                                                                                                                                                                                                                                               | 61724<br>61725                                                       |
| <u>(10) The rights of residents of residential facilities and procedures to protect such rights; and requiring</u>                                                                                                                                                                                                                                                                                                                                                                        | 61726<br>61727                                                       |
| <u>(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health agency. Such affiliation agreement must be consistent with the residential portion of the community mental health plan submitted pursuant to section 340.03 of the Revised Code;</u>                                                                                                                                                         | 61728<br>61729<br>61730<br>61731<br>61732<br>61733                   |
| <u>(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.</u>                                                                                                                                                                                                                                                                                                                                                                     | 61734<br>61735                                                       |
| <del>(H) The department may investigate any facility that has been reported to the department or that the department has reasonable cause to believe is operating as a residential facility without a valid license.</del>                                                                                                                                                                                                                                                                | 61736<br>61737<br>61738<br>61739                                     |
| <del>(I)</del> <u>(M)(1)</u> The department may withhold the source of any complaint reported as a violation of this <del>act</del> <u>section</u> when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. | 61740<br>61741<br>61742<br>61743<br>61744<br>61745<br>61746<br>61747 |
| <del>(J)</del> <u>(2)</u> Any person who makes a complaint under division (M)(1)                                                                                                                                                                                                                                                                                                                                                                                                          | 61748                                                                |

of this section, or any person who participates in an 61749  
administrative or judicial proceeding resulting from such a 61750  
complaint, is immune from civil liability and is not subject to 61751  
criminal prosecution, other than for perjury, unless the person 61752  
has acted in bad faith or with malicious purpose. 61753

(N)(1) The director of mental health may petition the court 61754  
of common pleas of the county in which a residential facility is 61755  
located for an order enjoining any person from operating a 61756  
residential facility without a license or from operating a 61757  
licensed facility when, in the director's judgment, there is a 61758  
real and present danger to the health or safety of any of the 61759  
occupants of the facility. The court shall have jurisdiction to 61760  
grant such injunctive relief upon a showing that the respondent 61761  
named in the petition is operating a facility without a license or 61762  
there is a real and present danger to the health or safety of any 61763  
residents of the facility. 61764

~~(K) Whoever violates division (F) of this section or any rule~~ 61765  
~~adopted under this section is liable for a civil penalty of one~~ 61766  
~~hundred dollars for the first offense; for each subsequent~~ 61767  
~~offense, such violator is liable for a civil penalty of five~~ 61768  
~~hundred dollars. If the violator does not pay, the attorney~~ 61769  
~~general, upon the request of the director of mental health, shall~~ 61770  
~~bring a civil action to collect the penalty. Fines collected~~ 61771  
~~pursuant to this section shall be deposited into the state~~ 61772  
~~treasury to the credit of the mental health sale of goods and~~ 61773  
~~services fund.~~ 61774

(2) When the court grants injunctive relief in the case of a 61775  
facility operating without a license, the court shall issue, at a 61776  
minimum, an order enjoining the facility from admitting new 61777  
residents to the facility and an order requiring the facility to 61778  
assist with the safe and orderly relocation of the facility's 61779  
residents. 61780

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action. 61781  
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(O) The director may fine a person for violating division (I) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code. 61785  
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**Sec. 5119.61.** Any provision in this chapter that refers to a board of alcohol, drug addiction, and mental health services also refers to the community mental health board in an alcohol, drug addiction, and mental health service district that has a community mental health board. 61790  
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The director of mental health with respect to all facilities and programs established and operated under Chapter 340. of the Revised Code for mentally ill and emotionally disturbed persons, shall do all of the following: 61795  
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(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of Chapter 340. and sections 5119.61 to 5119.63 of the Revised Code. 61799  
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(1) The rules shall include ~~all of the following:~~ 61802

~~(a) Rules~~ rules governing a community mental health agency's services under section 340.091 of the Revised Code to an individual referred to the agency under division ~~(C)~~(D)(2) of section 5119.69 of the Revised Code: 61803  
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~~(b) For the purpose of division (A)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services under section 5119.88 of the Revised Code regarding~~ 61807  
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~~referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:~~

~~(i) Provide for agencies and boards to participate fully in the procedures owners and managers of adult care facilities must follow under division (A) of section 5119.88 of the Revised Code;~~

~~(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.~~

~~(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of mental health under section 5119.87 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.~~

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, and make

recommendations for needed improvements to boards of alcohol, drug 61842  
addiction, and mental health services; 61843

(C) Provide consultative services to community mental health 61844  
agencies with the knowledge and cooperation of the board of 61845  
alcohol, drug addiction, and mental health services; 61846

(D) At the director's discretion, provide to boards of 61847  
alcohol, drug addiction, and mental health services state or 61848  
federal funds, in addition to those allocated under section 61849  
5119.62 of the Revised Code, for special programs or projects the 61850  
director considers necessary but for which local funds are not 61851  
available; 61852

(E) Establish criteria by which a board of alcohol, drug 61853  
addiction, and mental health services reviews and evaluates the 61854  
quality, effectiveness, and efficiency of services provided 61855  
through its community mental health plan. The criteria shall 61856  
include requirements ensuring appropriate service utilization. The 61857  
department shall assess a board's evaluation of services and the 61858  
compliance of each board with this section, Chapter 340. or 61859  
section 5119.62 of the Revised Code, and other state or federal 61860  
law and regulations. The department, in cooperation with the 61861  
board, periodically shall review and evaluate the quality, 61862  
effectiveness, and efficiency of services provided through each 61863  
board. The department shall collect information that is necessary 61864  
to perform these functions. 61865

(F) To the extent the director determines necessary and after 61866  
consulting with boards of alcohol, drug addiction, and mental 61867  
health services, develop and operate, or contract for the 61868  
operation of, a community mental health information system or 61869  
systems. 61870

Boards of alcohol, drug ~~abuse~~ addiction, and mental health 61871  
services shall submit information requested by the department in 61872

the form and manner prescribed by the department. Information 61873  
collected by the department shall include, but not be limited to, 61874  
all of the following: 61875

(1) Information regarding units of services provided in whole 61876  
or in part under contract with a board, including diagnosis and 61877  
special needs, demographic information, the number of units of 61878  
service provided, past treatment, financial status, and service 61879  
dates in accordance with rules adopted by the department in 61880  
accordance with Chapter 119. of the Revised Code; 61881

(2) Financial information other than price or price-related 61882  
data regarding expenditures of boards and community mental health 61883  
agencies, including units of service provided, budgeted and actual 61884  
expenses by type, and sources of funds. 61885

Boards shall submit the information specified in division 61886  
(F)(1) of this section no less frequently than annually for each 61887  
client, and each time the client's case is opened or closed. The 61888  
department shall not collect any personal information from the 61889  
boards except as required or permitted by state or federal law for 61890  
purposes related to payment, health care operations, program and 61891  
service evaluation, reporting activities, research, system 61892  
administration, and oversight. 61893

(G) Review each board's community mental health plan 61894  
submitted pursuant to section 340.03 of the Revised Code and 61895  
approve or disapprove it in whole or in part. Periodically, in 61896  
consultation with representatives of boards and after considering 61897  
the recommendations of the medical director, the director shall 61898  
issue criteria for determining when a plan is complete, criteria 61899  
for plan approval or disapproval, and provisions for conditional 61900  
approval. The factors that the director considers may include, but 61901  
are not limited to, the following: 61902

(1) The mental health needs of all persons residing within 61903

the board's service district, especially severely mentally disabled children, adolescents, and adults;

(2) The demonstrated quality, effectiveness, efficiency, and cultural relevance of the services provided in each service district, the extent to which any services are duplicative of other available services, and whether the services meet the needs identified above;

(3) The adequacy of the board's accounting for the expenditure of funds.

If the director disapproves all or part of any plan, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall give the board a reasonable time within which to meet the criteria, and shall offer technical assistance to the board to help it meet the criteria.

If the approval of a plan remains in dispute, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. The director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

**Sec. 5119.69.** (A) As used in this section and section 5119.691 of the Revised Code:

(1) "Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

(2) "Long-term care consultation program administrator" or



"administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 61934  
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(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 61938  
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(4) "Residential state supplement administrative agency" means the department of mental health or, if the department designates an entity under division (C) of this section for a particular area, the designated entity. 61940  
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(5) "Residential state supplement program" means the program administered pursuant to this section. 61944  
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(B) The department of mental health shall implement the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care. 61946  
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~~(B)~~(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity. 61955  
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~~(C)~~(D) For an individual to be eligible for residential state supplement payments, all of the following must be the case: 61963  
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(1) Except as provided by division ~~(G)~~(H) of this section, 61965  
the individual must reside in one of the following: 61966

(a) An adult foster home certified under section 5119.692 of 61967  
the Revised Code; 61968

(b) A home or facility, other than a nursing home or nursing 61969  
home unit of a home for the aging, licensed by the department of 61970  
health under Chapter 3721. of the Revised Code ~~or the department~~ 61971  
~~of mental health under sections 5119.70 to 5119.88 of the Revised~~ 61972  
~~Code;~~ 61973

(c) A residential facility as defined in division 61974  
~~(A)(1)(d)(ii)(9)(b)~~ of section 5119.22 of the Revised Code 61975  
licensed by the department of mental health; 61976

(d) An apartment or room used to provide community mental 61977  
health housing services certified by the department of mental 61978  
health under section 5119.611 of the Revised Code and approved by 61979  
a board of alcohol, drug addiction, and mental health services 61980  
under division (A)(14) of section 340.03 of the Revised Code. 61981

(2) A residential state supplement administrative agency must 61982  
have determined that the environment in which the individual will 61983  
be living while receiving the payments is appropriate for the 61984  
individual's needs. If the individual is eligible for supplemental 61985  
security income payments or social security disability insurance 61986  
benefits because of a mental disability, the residential state 61987  
supplement administrative agency shall refer the individual to a 61988  
community mental health agency for ~~the community mental health~~ 61989  
~~agency to issue in accordance with an assessment under division~~ 61990  
~~(A) of section 340.091 of the Revised Code a recommendation on~~ 61991  
~~whether the residential state supplement administrative agency~~ 61992  
~~should determine that the environment in which the individual will~~ 61993  
~~be living while receiving the payments is appropriate for the~~ 61994  
~~individual's needs.~~ 61995

(3) The individual satisfies all eligibility requirements 61996  
established by rules adopted under division ~~(D)~~(E) of this 61997  
section. 61998

~~(D)~~(E) The directors of mental health and job and family 61999  
services shall adopt rules in accordance with section 111.15 of 62000  
the Revised Code as necessary to implement the residential state 62001  
supplement program. 62002

To the extent permitted by Title XVI of the "Social Security 62003  
Act," and any other provision of federal law, the director of job 62004  
and family services may adopt rules establishing standards for 62005  
adjusting the eligibility requirements concerning the level of 62006  
impairment a person must have so that the amount appropriated for 62007  
the program by the general assembly is adequate for the number of 62008  
eligible individuals. The rules shall not limit the eligibility of 62009  
disabled persons solely on a basis classifying disabilities as 62010  
physical or mental. The director of job and family services also 62011  
may adopt rules that establish eligibility standards for aged, 62012  
blind, or disabled individuals who reside in one of the homes or 62013  
facilities specified in division ~~(C)~~(D)(1) of this section but 62014  
who, because of their income, do not receive supplemental security 62015  
income payments. The rules may provide that these individuals may 62016  
include individuals who receive other types of benefits, 62017  
including, social security disability insurance benefits provided 62018  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 62019  
42 U.S.C.A. 401, as amended. Notwithstanding division ~~(A)~~(B) of 62020  
this section, such payments may be made if funds are available for 62021  
them. 62022

The director of mental health may adopt rules establishing 62023  
the method to be used to determine the amount an eligible 62024  
individual will receive under the program. The amount the general 62025  
assembly appropriates for the program may be a factor included in 62026  
the method that director establishes. 62027

~~(E)~~(F) The county department of job and family services of 62028  
the county in which an applicant for the residential state 62029  
supplement program resides shall determine whether the applicant 62030  
meets income and resource requirements for the program. 62031

~~(F)~~(G) The department of mental health shall maintain a 62032  
waiting list of any individuals eligible for payments under this 62033  
section but not receiving them because moneys appropriated to the 62034  
department for the purposes of this section are insufficient to 62035  
make payments to all eligible individuals. An individual may apply 62036  
to be placed on the waiting list even though the individual does 62037  
not reside in one of the homes or facilities specified in division 62038  
~~(C)~~(D)(1) of this section at the time of application. The director 62039  
of mental health, by rules adopted in accordance with Chapter 119. 62040  
of the Revised Code, may specify procedures and requirements for 62041  
placing an individual on the waiting list and priorities for the 62042  
order in which individuals placed on the waiting list are to begin 62043  
to receive residential state supplement payments. The rules 62044  
specifying priorities may give priority to individuals placed on 62045  
the waiting list on or after July 1, 2006, who receive 62046  
supplemental security income benefits under Title XVI of the 62047  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 62048  
amended. The rules shall not affect the place on the waiting list 62049  
of any person who was on the list on July 1, 2006. The rules 62050  
specifying priorities may also set additional priorities based on 62051  
living arrangement, such as whether an individual resides in a 62052  
facility listed in division ~~(C)~~(D)(1) of this section or has been 62053  
admitted to a nursing facility. 62054

~~(G)~~(H) An individual in a licensed or certified living 62055  
arrangement receiving state supplementation on November 15, 1990, 62056  
under former section 5101.531 of the Revised Code shall not become 62057  
ineligible for payments under this section solely by reason of the 62058  
individual's living arrangement as long as the individual remains 62059

in the living arrangement in which the individual resided on 62060  
November 15, 1990. 62061

~~(H)~~(I) The department of mental health shall notify each 62062  
person denied approval for payments under this section of the 62063  
person's right to a hearing. On request, the hearing shall be 62064  
provided in accordance with Chapter 119. of the Revised Code. 62065

**Sec. 5119.691.** ~~(A) As used in this section:~~ 62066

~~"Long term care consultation program" means the program the 62067  
department of aging is required to develop under section 173.42 of 62068  
the Revised Code.~~ 62069

~~"Long term care consultation program administrator" or 62070  
"administrator" means the department of aging or, if the 62071  
department contracts with an area agency on aging or other entity 62072  
to administer the long term care consultation program for a 62073  
particular area, that agency or entity.~~ 62074

~~"Nursing facility" has the same meaning as in section 5111.20 62075  
of the Revised Code.~~ 62076

~~"Residential state supplement administrative agency" means an 62077  
entity designated as such by the department of mental health under 62078  
section 5119.69 of the Revised Code.~~ 62079

~~"Residential state supplement program" means the program 62080  
administered pursuant to section 5119.69 of the Revised Code.~~ 62081

~~(B)~~ On a periodic schedule determined by the department of 62082  
mental health, each residential state supplement administrative 62083  
agency shall determine whether individuals who reside in the area 62084  
that the agency serves and are on a waiting list for the 62085  
residential state supplement program have been admitted to a 62086  
nursing facility. If a residential state supplement administrative 62087  
agency determines that such an individual has been admitted to a 62088  
nursing facility, the agency shall notify the long-term care 62089

consultation program administrator serving the area in which the 62090  
individual resides about the determination. The administrator 62091  
shall determine whether the residential state supplement program 62092  
is appropriate for the individual and whether the individual would 62093  
rather participate in the program than continue residing in the 62094  
nursing facility. If the administrator determines that the 62095  
residential state supplement program is appropriate for the 62096  
individual and the individual would rather participate in the 62097  
program than continue residing in the nursing facility, the 62098  
administrator shall so notify the department of mental health. On 62099  
receipt of the notice from the administrator, the department of 62100  
mental health shall approve the individual's enrollment in the 62101  
residential state supplement program in accordance with the 62102  
priorities specified in rules adopted under division ~~(F)~~(G) of 62103  
section 5119.69 of the Revised Code. Each quarter, the department 62104  
of mental health shall certify to the director of budget and 62105  
management the estimated increase in costs of the residential 62106  
state supplement program resulting from enrollment of individuals 62107  
in the program pursuant to this section. 62108

**Sec. 5119.692.** As used in this section, "adult foster home" 62109  
means a residence, other than a residential facility licensed 62110  
under section 5119.22 of the Revised Code, in which accommodations 62111  
and personal care services, as defined in section ~~5119.70~~ 5119.22 62112  
of the Revised Code, are provided to one or two adults who are 62113  
unrelated to the owners of the residence. 62114

The department of mental health shall adopt rules in 62115  
accordance with Chapter 119. of the Revised Code establishing 62116  
standards for the certification of adult foster homes. The 62117  
department or its designee shall certify adult foster homes that 62118  
apply for certification and meet the standards established by the 62119  
department. 62120

Sec. 5119.99. ~~(A)~~ Whoever violates section 5119.21 of the Revised Code is guilty of a misdemeanor of the first degree.

~~(B) Whoever violates division (A)(1) of section 5119.86 of the Revised Code shall be fined two thousand dollars for a first offense; for each subsequent offense, such person shall be fined five thousand dollars.~~

~~(C) Whoever violates division (C) of section 5119.81 or division (A)(2), (3), (4), (5), or (6), (B), (C), (D), (E), or (F) of section 5119.86 of the Revised Code shall be fined five hundred dollars for a first offense; for each subsequent offense, such person shall be fined one thousand dollars.~~

Sec. 5120.036. (A) The department of rehabilitation and correction shall provide risk reduction programming and treatment for inmates whom a court under section 2929.143 of the Revised Code recommends serve a risk reduction sentence and who meet the eligibility criteria described in division (B) of this section.

(B) If an offender is sentenced to a term of imprisonment in a state correctional institution and the sentencing court recommended that the offender serve a risk reduction sentence, the department of rehabilitation and correction shall conduct a validated and objective assessment of the person's needs and risk of reoffending. If the offender cooperates with the risk assessment and agrees to participate in any programming or treatment ordered by the department, the department shall provide programming and treatment to the offender to address the risks and needs identified in the assessment.

(C) If the department determines that an offender serving a term of incarceration for whom the sentencing court recommended a risk reduction sentence under section 2929.143 of the Revised Code has successfully completed the assessment and treatment or

programming required by the department under division (B) of this 62151  
section, the department shall release the offender to ~~supervised~~ 62152  
~~release~~ post-release control under one or more post-release 62153  
control sanctions after the offender has served each mandatory 62154  
prison term to which the offender was sentenced, if any, and a 62155  
minimum of eighty per cent of the aggregated nonmandatory prison 62156  
terms to which the offender was sentenced. The placement under 62157  
post-release control sanctions shall be under terms set by the 62158  
parole board in accordance with section 2967.28 of the Revised 62159  
Code and shall be subject to the provisions of that section and 62160  
sections 2929.141 and 2967.15 of the Revised Code regarding 62161  
violation of post-release control sanctions. No mandatory prison 62162  
term shall be reduced by, or as a result of, an offender's service 62163  
of a risk reduction sentence. The department shall notify the 62164  
sentencing court that the offender has successfully completed the 62165  
terms of the risk reduction sentence at least thirty days prior to 62166  
the date upon which the offender is to be released. 62167

(D) As used in this section: 62168

(1) "Mandatory prison term" has the same meaning as in 62169  
section 2929.01 of the Revised Code. 62170

(2) "Nonmandatory prison term" means a prison term that is 62171  
not a mandatory prison term. 62172

(3) "Post-release control" and "post-release control 62173  
sanction" have the same meanings as in section 2967.01 of the 62174  
Revised Code. 62175

**Sec. 5120.105.** (A) ~~The department of administrative services~~ 62176  
Ohio facilities construction commission shall provide for the 62177  
construction of a halfway house facility in conformity with 62178  
Chapter 153. of the Revised Code, except that construction 62179  
services may be provided by the department of rehabilitation and 62180  
correction. 62181



(B) The director of rehabilitation and correction may enter 62182  
into an agreement with a halfway house organization for the 62183  
management of a halfway house facility. The halfway house 62184  
organization that occupies, will occupy, or is responsible for the 62185  
management of a halfway house facility shall pay the costs of 62186  
management of and general building services for the halfway house 62187  
facility as provided in an agreement between the department of 62188  
rehabilitation and correction and the halfway house organization. 62189

(C) No state funds, including state bond proceeds, shall be 62190  
spent on the construction of a halfway house facility under 62191  
sections 5120.102 to 5120.105 of the Revised Code, unless the 62192  
general assembly has specifically authorized the spending of money 62193  
on, or has made an appropriation to the department of 62194  
rehabilitation and correction for, the construction of the halfway 62195  
house facility or rental payments relating to the financing of the 62196  
construction of that facility. An authorization to spend money or 62197  
an appropriation for planning a halfway house facility does not 62198  
constitute an authorization to spend money on, or an appropriation 62199  
for, the construction of that facility. Capital funds for the 62200  
construction of halfway house facilities under sections 5120.102 62201  
to 5120.105 of the Revised Code shall be paid from the adult 62202  
correctional building fund created in division (F) of section 62203  
154.24 of the Revised Code. 62204

**Sec. 5120.132.** (A) There is hereby created in the state 62205  
treasury the prisoner programs fund. The director of 62206  
rehabilitation and correction shall deposit in the fund all moneys 62207  
received by the department from commissions on telephone systems 62208  
~~established for the use of prisoners and services provided to~~ 62209  
prisoners in relation to electronic mail, prisoner trust fund 62210  
deposits, and the purchase of music, digital music players, and 62211  
other electronic devices. The money in the fund shall be used only 62212  
to pay for the costs of the following: 62213

(1) The purchase of material, supplies, and equipment used in any library program, educational program, religious program, recreational program, or pre-release program operated by the department for the benefit of prisoners;

(2) The construction, alteration, repair, or reconstruction of buildings and structures owned by the department for use in any library program, educational program, religious program, recreational program, or pre-release program operated by the department for the benefit of prisoners;

(3) The payment of salary, wages, and other compensation to employees of the department who are employed in any library program, educational program, religious program, recreational program, or pre-release program operated by the department for the benefit of prisoners;

(4) The compensation to vendors that contract with the department for the provision of services for the benefit of prisoners in any library program, educational program, religious program, recreational program, or pre-release program operated by the department;

(5) The payment of prisoner release payments in an appropriate amount as determined pursuant to rule;

(6) The purchase of other goods and the payment of other services that are determined, in the discretion of the director, to be goods and services that may provide additional benefit to prisoners.

(B) The director shall establish rules for the operation of the prisoner programs fund.

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, but not before January 1, 2006, the department of rehabilitation and correction shall establish and operate on the internet a

database that contains all of the following: 62244

(1) For each inmate in the custody of the department under a 62245  
sentence imposed for a conviction of or plea of guilty to any 62246  
offense, all of the following information: 62247

(a) The inmate's name; 62248

(b) For each offense for which the inmate was sentenced to a 62249  
prison term or term of imprisonment and is in the department's 62250  
custody, the name of the offense, the Revised Code section of 62251  
which the offense is a violation, the gender of each victim of the 62252  
offense if those facts are known, whether each victim of the 62253  
offense was an adult or child if those facts are known, the range 62254  
of the possible prison terms or term of imprisonment that could 62255  
have been imposed for the offense, the actual prison term or term 62256  
of imprisonment imposed for the offense, the county in which the 62257  
offense was committed, the date on which the inmate began serving 62258  
the prison term or term of imprisonment imposed for the offense, 62259  
and either the date on which the inmate will be eligible for 62260  
parole relative to the offense if the prison term or term of 62261  
imprisonment is an indefinite term or life term or the date on 62262  
which the term ends if the prison term is a definite term; 62263

(c) All of the following information that is applicable 62264  
regarding the inmate: 62265

(i) If known to the department prior to the conduct of any 62266  
hearing for judicial release of the defendant pursuant to section 62267  
2929.20 of the Revised Code in relation to any prison term or term 62268  
of imprisonment the inmate is serving for any offense or any 62269  
hearing for release of the defendant pursuant to section 2967.19 62270  
of the Revised Code in relation to any such term, notice of the 62271  
fact that the inmate will be having a hearing regarding a possible 62272  
grant of judicial release or release, the date of the hearing, and 62273  
the right of any person pursuant to division (J) of section 62274

2929.20 or division (H) of section 2967.19 of the Revised Code, 62275  
whichever is applicable, to submit to the court a written 62276  
statement regarding the possible judicial release or release. The 62277  
department also shall post notice of the filing submission to a 62278  
sentencing court of any petition recommendation for early release 62279  
of the inmate pursuant to section 2967.19 of the Revised Code, as 62280  
required by division (E) of that section. 62281

(ii) If the inmate is serving a prison term pursuant to 62282  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 62283  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 62284  
Code, prior to the conduct of any hearing pursuant to section 62285  
2971.05 of the Revised Code to determine whether to modify the 62286  
requirement that the inmate serve the entire prison term in a 62287  
state correctional facility in accordance with division (C) of 62288  
that section, whether to continue, revise, or revoke any existing 62289  
modification of that requirement, or whether to terminate the 62290  
prison term in accordance with division (D) of that section, 62291  
notice of the fact that the inmate will be having a hearing 62292  
regarding those determinations and of the date of the hearing; 62293

(iii) At least three weeks before the adult parole authority 62294  
recommends a pardon or commutation of sentence for the inmate or 62295  
at least three weeks prior to a hearing before the adult parole 62296  
authority regarding a grant of parole to the inmate in relation to 62297  
any prison term or term of imprisonment the inmate is serving for 62298  
any offense, notice of the fact that the inmate might be under 62299  
consideration for a pardon or commutation of sentence or will be 62300  
having a hearing regarding a possible grant of parole, of the date 62301  
of any hearing regarding a possible grant of parole, and of the 62302  
right of any person to submit a written statement regarding the 62303  
pending action; 62304

(iv) At least three weeks before the inmate is transferred to 62305  
transitional control under section 2967.26 of the Revised Code in 62306

relation to any prison term or term of imprisonment the inmate is 62307  
serving for any offense, notice of the pendency of the transfer, 62308  
of the date of the possible transfer, and of the right of any 62309  
person to submit a statement regarding the possible transfer; 62310

(v) Prompt notice of the inmate's escape from any facility in 62311  
which the inmate was incarcerated and of the capture of the inmate 62312  
after an escape; 62313

(vi) Notice of the inmate's death while in confinement; 62314

(vii) Prior to the release of the inmate from confinement, 62315  
notice of the fact that the inmate will be released, of the date 62316  
of the release, and, if applicable, of the standard terms and 62317  
conditions of the release; 62318

(viii) Notice of the inmate's judicial release pursuant to 62319  
section 2929.20 of the Revised Code or release pursuant to section 62320  
2967.19 of the Revised Code. 62321

(2) Information as to where a person can send written 62322  
statements of the types referred to in divisions (A)(1)(c)(i), 62323  
(iii), and (iv) of this section. 62324

(B)(1) The department shall update the database required 62325  
under division (A) of this section every twenty-four hours to 62326  
ensure that the information it contains is accurate and current. 62327

(2) The database required under division (A) of this section 62328  
is a public record open for inspection under section 149.43 of the 62329  
Revised Code. The department shall make the database searchable by 62330  
inmate name and by the county and zip code where the offender 62331  
intends to reside after release from a state correctional 62332  
institution if this information is known to the department. 62333

(3) The database required under division (A) of this section 62334  
may contain information regarding inmates who are listed in the 62335  
database in addition to the information described in that 62336

division. 62337

(4) No information included on the database required under 62338  
division (A) of this section shall identify or enable the 62339  
identification of any victim of any offense committed by an 62340  
inmate. 62341

(C) The failure of the department to comply with the 62342  
requirements of division (A) or (B) of this section does not give 62343  
any rights or any grounds for appeal or post-conviction relief to 62344  
any inmate. 62345

(D) This section, and the related provisions of sections 62346  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 62347  
in the act in which this section was enacted, shall be known as 62348  
"Laura's Law." 62349

**Sec. 5122.31.** (A) All certificates, applications, records, 62350  
and reports made for the purpose of this chapter and sections 62351  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 62352  
Code, other than court journal entries or court docket entries, 62353  
and directly or indirectly identifying a patient or former patient 62354  
or person whose hospitalization has been sought under this 62355  
chapter, shall be kept confidential and shall not be disclosed by 62356  
any person except: 62357

(1) If the person identified, or the person's legal guardian, 62358  
if any, or if the person is a minor, the person's parent or legal 62359  
guardian, consents, and if the disclosure is in the best interests 62360  
of the person, as may be determined by the court for judicial 62361  
records and by the chief clinical officer for medical records; 62362

(2) When disclosure is provided for in this chapter or 62363  
section 5123.60 of the Revised Code; 62364

(3) That hospitals, boards of alcohol, drug addiction, and 62365  
mental health services, and community mental health agencies may 62366

release necessary medical information to insurers and other 62367  
third-party payers, including government entities responsible for 62368  
processing and authorizing payment, to obtain payment for goods 62369  
and services furnished to the patient; 62370

(4) Pursuant to a court order signed by a judge; 62371

(5) That a patient shall be granted access to the patient's 62372  
own psychiatric and medical records, unless access specifically is 62373  
restricted in a patient's treatment plan for clear treatment 62374  
reasons; 62375

(6) That hospitals and other institutions and facilities 62376  
within the department of mental health may exchange psychiatric 62377  
records and other pertinent information with other hospitals, 62378  
institutions, and facilities of the department, and with community 62379  
mental health agencies and boards of alcohol, drug addiction, and 62380  
mental health services with which the department has a current 62381  
agreement for patient care or services. Records and information 62382  
that may be released pursuant to this division shall be limited to 62383  
medication history, physical health status and history, financial 62384  
status, summary of course of treatment in the hospital, summary of 62385  
treatment needs, and a discharge summary, if any. 62386

(7) That hospitals within the department, other institutions 62387  
and facilities within the department, hospitals licensed by the 62388  
department under section 5119.20 of the Revised Code, and 62389  
community mental health agencies may exchange psychiatric records 62390  
and other pertinent information with payers and other providers of 62391  
treatment and health services if the purpose of the exchange is to 62392  
facilitate continuity of care for a patient; 62393

(8) That a patient's family member who is involved in the 62394  
provision, planning, and monitoring of services to the patient may 62395  
receive medication information, a summary of the patient's 62396  
diagnosis and prognosis, and a list of the services and personnel 62397

available to assist the patient and the patient's family, if the 62398  
patient's treating physician determines that the disclosure would 62399  
be in the best interests of the patient. No such disclosure shall 62400  
be made unless the patient is notified first and receives the 62401  
information and does not object to the disclosure. 62402

(9) That community mental health agencies may exchange 62403  
psychiatric records and certain other information with the board 62404  
of alcohol, drug addiction, and mental health services and other 62405  
agencies in order to provide services to a person involuntarily 62406  
committed to a board. Release of records under this division shall 62407  
be limited to medication history, physical health status and 62408  
history, financial status, summary of course of treatment, summary 62409  
of treatment needs, and discharge summary, if any. 62410

(10) That information may be disclosed to the executor or the 62411  
administrator of an estate of a deceased patient when the 62412  
information is necessary to administer the estate; 62413

(11) That records in the possession of the Ohio historical 62414  
society may be released to the closest living relative of a 62415  
deceased patient upon request of that relative; 62416

(12) That information may be disclosed to staff members of 62417  
the appropriate board or to staff members designated by the 62418  
director of mental health for the purpose of evaluating the 62419  
quality, effectiveness, and efficiency of services and determining 62420  
if the services meet minimum standards. Information obtained 62421  
during such evaluations shall not be retained with the name of any 62422  
patient. 62423

(13) That records pertaining to the patient's diagnosis, 62424  
course of treatment, treatment needs, and prognosis shall be 62425  
disclosed and released to the appropriate prosecuting attorney if 62426  
the patient was committed pursuant to section 2945.38, 2945.39, 62427  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 62428



attorney designated by the board for proceedings pursuant to 62429  
involuntary commitment under this chapter. 62430

(14) That the department of mental health may exchange 62431  
psychiatric hospitalization records, other mental health treatment 62432  
records, and other pertinent information with the department of 62433  
rehabilitation and correction to ensure continuity of care for 62434  
inmates who are receiving mental health services in an institution 62435  
of the department of rehabilitation and correction and may 62436  
exchange psychiatric hospitalization records, other mental health 62437  
treatment records, and other pertinent information with boards of 62438  
alcohol, drug addiction, and mental health services and community 62439  
mental health agencies to ensure continuity of care for inmates or 62440  
offenders who are receiving mental health services in an 62441  
institution and are scheduled for release within six months. The 62442  
~~department shall not disclose those records unless the inmate is~~ 62443  
~~notified, receives the information, and does not object to the~~ 62444  
~~disclosure.~~ The release of records under this division is limited 62445  
to records regarding an inmate's or offender's medication history, 62446  
physical health status and history, summary of course of 62447  
treatment, summary of treatment needs, and a discharge summary, if 62448  
any. 62449

(15) That a community mental health agency that ceases to 62450  
operate may transfer to either a community mental health agency 62451  
that assumes its caseload or to the board of alcohol, drug 62452  
addiction, and mental health services of the service district in 62453  
which the patient resided at the time services were most recently 62454  
provided any treatment records that have not been transferred 62455  
elsewhere at the patient's request. 62456

(B) Before records are disclosed pursuant to divisions 62457  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 62458  
records shall attempt to obtain the patient's consent for the 62459  
disclosure. No person shall reveal the contents of a medical 62460

record of a patient except as authorized by law. 62461

(C) The managing officer of a hospital who releases necessary 62462  
medical information under division (A)(3) of this section to allow 62463  
an insurance carrier or other third party payor to comply with 62464  
section 5121.43 of the Revised Code shall neither be subject to 62465  
criminal nor civil liability. 62466

**Sec. 5123.01.** As used in this chapter: 62467

(A) "Chief medical officer" means the licensed physician 62468  
appointed by the managing officer of an institution for the 62469  
mentally retarded with the approval of the director of 62470  
developmental disabilities to provide medical treatment for 62471  
residents of the institution. 62472

(B) "Chief program director" means a person with special 62473  
training and experience in the diagnosis and management of the 62474  
mentally retarded, certified according to division (C) of this 62475  
section in at least one of the designated fields, and appointed by 62476  
the managing officer of an institution for the mentally retarded 62477  
with the approval of the director to provide habilitation and care 62478  
for residents of the institution. 62479

(C) "Comprehensive evaluation" means a study, including a 62480  
sequence of observations and examinations, of a person leading to 62481  
conclusions and recommendations formulated jointly, with 62482  
dissenting opinions if any, by a group of persons with special 62483  
training and experience in the diagnosis and management of persons 62484  
with mental retardation or a developmental disability, which group 62485  
shall include individuals who are professionally qualified in the 62486  
fields of medicine, psychology, and social work, together with 62487  
such other specialists as the individual case may require. 62488

(D) "Education" means the process of formal training and 62489  
instruction to facilitate the intellectual and emotional 62490

development of residents. 62491

(E) "Habilitation" means the process by which the staff of 62492  
the institution assists the resident in acquiring and maintaining 62493  
those life skills that enable the resident to cope more 62494  
effectively with the demands of the resident's own person and of 62495  
the resident's environment and in raising the level of the 62496  
resident's physical, mental, social, and vocational efficiency. 62497  
Habilitation includes but is not limited to programs of formal, 62498  
structured education and training. 62499

(F) "Health officer" means any public health physician, 62500  
public health nurse, or other person authorized or designated by a 62501  
city or general health district. 62502

(G) "Home and community-based services" means medicaid-funded 62503  
home and community-based services specified in division (B)(1) of 62504  
section 5111.87 of the Revised Code provided under the medicaid 62505  
waiver components the department of developmental disabilities 62506  
administers pursuant to section 5111.871 of the Revised Code. 62507  
~~However~~ Except as provided in section 5123.0412 of the Revised 62508  
Code, home and community-based services provided under the 62509  
medicaid waiver component known as the transitions developmental 62510  
disabilities waiver are to be considered to be home and 62511  
community-based services for the purposes of this chapter only to 62512  
the extent, if any, provided by the contract required by section 62513  
5111.871 of the Revised Code regarding the waiver. 62514

(H) "Indigent person" means a person who is unable, without 62515  
substantial financial hardship, to provide for the payment of an 62516  
attorney and for other necessary expenses of legal representation, 62517  
including expert testimony. 62518

(I) "Institution" means a public or private facility, or a 62519  
part of a public or private facility, that is licensed by the 62520  
appropriate state department and is equipped to provide 62521

residential habilitation, care, and treatment for the mentally retarded. 62522  
62523

(J) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties. 62524  
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(K) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department. 62530  
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(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 62534  
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(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires. 62536  
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(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. 62540  
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(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist: 62544  
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(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those 62549  
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needs is not available in the community; 62553

(2) The person needs and is susceptible to significant 62554  
habilitation in an institution. 62555

(P) "A person who is at least moderately mentally retarded" 62556  
means a person who is found, following a comprehensive evaluation, 62557  
to be impaired in adaptive behavior to a moderate degree and to be 62558  
functioning at the moderate level of intellectual functioning in 62559  
accordance with standard measurements as recorded in the most 62560  
current revision of the manual of terminology and classification 62561  
in mental retardation published by the American association on 62562  
mental retardation. 62563

(Q) As used in this division, "substantial functional 62564  
limitation," "developmental delay," and "established risk" have 62565  
the meanings established pursuant to section 5123.011 of the 62566  
Revised Code. 62567

"Developmental disability" means a severe, chronic disability 62568  
that is characterized by all of the following: 62569

(1) It is attributable to a mental or physical impairment or 62570  
a combination of mental and physical impairments, other than a 62571  
mental or physical impairment solely caused by mental illness as 62572  
defined in division (A) of section 5122.01 of the Revised Code. 62573

(2) It is manifested before age twenty-two. 62574

(3) It is likely to continue indefinitely. 62575

(4) It results in one of the following: 62576

(a) In the case of a person under three years of age, at 62577  
least one developmental delay or an established risk; 62578

(b) In the case of a person at least three years of age but 62579  
under six years of age, at least two developmental delays or an 62580  
established risk; 62581

(c) In the case of a person six years of age or older, a 62582

substantial functional limitation in at least three of the 62583  
following areas of major life activity, as appropriate for the 62584  
person's age: self-care, receptive and expressive language, 62585  
learning, mobility, self-direction, capacity for independent 62586  
living, and, if the person is at least sixteen years of age, 62587  
capacity for economic self-sufficiency. 62588

(5) It causes the person to need a combination and sequence 62589  
of special, interdisciplinary, or other type of care, treatment, 62590  
or provision of services for an extended period of time that is 62591  
individually planned and coordinated for the person. 62592

(R) "Developmentally disabled person" means a person with a 62593  
developmental disability. 62594

(S) "State institution" means an institution that is 62595  
tax-supported and under the jurisdiction of the department. 62596

(T) "Residence" and "legal residence" have the same meaning 62597  
as "legal settlement," which is acquired by residing in Ohio for a 62598  
period of one year without receiving general assistance prior to 62599  
July 17, 1995, under former Chapter 5113. of the Revised Code, 62600  
financial assistance under Chapter 5115. of the Revised Code, or 62601  
assistance from a private agency that maintains records of 62602  
assistance given. A person having a legal settlement in the state 62603  
shall be considered as having legal settlement in the assistance 62604  
area in which the person resides. No adult person coming into this 62605  
state and having a spouse or minor children residing in another 62606  
state shall obtain a legal settlement in this state as long as the 62607  
spouse or minor children are receiving public assistance, care, or 62608  
support at the expense of the other state or its subdivisions. For 62609  
the purpose of determining the legal settlement of a person who is 62610  
living in a public or private institution or in a home subject to 62611  
licensing by the department of job and family services, the 62612  
department of mental health, or the department of developmental 62613  
disabilities, the residence of the person shall be considered as 62614

though the person were residing in the county in which the person 62615  
was living prior to the person's entrance into the institution or 62616  
home. Settlement once acquired shall continue until a person has 62617  
been continuously absent from Ohio for a period of one year or has 62618  
acquired a legal residence in another state. A woman who marries a 62619  
man with legal settlement in any county immediately acquires the 62620  
settlement of her husband. The legal settlement of a minor is that 62621  
of the parents, surviving parent, sole parent, parent who is 62622  
designated the residential parent and legal custodian by a court, 62623  
other adult having permanent custody awarded by a court, or 62624  
guardian of the person of the minor, provided that: 62625

(1) A minor female who marries shall be considered to have 62626  
the legal settlement of her husband and, in the case of death of 62627  
her husband or divorce, she shall not thereby lose her legal 62628  
settlement obtained by the marriage. 62629

(2) A minor male who marries, establishes a home, and who has 62630  
resided in this state for one year without receiving general 62631  
assistance prior to July 17, 1995, under former Chapter 5113. of 62632  
the Revised Code, financial assistance under Chapter 5115. of the 62633  
Revised Code, or assistance from a private agency that maintains 62634  
records of assistance given shall be considered to have obtained a 62635  
legal settlement in this state. 62636

(3) The legal settlement of a child under eighteen years of 62637  
age who is in the care or custody of a public or private child 62638  
caring agency shall not change if the legal settlement of the 62639  
parent changes until after the child has been in the home of the 62640  
parent for a period of one year. 62641

No person, adult or minor, may establish a legal settlement 62642  
in this state for the purpose of gaining admission to any state 62643  
institution. 62644

(U)(1) "Resident" means, subject to division (R)(2) of this 62645

section, a person who is admitted either voluntarily or 62646  
involuntarily to an institution or other facility pursuant to 62647  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 62648  
Code subsequent to a finding of not guilty by reason of insanity 62649  
or incompetence to stand trial or under this chapter who is under 62650  
observation or receiving habilitation and care in an institution. 62651

(2) "Resident" does not include a person admitted to an 62652  
institution or other facility under section 2945.39, 2945.40, 62653  
2945.401, or 2945.402 of the Revised Code to the extent that the 62654  
reference in this chapter to resident, or the context in which the 62655  
reference occurs, is in conflict with any provision of sections 62656  
2945.37 to 2945.402 of the Revised Code. 62657

(V) "Respondent" means the person whose detention, 62658  
commitment, or continued commitment is being sought in any 62659  
proceeding under this chapter. 62660

(W) "Working day" and "court day" mean Monday, Tuesday, 62661  
Wednesday, Thursday, and Friday, except when such day is a legal 62662  
holiday. 62663

(X) "Prosecutor" means the prosecuting attorney, village 62664  
solicitor, city director of law, or similar chief legal officer 62665  
who prosecuted a criminal case in which a person was found not 62666  
guilty by reason of insanity, who would have had the authority to 62667  
prosecute a criminal case against a person if the person had not 62668  
been found incompetent to stand trial, or who prosecuted a case in 62669  
which a person was found guilty. 62670

(Y) "Court" means the probate division of the court of common 62671  
pleas. 62672

(Z) "Supported living" and "residential services" have the 62673  
same meanings as in section 5126.01 of the Revised Code. 62674

**Sec. 5123.033.** The program fee fund is hereby created in the 62675



state treasury. All fees collected pursuant to sections 5123.161, 62676  
5123.164, and 5123.19,~~and 5126.25~~ of the Revised Code shall be 62677  
credited to the fund. Money credited to the fund shall be used 62678  
solely for the department of developmental disabilities' duties 62679  
under sections 5123.16 to ~~5123.169~~ 5123.1610, and 5123.19,~~and~~ 62680  
~~5126.25~~ of the Revised Code and to provide continuing education 62681  
and professional training to ~~employees of county boards of~~ 62682  
~~developmental disabilities for the purpose of section 5126.25 of~~ 62683  
~~the Revised Code and other~~ providers of services to individuals 62684  
with mental retardation or a developmental disability. If the 62685  
money credited to the fund is inadequate to pay all of the 62686  
department's costs in performing those duties and providing the 62687  
continuing education and professional training, the department may 62688  
use other available funds appropriated to the department to pay 62689  
the remaining costs of performing those duties and providing the 62690  
continuing education and professional training. 62691

**Sec. 5123.042.** ~~(A) The~~ Except as provided in section 5123.197 62692  
of the Revised Code, each person or government entity seeking to 62693  
develop new or modify existing residential services shall submit 62694  
to the department of developmental disabilities a plan for the 62695  
development or modification. The department shall approve a plan 62696  
that is submitted in accordance with rules adopted under this 62697  
section and meets the uniform standards for plans established in 62698  
those rules. 62699

The director of developmental disabilities shall adopt rules 62700  
in accordance with Chapter 119. of the Revised Code establishing 62701  
the following: 62702

~~(1)~~(A) Procedures for submitting plans under this section; 62703

(B) Uniform standards ~~under which:~~ 62704

~~(a) A person or agency shall submit plans to the county board~~ 62705  
~~of developmental disabilities for the development of residential~~ 62706

~~services for individuals with mental retardation or a 62707  
developmental disability within the county; 62708~~

~~(b) The county board must review the plans and recommend 62709  
providers for the services for the plans. 62710~~

~~(2) The eligibility criteria for selecting persons and 62711  
agencies to provide residential services, which shall take into 62712  
consideration the recommendations of the county board. 62713~~

~~(B) The county board, in accordance with its comprehensive 62714  
service plan, shall review all proposals for the development of 62715  
residential services that are submitted to it and shall, if the 62716  
proposals are acceptable to the county board, recommend providers 62717  
for the development of residential services within the county. The 62718  
department shall approve proposals for the development of 62719  
residential services within counties based upon the availability 62720  
of funds and in accordance with rules adopted under division 62721  
(A)(2) of this section. 62722~~

~~No county board shall recommend providers for the development 62723  
of residential services if the county board is an applicant to 62724  
provide services. In cases of possible conflict of interest, the 62725  
director shall appoint a committee that shall, in accordance with 62726  
the approved county comprehensive service plan, review and 62727  
recommend to the director providers for the services. 62728~~

~~If a county board fails to establish an approved 62729  
comprehensive service plan, the director may establish residential 62730  
services development goals for the county board based on 62731  
documented need as determined by the department. If a county board 62732  
fails to develop or implement such a plan in accordance with the 62733  
rules adopted under this section, the department may, without the 62734  
involvement of the county board, review and select providers for 62735  
the development of residential services in the county. 62736~~

**Sec. 5123.044.** The department of developmental disabilities 62737  
shall determine whether county boards of developmental 62738  
disabilities ~~are in compliance with~~ violate the rights that 62739  
individuals with mental retardation or other developmental 62740  
disabilities have under section 5126.046 of the Revised Code to 62741  
obtain home and community-based services, nonmedicaid residential 62742  
services, or nonmedicaid supported living from qualified and 62743  
willing providers. The department shall provide assistance to an 62744  
individual with mental retardation or other developmental 62745  
disability who requests assistance with the individual's ~~right~~ 62746  
~~rights~~ under that section ~~5126.046 of the Revised Code to choose a~~ 62747  
~~provider of habilitation, vocational, community employment,~~ 62748  
~~residential, or supported living services~~ if the department is 62749  
notified of a county board's alleged violation of the individual's 62750  
~~right to choose such a provider~~ rights under that section. 62751

**Sec. 5123.0412.** (A) The department of developmental 62752  
disabilities shall charge each county board of developmental 62753  
disabilities an annual fee equal to one and one-quarter per cent 62754  
of the total value of all medicaid paid claims for home and 62755  
community-based services provided during the year to an individual 62756  
eligible for services from the county board. However, the 62757  
department shall not charge the fee for home and community-based 62758  
services provided under the medicaid waiver component known as the 62759  
transitions developmental disabilities waiver. No county board 62760  
shall pass the cost of a fee charged to the county board under 62761  
this section on to another provider of these services. 62762

(B) The fees collected under this section shall be deposited 62763  
into the ODDD administration and oversight fund and the ODJFS 62764  
administration and oversight fund, both of which are hereby 62765  
created in the state treasury. The portion of the fees to be 62766  
deposited into the ODDD administration and oversight fund and the 62767

portion of the fees to be deposited into the ODJFS administration 62768  
and oversight fund shall be the portion specified in an 62769  
interagency agreement entered into under division (C) of this 62770  
section. The department of developmental disabilities shall use 62771  
the money in the ODDD administration and oversight fund and the 62772  
department of job and family services shall use the money in the 62773  
ODJFS administration and oversight fund for both of the following 62774  
purposes: 62775

(1) Medicaid administrative costs, including administrative 62776  
and oversight costs of medicaid case management services and home 62777  
and community-based services. The administrative and oversight 62778  
costs of medicaid case management services and home and 62779  
community-based services shall include costs for staff, systems, 62780  
and other resources the departments need and dedicate solely to 62781  
the following duties associated with the services: 62782

- (a) Eligibility determinations; 62783
- (b) Training; 62784
- (c) Fiscal management; 62785
- (d) Claims processing; 62786
- (e) Quality assurance oversight; 62787
- (f) Other duties the departments identify. 62788

(2) Providing technical support to county boards' local 62789  
administrative authority under section 5126.055 of the Revised 62790  
Code for the services. 62791

(C) The departments of developmental disabilities and job and 62792  
family services shall enter into an interagency agreement to do 62793  
both of the following: 62794

(1) Specify which portion of the fees collected under this 62795  
section is to be deposited into the ODDD administration and 62796  
oversight fund and which portion is to be deposited into the ODJFS 62797

administration and oversight fund; 62798

(2) Provide for the departments to coordinate the staff whose 62799  
costs are paid for with money in the ODDD administration and 62800  
oversight fund and the ODJFS administration and oversight fund. 62801

(D) The departments shall submit an annual report to the 62802  
director of budget and management certifying how the departments 62803  
spent the money in the ODDD administration and oversight fund and 62804  
the ODJFS administration and oversight fund for the purposes 62805  
specified in division (B) of this section. 62806

**Sec. 5123.0414.** (A) When the director of developmental 62807  
disabilities, under section 119.07 of the Revised Code, sends a 62808  
party a notice by registered mail, return receipt requested, that 62809  
the director intends to take action against the party authorized 62810  
by section ~~5123.0827~~, 5123.166, 5123.168, 5123.19, 5123.45, 62811  
5123.51, or 5126.25 of the Revised Code and the notice is returned 62812  
to the director with an endorsement indicating that the notice was 62813  
refused or unclaimed, the director shall resend the notice by 62814  
ordinary mail to the party. 62815

(B) If the original notice was refused, the notice shall be 62816  
deemed received as of the date the director resends the notice. 62817

(C) If the original notice was unclaimed, the notice shall be 62818  
deemed received as of the date the director resends the notice 62819  
unless, not later than thirty days after the date the director 62820  
sent the original notice, the resent notice is returned to the 62821  
director for failure of delivery. 62822

If the notice concerns taking action under section 5123.51 of 62823  
the Revised Code and the resent notice is returned to the director 62824  
for failure of delivery not later than thirty days after the date 62825  
the director sent the original notice, the director shall cause 62826  
the notice to be published in a newspaper of general circulation 62827

in the county of the party's last known residence or business and 62828  
shall mail a dated copy of the published notice to the party at 62829  
the last known address. The notice shall be deemed received as of 62830  
the date of the publication. 62831

If the notice concerns taking action under section ~~5123.082,~~ 62832  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 62833  
Code and the resent notice is returned to the director for failure 62834  
of delivery not later than thirty days after the date the director 62835  
sent the original notice, the director shall resend the notice to 62836  
the party a second time. The notice shall be deemed received as of 62837  
the date the director resends the notice the second time. 62838

**Sec. 5123.0415.** ~~As used in this section, "license" means a~~ 62839  
~~license, certificate, or evidence of registration.~~ 62840

Each person and each government entity that applies for or 62841  
holds a valid license, certification, or registration issued under 62842  
section ~~5123.082,~~ 5123.161, 5123.19, 5123.45, or 5126.25, ~~or~~ 62843  
~~5126.252~~ of the Revised Code shall notify the director of 62844  
developmental disabilities of any change in the ~~person~~ person's or 62845  
government entity's address. 62846

**Sec. 5123.081.** (A) As used in this section: 62847

(1)(a) "Applicant" means a any of the following: 62848

(i) A person who is under final consideration for appointment 62849  
to or employment with the department of developmental 62850  
disabilities, ~~including, but not limited to,~~ or a county board 62851  
of developmental disabilities; 62852

(ii) A person who is being transferred to the department ~~and~~ 62853  
an or a county board; 62854

(iii) An employee who is being recalled to or reemployed by 62855  
the department or a county board after a layoff; 62856

(iv) A person under final consideration for a direct services position with a provider or subcontractor. 62857  
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(b) Neither of the following is an applicant: 62859

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 62860  
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(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with mental retardation or a developmental disability who is to receive the respite care selects the person. 62867  
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 62872  
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(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with mental retardation or a developmental disability. 62874  
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(4) "Disqualifying offense" means any of the following: 62878

(a) One or more violations of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 62879  
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|---------------------------------------------------------------------------|-------|
| <u>2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,</u>     | 62888 |
| <u>2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,</u>    | 62889 |
| <u>2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,</u>   | 62890 |
| <u>2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>     | 62891 |
| <u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>    | 62892 |
| <u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u> | 62893 |
| <u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>    | 62894 |
| <u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>     | 62895 |
| <u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>         | 62896 |
| <u>(b) One or more violations of section 2905.04 of the Revised</u>       | 62897 |
| <u>Code as it existed prior to July 1, 1996;</u>                          | 62898 |
| <u>(c) One or more violations of section 2919.23 of the Revised</u>       | 62899 |
| <u>Code that would have been a violation of section 2905.04 of the</u>    | 62900 |
| <u>Revised Code as it existed prior to July 1, 1996, had the</u>          | 62901 |
| <u>violation occurred prior to that date;</u>                             | 62902 |
| <u>(d) One violation of section 2925.11 of the Revised Code that</u>      | 62903 |
| <u>is not a minor drug possession offense;</u>                            | 62904 |
| <u>(e) Two or more violations of section 2925.11 of the Revised</u>       | 62905 |
| <u>Code, regardless of whether any of the violations are a minor drug</u> | 62906 |
| <u>possession offense;</u>                                                | 62907 |
| <u>(f) One or more violations of felonious sexual penetration</u>         | 62908 |
| <u>under former section 2907.12 of the Revised Code;</u>                  | 62909 |
| <u>(g) One or more violations of section 2923.01, 2923.02, or</u>         | 62910 |
| <u>2923.03 of the Revised Code when the underlying offense that is</u>    | 62911 |
| <u>the object of the conspiracy, attempt, or complicity is one of the</u> | 62912 |
| <u>offenses listed in divisions (A)(4)(a) to (f) of this section;</u>     | 62913 |
| <u>(h) One or more felonies contained in the Revised Code that</u>        | 62914 |
| <u>are not listed in divisions (A)(4)(a) to (g) of this section, if</u>   | 62915 |
| <u>the felony bears a direct and substantial relationship to the</u>      | 62916 |
| <u>duties and responsibilities of the position being filled;</u>          | 62917 |



(i) One or more offenses contained in the Revised Code 62918  
constituting a misdemeanor of the first degree on the first 62919  
offense and a felony on a subsequent offense, if the offense bears 62920  
a direct and substantial relationship to the position being filled 62921  
and the nature of the services being provided by the responsible 62922  
entity; 62923

(j) One or more violations of an existing or former municipal 62924  
ordinance or law of this state, any other state, or the United 62925  
States, if the offense is substantially equivalent to any of the 62926  
offenses listed or described in divisions (A)(4)(a) to (i) of this 62927  
section. 62928

(5)(a) "Employee" means either of the following: 62929

(i) A person appointed to or employed by the department of 62930  
developmental disabilities or a county board of developmental 62931  
disabilities; 62932

(ii) A person employed in a direct services position by a 62933  
provider or subcontractor. 62934

(b) "Employee" does not mean a person who provides only 62935  
respite care under a family support services program established 62936  
under section 5126.11 of the Revised Code if a family member of 62937  
the individual with mental retardation or a developmental 62938  
disability who receives the respite care selected the person. 62939

(6) "Minor drug possession offense" has the same meaning as 62940  
in section 2925.01 of the Revised Code. 62941

(7) "Provider" means a person that provides specialized 62942  
services to individuals with mental retardation or a developmental 62943  
disability and employs one or more persons in direct services 62944  
positions. 62945

(8) "Responsible entity" means the following: 62946

(a) The department of developmental disabilities in the case 62947

|                                                                                                                                                                                                                                                               |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <u>of either of the following:</u>                                                                                                                                                                                                                            | 62948                            |
| <u>(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;</u>       | 62949<br>62950<br>62951<br>62952 |
| <u>(ii) A person who is an employee because the person is appointed to or employed by the department.</u>                                                                                                                                                     | 62953<br>62954                   |
| <u>(b) A county board of developmental disabilities in the case of either of the following:</u>                                                                                                                                                               | 62955<br>62956                   |
| <u>(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;</u> | 62957<br>62958<br>62959<br>62960 |
| <u>(ii) A person who is an employee because the person is appointed to or employed by the county board.</u>                                                                                                                                                   | 62961<br>62962                   |
| <u>(c) A provider in the case of either of the following:</u>                                                                                                                                                                                                 | 62963                            |
| <u>(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;</u>                                                                                                                     | 62964<br>62965<br>62966          |
| <u>(ii) A person who is an employee because the person is employed in a direct services position by the provider.</u>                                                                                                                                         | 62967<br>62968                   |
| <u>(d) A subcontractor in the case of either of the following:</u>                                                                                                                                                                                            | 62969                            |
| <u>(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;</u>                                                                                                                | 62970<br>62971<br>62972          |
| <u>(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.</u>                                                                                                                                    | 62973<br>62974                   |
| <u>(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental</u>                                                                                                                               | 62975<br>62976                   |

retardation or a developmental disability, including a program or 62977  
service provided by an entity licensed or certified by the 62978  
department of developmental disabilities. If there is a question 62979  
as to whether a provider or subcontractor is providing specialized 62980  
services, the provider or subcontractor may request that the 62981  
director of developmental disabilities make a determination. The 62982  
director's determination is final. 62983

(10) "Subcontractor" means a person to which both of the 62984  
following apply: 62985

(a) The person has either of the following: 62986

(i) A subcontract with a provider to provide specialized 62987  
services included in the contract between the provider and the 62988  
department of developmental disabilities or a county board of 62989  
developmental disabilities; 62990

(ii) A subcontract with another subcontractor to provide 62991  
specialized services included in a subcontract between the other 62992  
subcontractor and a provider or other subcontractor. 62993

(b) The person employs one or more persons in direct services 62994  
positions. 62995

(B) ~~The director of developmental disabilities~~ A responsible 62996  
entity shall not employ an applicant or continue to employ an 62997  
employee if either of the following applies: 62998

(1) The applicant or employee fails to comply with division 62999  
(D)(3) of this section. 63000

(2) Except as provided in rules adopted under this section, 63001  
the applicant or employee is found by a criminal records check 63002  
required by this section to have been convicted of, pleaded guilty 63003  
to, or been found eligible for intervention in lieu of conviction 63004  
for a disqualifying offense. 63005

(C) Before employing an applicant in a position for which a 63006

criminal records check is required by this section, a responsible 63007  
entity shall require the applicant to submit a statement with the 63008  
applicant's signature attesting that the applicant has not been 63009  
convicted of, pleaded guilty to, or been found eligible for 63010  
intervention in lieu of conviction for a disqualifying offense. 63011  
The responsible entity also shall require the applicant to sign an 63012  
agreement under which the applicant agrees to notify the 63013  
responsible entity within fourteen calendar days if, while 63014  
employed by the responsible entity, the applicant is formally 63015  
charged with, is convicted of, pleads guilty to, or is found 63016  
eligible for intervention in lieu of conviction for a 63017  
disqualifying offense. The agreement shall provide that the 63018  
applicant's failure to provide the notification may result in 63019  
termination of the applicant's employment. 63020

(D)(1) As a condition of employing any applicant in a 63021  
position for which a criminal records check is required by this 63022  
section, a responsible entity shall request the superintendent of 63023  
the bureau of criminal identification and investigation to conduct 63024  
a criminal records check with respect to each applicant, except 63025  
that the director is not required to request a criminal records 63026  
check for an employee of the department who is being considered 63027  
for a different position or is returning after a leave of absence 63028  
or seasonal break in employment, as long as the director has no 63029  
reason to believe that the employee has committed any of the 63030  
offenses listed or described in division (E) of this section. 63031

If the of the applicant. If rules adopted under this section 63032  
require an employee to undergo a criminal records check, a 63033  
responsible entity shall request the superintendent to conduct a 63034  
criminal records check of the employee at times specified in the 63035  
rules as a condition of the responsible entity's continuing to 63036  
employ the employee in a position for which a criminal records 63037  
check is required by this section. If an applicant or employee 63038

does not present proof that the applicant or employee has been a 63039  
resident of this state for the five-year period immediately prior 63040  
to the date upon which the criminal records check is requested, 63041  
the ~~director~~ responsible entity shall request that the 63042  
superintendent ~~of the bureau~~ obtain information from the federal 63043  
bureau of investigation as a part of the criminal records check 63044  
~~for the applicant~~. If the applicant or employee presents proof 63045  
that the applicant or employee has been a resident of this state 63046  
for that five-year period, the ~~director~~ responsible entity may 63047  
request that the superintendent ~~of the bureau~~ include information 63048  
from the federal bureau of investigation in the criminal records 63049  
check. For purposes of this division, an applicant or employee may 63050  
provide proof of residency in this state by presenting, with a 63051  
notarized statement asserting that the applicant or employee has 63052  
been a resident of this state for that five-year period, a valid 63053  
driver's license, notification of registration as an elector, a 63054  
copy of an officially filed federal or state tax form identifying 63055  
the applicant's or employee's permanent residence, or any other 63056  
document the ~~director~~ responsible entity considers acceptable. 63057

~~(C) The director~~ (2) A responsible entity shall provide do 63058  
all of the following: 63059

(a) Provide to each applicant and employee for whom a 63060  
criminal records check is required by this section a copy of the 63061  
form prescribed pursuant to division (C)(1) of section 109.572 of 63062  
the Revised Code, ~~provide to each applicant and~~ a standard 63063  
impression sheet to obtain fingerprint impressions prescribed 63064  
pursuant to division (C)(2) of section 109.572 of the Revised 63065  
Code, ~~obtain;~~ 63066

(b) Obtain the completed form and standard impression sheet 63067  
from ~~each the applicant, and forward~~ or employee; 63068

(c) Forward the completed form and standard impression sheet 63069  
to the superintendent ~~of the bureau of criminal identification and~~ 63070

~~investigation~~ at the time the criminal records check is requested. 63071

(3) Any applicant or employee who receives pursuant to this 63072  
division a copy of the form prescribed pursuant to division (C)(1) 63073  
of section 109.572 of the Revised Code and a copy of ~~an~~ the 63074  
standard impression sheet prescribed pursuant to division (C)(2) 63075  
of that section and who is requested to complete the form and 63076  
provide a set of the applicant's or employee's fingerprint 63077  
impressions shall complete the form or provide all the information 63078  
necessary to complete the form and shall provide the ~~material~~ 63079  
standard impression sheet with the impressions of the applicant's 63080  
or employee's fingerprints. ~~If an applicant, upon request, fails~~ 63081  
~~to provide the information necessary to complete the form or fails~~ 63082  
~~to provide impressions of the applicant's fingerprints, the~~ 63083  
~~director shall not employ the applicant.~~ 63084

~~(D) The director~~ (4) A responsible entity shall pay to the 63085  
bureau of criminal identification and investigation the fee 63086  
prescribed pursuant to division (C)(3) of section 109.572 of the 63087  
Revised Code for each criminal records check requested and 63088  
conducted pursuant to this section. 63089

(E) A responsible entity may request any other state or 63090  
federal agency to supply the ~~director~~ responsible entity with a 63091  
written report regarding the criminal record of ~~each~~ an applicant 63092  
or employee. ~~With regard to an applicant who becomes a department~~ 63093  
~~employee, if the~~ If an employee holds an occupational or 63094  
professional license or other credentials, the ~~director~~ 63095  
responsible entity may request that the state or federal agency 63096  
that regulates the employee's occupation or profession supply the 63097  
~~director~~ responsible entity with a written report of any 63098  
information pertaining to the employee's criminal record that the 63099  
agency obtains in the course of conducting an investigation or in 63100  
the process of renewing the employee's license or other 63101  
credentials. The responsible entity may consider the reports when 63102

determining whether to employ the applicant or to continue to 63103  
employ the employee. 63104

~~(E) Except as provided in division (K)(2) of this section and~~ 63105  
~~in rules adopted by the director in accordance with division (M)~~ 63106  
~~of this section, the director shall not employ a person to fill a~~ 63107  
~~position with the department who has been convicted of or pleaded~~ 63108  
~~guilty to any of the following:~~ 63109

~~(1) A violation of section 2903.01, 2903.02, 2903.03,~~ 63110  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 63111  
~~2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04,~~ 63112  
~~2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22,~~ 63113  
~~2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,~~ 63114  
~~2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,~~ 63115  
~~2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,~~ 63116  
~~2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of~~ 63117  
~~section 2905.04 of the Revised Code as it existed prior to July 1,~~ 63118  
~~1996, a violation of section 2919.23 of the Revised Code that~~ 63119  
~~would have been a violation of section 2905.04 of the Revised Code~~ 63120  
~~as it existed prior to July 1, 1996, had the violation occurred~~ 63121  
~~prior to that date, a violation of section 2925.11 of the Revised~~ 63122  
~~Code that is not a minor drug possession offense, or felonious~~ 63123  
~~sexual penetration in violation of former section 2907.12 of the~~ 63124  
~~Revised Code;~~ 63125

~~(2) A felony contained in the Revised Code that is not listed~~ 63126  
~~in this division, if the felony bears a direct and substantial~~ 63127  
~~relationship to the duties and responsibilities of the position~~ 63128  
~~being filled;~~ 63129

~~(3) Any offense contained in the Revised Code constituting a~~ 63130  
~~misdemeanor of the first degree on the first offense and a felony~~ 63131  
~~on a subsequent offense, if the offense bears a direct and~~ 63132  
~~substantial relationship to the position being filled and the~~ 63133  
~~nature of the services being provided by the department;~~ 63134

~~(4) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses listed or described in division (E)(1), (2), or (3) of this section.~~ 63135  
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~~(F) Prior to employing an applicant, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of this section. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while employed with the department, the applicant is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in division (E) of this section. The agreement shall inform the applicant that failure to report formal charges, a conviction, or a guilty plea may result in being dismissed from employment. As a condition of employing an applicant in a position for which a criminal records check is required by this section and that involves transporting individuals with mental retardation or developmental disabilities or operating a responsible entity's vehicles for any purpose, the responsible entity shall obtain the applicant's driving record from the bureau of motor vehicles. If rules adopted under this section require a responsible entity to obtain an employee's driving record, the responsible entity shall obtain the employee's driving record from the bureau at times specified in the rules as a condition of continuing to employ the employee. The responsible entity may consider the applicant's or employee's driving record when determining whether to employ the applicant or to continue to employ the employee.~~ 63140  
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~~(G) The director shall pay to the bureau of criminal~~ 63166



~~identification and investigation the fee prescribed pursuant to~~ 63167  
~~division (C)(3) of section 109.572 of the Revised Code for each~~ 63168  
~~criminal records check requested and conducted pursuant to this~~ 63169  
~~section.~~ A responsible entity may employ an applicant 63170  
conditionally pending receipt of a report regarding the applicant 63171  
requested under this section. The responsible entity shall 63172  
terminate the applicant's employment if it is determined from a 63173  
report that the applicant failed to inform the responsible entity 63174  
that the applicant had been convicted of, pleaded guilty to, or 63175  
been found eligible for intervention in lieu of conviction for a 63176  
disqualifying offense. 63177

(H) A responsible entity may charge an applicant a fee for 63178  
costs the responsible entity incurs in obtaining a report 63179  
regarding the applicant under this section if the responsible 63180  
entity notifies the applicant of the amount of the fee at the time 63181  
of the applicant's initial application for employment and that, 63182  
unless the fee is paid, the responsible entity will not consider 63183  
the applicant for employment. The fee shall not exceed the amount 63184  
of the fee, if any, the responsible entity pays for the report. 63185

(I)(1) Any report obtained pursuant to this section is not a 63186  
public record for purposes of section 149.43 of the Revised Code 63187  
and shall not be made available to any person, other than the 63188  
following: 63189

(a) The applicant or employee who is the subject of the 63190  
~~records check or criminal records check report~~ or the applicant's 63191  
or employee's representative, ~~the department;~~ 63192

(b) The responsible entity that requested the report or its 63193  
~~representative, a county board of developmental disabilities, and~~ 63194  
any; 63195

(c) The department if a county board, provider, or 63196  
subcontractor is the responsible entity that requested the report 63197

and the department requests the responsible entity to provide a copy of the report to the department; 63198  
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(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board; 63200  
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(e) Any court, hearing officer, or other necessary individual involved in a case dealing with the any of the following: 63204  
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(i) The denial of employment to the applicant or the employee; 63206  
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(ii) The denial, suspension, or revocation of a certificate or evidence of registration under section 5123.082 5123.166 or 5123.45 of the Revised Code; 63208  
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(iii) A civil or criminal action regarding the medicaid program or a program the department administers. 63211  
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(2) An individual applicant or employee for whom the director responsible entity has obtained reports under this section may submit a written request to the director responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The individual applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the director responsible entity shall send copies of the reports to the agencies or entities specified. 63213  
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~~The director~~ (3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the director responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the director responsible entity obtains the written consent of the individual who is the subject of the report. 63222  
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~~(I) The director shall request the registrar of motor vehicles to supply the director with a certified abstract regarding the record of convictions for violations of motor vehicle laws of each applicant who will be required by the applicant's employment to transport individuals with mental retardation or a developmental disability or to operate the department's vehicles for any other purpose. For each abstract provided under this section, the director shall pay the amount specified in section 4509.05 of the Revised Code.~~ 63229  
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~~(J) The director (4) A responsible entity shall provide each applicant and employee with a copy of any report ~~or abstract~~ obtained about the applicant or employee under this section.~~ 63238  
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~~(K)(1) The director shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for employment as a precondition to employment in a position.~~ 63241  
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~~(2) The director may employ an applicant pending receipt of reports requested under this section. The director shall terminate employment of any such applicant if it is determined from the reports that the applicant failed to inform the director that the applicant had been convicted of or pleaded guilty to any of the offenses listed or described in division (E) of this section.~~ 63249  
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~~(L) The director may charge an applicant a fee for costs the director incurs in obtaining reports, abstracts, or fingerprint impressions under this section. A fee charged under this division shall not exceed the amount of the fees the director pays under divisions (C) and (I) of this section. If a fee is charged under this division, the director shall notify the applicant of the~~ 63255  
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~~amount of the fee at the time of the applicant's initial 63261  
application for employment and that, unless the fee is paid, the 63262  
director will not consider the applicant for employment. 63263~~

~~(M)(J) The director of developmental disabilities shall adopt 63264  
rules in accordance with Chapter 119. of the Revised Code to 63265  
implement this section, including rules specifying. 63266~~

(1) The rules may do the following: 63267

(a) Require employees to undergo criminal records checks 63268  
under this section; 63269

(b) Require responsible entities to obtain the driving 63270  
records of employees under this section; 63271

(c) If the rules require employees to undergo criminal 63272  
records checks, require responsible entities to obtain the driving 63273  
records of employees, or both, exempt one or more classes of 63274  
employees from the requirements. 63275

(2) The rules shall do both of the following: 63276

(a) If the rules require employees to undergo criminal 63277  
records checks, require responsible entities to obtain the driving 63278  
records of employees, or both, specify the times at which the 63279  
criminal records checks are to be conducted and the driving 63280  
records are to be obtained; 63281

(b) Specify circumstances under which ~~the director a~~ 63282  
~~responsible entity~~ may employ ~~a person who has an applicant or~~ 63283  
~~employee who is found by a criminal records check required by this~~ 63284  
~~section to have~~ been convicted of ~~or~~, pleaded guilty to ~~an~~, or 63285  
~~been found eligible for intervention in lieu of conviction for a~~ 63286  
~~disqualifying offense listed or described in division (E) of this~~ 63287  
~~section but who~~ meets standards in regard to rehabilitation set by 63288  
the director. 63289

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.169~~ 63290

|                                                                          |       |
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| <u>5123.1610 of the Revised Code:</u>                                    | 63291 |
| <u>(1) "Applicant" means any of the following:</u>                       | 63292 |
| <u>(a) The chief executive officer of a business that applies</u>        | 63293 |
| <u>under section 5123.161 of the Revised Code for a certificate to</u>   | 63294 |
| <u>provide supported living;</u>                                         | 63295 |
| <u>(b) The chief executive officer of a business that seeks</u>          | 63296 |
| <u>renewal of the business's supported living certificate under</u>      | 63297 |
| <u>section 5123.164 of the Revised Code;</u>                             | 63298 |
| <u>(c) An individual who applies under section 5123.161 of the</u>       | 63299 |
| <u>Revised Code for a certificate to provide supported living as an</u>  | 63300 |
| <u>independent provider;</u>                                             | 63301 |
| <u>(d) An independent provider who seeks renewal of the</u>              | 63302 |
| <u>independent provider's supported living certificate under section</u> | 63303 |
| <u>5123.164 of the Revised Code.</u>                                     | 63304 |
| <u>(2)(a) "Business" means either of the following:</u>                  | 63305 |
| <u>(i) An association, corporation, nonprofit organization,</u>          | 63306 |
| <u>partnership, trust, or other group of persons;</u>                    | 63307 |
| <u>(ii) An individual who employs, directly or through contract,</u>     | 63308 |
| <u>one or more other individuals to provide supported living.</u>        | 63309 |
| <u>(b) "Business" does not mean an independent provider.</u>             | 63310 |
| <u>(3) "Criminal records check" has the same meaning as in</u>           | 63311 |
| <u>section 109.572 of the Revised Code.</u>                              | 63312 |
| <u>(4) "Disqualifying offense" means any of the following:</u>           | 63313 |
| <u>(a) One or more violations of section 959.13, 959.131,</u>            | 63314 |
| <u>2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12,</u>   | 63315 |
| <u>2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34,</u>   | 63316 |
| <u>2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02,</u>   | 63317 |
| <u>2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,</u>    | 63318 |
| <u>2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,</u>    | 63319 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,</u>  | 63320 |
| <u>2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,</u>     | 63321 |
| <u>2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,</u>     | 63322 |
| <u>2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,</u>     | 63323 |
| <u>2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,</u>    | 63324 |
| <u>2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,</u>   | 63325 |
| <u>2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>     | 63326 |
| <u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>    | 63327 |
| <u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u> | 63328 |
| <u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>    | 63329 |
| <u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>     | 63330 |
| <u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>         | 63331 |
| <u>(b) One or more violations of section 2905.04 of the Revised</u>       | 63332 |
| <u>Code as it existed prior to July 1, 1996;</u>                          | 63333 |
| <u>(c) One or more violations of section 2919.23 of the Revised</u>       | 63334 |
| <u>Code that would have been a violation of section 2905.04 of the</u>    | 63335 |
| <u>Revised Code as it existed prior to July 1, 1996, had the</u>          | 63336 |
| <u>violation occurred prior to that date;</u>                             | 63337 |
| <u>(d) One violation of section 2925.11 of the Revised Code that</u>      | 63338 |
| <u>is not a minor drug possession offense;</u>                            | 63339 |
| <u>(e) Two or more violations of section 2925.11 of the Revised</u>       | 63340 |
| <u>Code, regardless of whether any of the violations are a minor drug</u> | 63341 |
| <u>possession offense;</u>                                                | 63342 |
| <u>(f) One or more violations of felonious sexual penetration</u>         | 63343 |
| <u>under former section 2907.12 of the Revised Code;</u>                  | 63344 |
| <u>(g) One or more violations of section 2923.01, 2923.02, or</u>         | 63345 |
| <u>2923.03 of the Revised Code when the underlying offense that is</u>    | 63346 |
| <u>the object of the conspiracy, attempt, or complicity is one of the</u> | 63347 |
| <u>offenses listed in divisions (A)(4)(a) to (f) of this section;</u>     | 63348 |
| <u>(h) One or more felonies contained in the Revised Code that</u>        | 63349 |
| <u>are not listed in divisions (A)(4)(a) to (g) of this section, if</u>   | 63350 |

the felony bears a direct and substantial relationship to the 63351  
duties and responsibilities of the position being filled; 63352

(i) One or more offenses contained in the Revised Code 63353  
constituting a misdemeanor of the first degree on the first 63354  
offense and a felony on a subsequent offense, if the offense bears 63355  
a direct and substantial relationship to the position being filled 63356  
and the nature of the services being provided by the responsible 63357  
entity; 63358

(j) One or more violations of an existing or former municipal 63359  
ordinance or law of this state, any other state, or the United 63360  
States, if the offense is substantially equivalent to any of the 63361  
offenses listed or described in divisions (A)(4)(a) to (i) of this 63362  
section. 63363

(5) "Independent provider" means a provider who provides 63364  
supported living on a self-employed basis and does not employ, 63365  
directly or through contract, another individual to provide the 63366  
supported living. 63367

(6) "Provider" means a person or government entity certified 63368  
by the director of developmental disabilities to provide supported 63369  
living. 63370

~~(2)~~(7) "Minor drug possession offense" has the same meaning 63371  
as in section 2925.01 of the Revised Code. 63372

(8) "Related party" means any of the following: 63373

(a) In the case of a provider who is an individual, any of 63374  
the following: 63375

(i) The spouse of the provider; 63376

(ii) A parent or stepparent of the provider or provider's 63377  
spouse; 63378

(iii) A child of the provider or provider's spouse; 63379

(iv) A sibling, half sibling, or stepsibling of the provider 63380

|                                                                                                                              |                         |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| or provider's spouse;                                                                                                        | 63381                   |
| (v) A grandparent of the provider or provider's spouse;                                                                      | 63382                   |
| (vi) A grandchild of the provider or provider's spouse;                                                                      | 63383                   |
| (vii) An employee or employer of the provider or provider's spouse.                                                          | 63384<br>63385          |
| (b) In the case of a provider that is a person other than an individual, any of the following:                               | 63386<br>63387          |
| (i) An employee of the person;                                                                                               | 63388                   |
| (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer; | 63389<br>63390<br>63391 |
| (iii) A member of the provider's board of directors or trustees;                                                             | 63392<br>63393          |
| (iv) A person owning a financial interest of five per cent or more in the provider;                                          | 63394<br>63395          |
| (v) A corporation that has a subsidiary relationship with the provider;                                                      | 63396<br>63397          |
| (vi) A person or government entity that has control over the provider's day-to-day operation;                                | 63398<br>63399          |
| (vii) A person over which the provider has control of the day-to-day operation.                                              | 63400<br>63401          |
| (c) In the case of a provider that is a government entity, any of the following:                                             | 63402<br>63403          |
| (i) An employee of the provider;                                                                                             | 63404                   |
| (ii) An officer of the provider;                                                                                             | 63405                   |
| (iii) A member of the provider's governing board;                                                                            | 63406                   |
| (iv) A government entity that has control over the provider's day-to-day operation;                                          | 63407<br>63408          |



(v) A person or government entity over which the provider has control of the day-to-day operation. 63409  
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(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 63411  
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(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code. 63414  
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**Sec. 5123.161.** A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate. 63417  
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Except as provided in ~~section~~ sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the applicant person or government entity a supported living certificate if the ~~applicant~~ person or government entity follows the application process established in rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules. 63420  
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**Sec. 5123.162.** The director of developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code. 63428  
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The records of surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or 63436  
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government entity. 63439

**Sec. 5123.163.** A supported living certificate is valid for a 63440  
period of time established in rules adopted under section ~~5123.169~~ 63441  
5123.1610 of the Revised Code, unless any of the following occur 63442  
before the end of that period of time: 63443

(A) The director of developmental disabilities issues an 63444  
order requiring that action be taken against the certificate 63445  
holder under section 5123.166 of the Revised Code. 63446

(B) The director issues an order terminating the certificate 63447  
under section 5123.168 of the Revised Code. 63448

(C) The certificate holder voluntarily surrenders the 63449  
certificate to the director. 63450

**Sec. 5123.164.** Except as provided in ~~section~~ sections 63451  
5123.166 and 5123.169 of the Revised Code, the director of 63452  
developmental disabilities shall renew a supported living 63453  
certificate if the certificate holder follows the renewal process 63454  
established in rules adopted under section ~~5123.169~~ 5123.1610 of 63455  
the Revised Code, continues to meet the applicable certification 63456  
standards established in those rules, and pays the renewal fee 63457  
established in those rules. 63458

**Sec. 5123.166.** (A) If good cause exists as specified in 63459  
division (B) of this section and determined in accordance with 63460  
procedures established in rules adopted under section ~~5123.169~~ 63461  
5123.1610 of the Revised Code, the director of developmental 63462  
disabilities may issue an adjudication order requiring that one of 63463  
the following actions be taken against a person or government 63464  
entity seeking or holding a supported living certificate: 63465

(1) Refusal to issue or renew a supported living certificate; 63466

(2) Revocation of a supported living certificate; 63467

|                                                                                                                                                                                                                       |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (3) Suspension of a supported living certificate holder's authority to do either or both of the following:                                                                                                            | 63468<br>63469                   |
| (a) Continue to provide supported living to one or more individuals from one or more counties who receive supported living from the certificate holder at the time the director takes the action;                     | 63470<br>63471<br>63472<br>63473 |
| (b) Begin to provide supported living to one or more individuals from one or more counties who do not receive supported living from the certificate holder at the time the director takes the action.                 | 63474<br>63475<br>63476<br>63477 |
| (B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:                                 | 63478<br>63479<br>63480          |
| (1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section <del>5123.169</del> <u>5123.1610</u> of the Revised Code; | 63481<br>63482<br>63483<br>63484 |
| (2) The person or government entity violates section 5123.165 of the Revised Code;                                                                                                                                    | 63485<br>63486                   |
| (3) The person or government entity's failure to satisfy the requirements of section <u>5123.081</u> or 5123.52, <del>5126.28</del> , or <del>5126.281</del> of the Revised Code;                                     | 63487<br>63488<br>63489          |
| (4) Misfeasance;                                                                                                                                                                                                      | 63490                            |
| (5) Malfeasance;                                                                                                                                                                                                      | 63491                            |
| (6) Nonfeasance;                                                                                                                                                                                                      | 63492                            |
| (7) Confirmed abuse or neglect;                                                                                                                                                                                       | 63493                            |
| (8) Financial irresponsibility;                                                                                                                                                                                       | 63494                            |
| (9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported                                                                                              | 63495<br>63496                   |

living from the person or government entity. 63497

(C) Except as provided in division (D) of this section, the 63498  
director shall issue an adjudication order under division (A) of 63499  
this section in accordance with Chapter 119. of the Revised Code. 63500

(D)(1) The director may issue an order requiring that action 63501  
specified in division (A)(3) of this section be taken before a 63502  
provider is provided notice and an opportunity for a hearing if 63503  
all of the following are the case: 63504

(a) The director determines such action is warranted by the 63505  
provider's failure to continue to meet the applicable 63506  
certification standards; 63507

(b) The director determines that the failure either 63508  
represents a pattern of serious noncompliance or creates a 63509  
substantial risk to the health or safety of an individual who 63510  
receives or would receive supported living from the provider; 63511

(c) If the order will suspend the provider's authority to 63512  
continue to provide supported living to an individual who receives 63513  
supported living from the provider at the time the director issues 63514  
the order, both of the following are the case: 63515

(i) The director makes the individual, or the individual's 63516  
guardian, aware of the director's determination under division 63517  
(D)(1)(b) of this section and the individual or guardian does not 63518  
select another provider. 63519

(ii) A county board of developmental disabilities has filed a 63520  
complaint with a probate court under section ~~5123.33~~ 5126.33 of 63521  
the Revised Code that includes facts describing the nature of 63522  
abuse or neglect that the individual has suffered due to the 63523  
provider's actions that are the basis for the director making the 63524  
determination under division (D)(1)(b) of this section and the 63525  
probate court does not issue an order authorizing the county board 63526  
to arrange services for the individual pursuant to an 63527

individualized service plan developed for the individual under 63528  
section ~~5123.31~~ 5126.31 of the Revised Code. 63529

(2) If the director issues an order under division (D)(1) of 63530  
this section, sections 119.091 to 119.13 of the Revised Code and 63531  
all of the following apply: 63532

(a) The director shall send the provider notice of the order 63533  
by registered mail, return receipt requested, not later than 63534  
twenty-four hours after issuing the order and shall include in the 63535  
notice the reasons for the order, the citation to the law or rule 63536  
directly involved, and a statement that the provider will be 63537  
afforded a hearing if the provider requests it within ten days of 63538  
the time of receiving the notice. 63539

(b) If the provider requests a hearing within the required 63540  
time and the provider has provided the director the provider's 63541  
current address, the director shall immediately set, and notify 63542  
the provider of, the date, time, and place for the hearing. 63543

(c) The date of the hearing shall be not later than thirty 63544  
days after the director receives the provider's timely request for 63545  
the hearing. 63546

(d) The hearing shall be conducted in accordance with section 63547  
119.09 of the Revised Code, except for all of the following: 63548

(i) The hearing shall continue uninterrupted until its close, 63549  
except for weekends, legal holidays, and other interruptions the 63550  
provider and director agree to. 63551

(ii) If the director appoints a referee or examiner to 63552  
conduct the hearing, the referee or examiner, not later than ten 63553  
days after the date the referee or examiner receives a transcript 63554  
of the testimony and evidence presented at the hearing or, if the 63555  
referee or examiner does not receive the transcript or no such 63556  
transcript is made, the date that the referee or examiner closes 63557  
the record of the hearing, shall submit to the director a written 63558

report setting forth the referee or examiner's findings of fact 63559  
and conclusions of law and a recommendation of the action the 63560  
director should take. 63561

(iii) The provider may, not later than five days after the 63562  
date the director, in accordance with section 119.09 of the 63563  
Revised Code, sends the provider or the provider's attorney or 63564  
other representative of record a copy of the referee or examiner's 63565  
report and recommendation, file with the director written 63566  
objections to the report and recommendation. 63567

(iv) The director shall approve, modify, or disapprove the 63568  
referee or examiner's report and recommendation not earlier than 63569  
six days, and not later than fifteen days, after the date the 63570  
director, in accordance with section 119.09 of the Revised Code, 63571  
sends a copy of the report and recommendation to the provider or 63572  
the provider's attorney or other representative of record. 63573

(3) The director may lift an order issued under division 63574  
(D)(1) of this section even though a hearing regarding the order 63575  
is occurring or pending if the director determines that the 63576  
provider has taken action eliminating the good cause for issuing 63577  
the order. The hearing shall proceed unless the provider withdraws 63578  
the request for the hearing in a written letter to the director. 63579

(4) The director shall lift an order issued under division 63580  
(D)(1) of this section if both of the following are the case: 63581

(a) The provider provides the director a plan of compliance 63582  
the director determines is acceptable. 63583

(b) The director determines that the provider has implemented 63584  
the plan of compliance correctly. 63585

Sec. 5123.169. (A) The director of developmental disabilities 63586  
shall not issue a supported living certificate to an applicant or 63587  
renew an applicant's supported living certificate if either of the 63588

following applies: 63589

(1) The applicant fails to comply with division (C)(2) of this section; 63590  
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(2) Except as provided in rules adopted under section 5123.1610 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 63592  
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(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code. 63597  
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(C)(1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the date that the applicant applies for issuance or renewal of the 63612  
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supported living certificate, the director shall require the 63620  
applicant to request that the superintendent obtain information 63621  
from the federal bureau of investigation as a part of the criminal 63622  
records check. If the applicant presents proof to the director 63623  
that the applicant has been a resident of this state for that 63624  
five-year period, the director may require the applicant to 63625  
request that the superintendent include information from the 63626  
federal bureau of investigation in the criminal records check. For 63627  
purposes of this division, an applicant may provide proof of 63628  
residency in this state by presenting, with a notarized statement 63629  
asserting that the applicant has been a resident of this state for 63630  
that five-year period, a valid driver's license, notification of 63631  
registration as an elector, a copy of an officially filed federal 63632  
or state tax form identifying the applicant's permanent residence, 63633  
or any other document the director considers acceptable. 63634

(2) Each applicant shall do all of the following: 63635

(a) Obtain a copy of the form prescribed pursuant to division 63636  
(C)(1) of section 109.572 of the Revised Code and a standard 63637  
impression sheet prescribed pursuant to division (C)(2) of section 63638  
109.572 of the Revised Code; 63639

(b) Complete the form and provide the applicant's fingerprint 63640  
impressions on the standard impression sheet; 63641

(c) Forward the completed form and standard impression sheet 63642  
to the superintendent at the time the criminal records check is 63643  
requested; 63644

(d) Instruct the superintendent to submit the completed 63645  
report of the criminal records check directly to the director; 63646

(e) Pay to the bureau of criminal identification and 63647  
investigation the fee prescribed pursuant to division (C)(3) of 63648  
section 109.572 of the Revised Code for each criminal records 63649  
check of the applicant requested and conducted pursuant to this 63650



section. 63651

(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 63652  
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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with mental retardation or developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 63658  
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(F)(1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 63668  
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(a) The applicant who is the subject of the report or the applicant's representative; 63672  
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(b) The director or the director's representative; 63674

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 63675  
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(i) The denial of a supported living certificate or refusal to renew a supported living certificate; 63677  
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(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code; 63679  
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(iii) A civil or criminal action regarding the medicaid program. 63681  
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(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified. 63683  
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(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report. 63690  
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(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section. 63695  
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**Sec. ~~5123.169~~ 5123.1610.** The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following: 63697  
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(A) The extent to which a county board of developmental disabilities may provide supported living; 63700  
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(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code; 63702  
63703

(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living; 63704  
63705  
63706

(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code; 63707  
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(E) The period of time a supported living certificate is 63710

valid; 63711

(F) The process for renewing a supported living certificate 63712  
under section 5123.164 of the Revised Code; 63713

(G) The renewal fee for a supported living certificate, which 63714  
shall be deposited into the program fee fund created under section 63715  
5123.033 of the Revised Code; 63716

(H) Procedures for conducting surveys under section 5123.162 63717  
of the Revised Code; 63718

(I) Procedures for determining whether there is good cause to 63719  
take action under section 5123.166 of the Revised Code against a 63720  
person or government entity seeking or holding a supported living 63721  
certificate; 63722

(J) Circumstances under which the director may issue a 63723  
supported living certificate to an applicant or renew an 63724  
applicant's supported living certificate if the applicant is found 63725  
by a criminal records check required by section 5123.169 of the 63726  
Revised Code to have been convicted of, pleaded guilty to, or been 63727  
found eligible for intervention in lieu of conviction for a 63728  
disqualifying offense but meets standards in regard to 63729  
rehabilitation set by the director. 63730

**Sec. 5123.171.** As used in this section, "respite care" means 63731  
appropriate, short-term, temporary care provided to a mentally 63732  
retarded or developmentally disabled person to sustain the family 63733  
structure or to meet planned or emergency needs of the family. 63734

The department of developmental disabilities shall provide 63735  
respite care services to persons with mental retardation or a 63736  
developmental disability for the purpose of promoting 63737  
self-sufficiency and normalization, preventing or reducing 63738  
inappropriate institutional care, and furthering the unity of the 63739  
family by enabling the family to meet the special needs of a 63740

mentally retarded or developmentally disabled person. 63741

In order to be eligible for respite care services under this 63742  
section, the mentally retarded or developmentally disabled person 63743  
must be in need of habilitation services as defined in section 63744  
5126.01 of the Revised Code. 63745

Respite care may be provided in a residential facility 63746  
licensed under section 5123.19 of the Revised Code ~~or~~ (including a 63747  
residential facility certified as an intermediate care facility 63748  
for the mentally retarded under Title XIX of the "Social Security 63749  
Act," 49 79 Stat. ~~620 344~~ (1935 1965), 42 U.S.C. ~~301 1396~~, et 63750  
seq., as amended, ~~or certified as~~ and a respite care home 63751  
certified under section 5126.05 of the Revised Code. 63752

The department shall develop a system for locating vacant 63753  
beds that are available for respite care and for making 63754  
information on vacant beds available to users of respite care 63755  
services. Facilities certified as intermediate care facilities for 63756  
the mentally retarded shall report vacant beds to the department 63757  
but shall not be required to accept respite care clients. 63758

The director of developmental disabilities shall adopt, and 63759  
may amend or rescind, rules in accordance with Chapter 119. of the 63760  
Revised Code for both of the following: 63761

(A) Certification by county boards of developmental 63762  
disabilities of respite care homes; 63763

(B) Provision of respite care services authorized by this 63764  
section. Rules adopted under this division shall establish all of 63765  
the following: 63766

(1) A formula for distributing funds appropriated for respite 63767  
care services; 63768

(2) Standards for supervision, training and quality control 63769  
in the provision of respite care services; 63770

(3) Eligibility criteria for emergency respite care services. 63771

**Sec. 5123.19.** (A) As used in ~~this section and in sections~~ 63772  
~~5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.19 to~~ 63773  
5123.20 of the Revised Code: 63774

~~(1)(a) "Residential facility" means a home or facility in~~ 63775  
~~which a mentally retarded or developmentally disabled person~~ 63776  
~~resides, except the home of a relative or legal guardian in which~~ 63777  
~~a mentally retarded or developmentally disabled person resides, a~~ 63778  
~~respite care home certified under section 5126.05 of the Revised~~ 63779  
~~Code, a county home or district home operated pursuant to Chapter~~ 63780  
~~5155. of the Revised Code, or a dwelling in which the only~~ 63781  
~~mentally retarded or developmentally disabled residents are in an~~ 63782  
~~independent living arrangement or are being provided supported~~ 63783  
~~living.~~ 63784

~~(b) "Intermediate care facility for the mentally retarded"~~ 63785  
~~means a residential facility that is considered an intermediate~~ 63786  
~~care facility for the mentally retarded for the purposes of~~ 63787  
~~Chapter 5111. of the Revised Code.~~ 63788

~~(2) "Political subdivision" means a municipal corporation,~~ 63789  
~~county, or township.~~ 63790

~~(3) "Independent living arrangement" means an arrangement in~~ 63791  
~~which a mentally retarded or developmentally disabled person~~ 63792  
~~resides in an individualized setting chosen by the person or the~~ 63793  
~~person's guardian, which is not dedicated principally to the~~ 63794  
~~provision of residential services for mentally retarded or~~ 63795  
~~developmentally disabled persons, and for which no financial~~ 63796  
~~support is received for rendering such service from any~~ 63797  
~~governmental agency by a provider of residential services.~~ 63798

~~(4)(2) "Intermediate care facility for the mentally retarded"~~ 63799  
~~has the same meaning as in section 1905(d) of the "Social Security~~ 63800

Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 63801

(3) "Licensee" means the person or government agency that has 63802  
applied for a license to operate a residential facility and to 63803  
which the license was issued under this section. 63804

(4) "Political subdivision" means a municipal corporation, 63805  
county, or township. 63806

(5) "Related party" has the same meaning as in section 63807  
5123.16 of the Revised Code except that "provider" as used in the 63808  
definition of "related party" means a person or government entity 63809  
that held or applied for a license to operate a residential 63810  
facility, rather than a person or government entity certified to 63811  
provide supported living. 63812

(6)(a) Except as provided in division (A)(6)(b) of this 63813  
section, "residential facility" means a home or facility, 63814  
including a facility certified as an intermediate care facility 63815  
for the mentally retarded, in which an individual with mental 63816  
retardation or a developmental disability resides. 63817

(b) "Residential facility" does not mean any of the 63818  
following: 63819

(i) The home of a relative or legal guardian in which an 63820  
individual with mental retardation or a developmental disability 63821  
resides; 63822

(ii) A respite care home certified under section 5126.05 of 63823  
the Revised Code; 63824

(iii) A county home or district home operated pursuant to 63825  
Chapter 5155. of the Revised Code; 63826

(iv) A dwelling in which the only residents with mental 63827  
retardation or developmental disabilities are in independent 63828  
living arrangements or are being provided supported living. 63829

(B) Every person or government agency desiring to operate a 63830

residential facility shall apply for licensure of the facility to 63831  
the director of developmental disabilities unless the residential 63832  
facility is subject to section 3721.02, ~~5119.73~~, 5103.03, ~~or~~ 63833  
~~5119.20, or division (A)(9)(b) of section 5119.22 of the Revised~~ 63834  
~~Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing~~ 63835  
~~home that is certified as an intermediate care facility for the~~ 63836  
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 63837  
~~Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for~~ 63838  
~~licensure of the portion of the home that is certified as an~~ 63839  
~~intermediate care facility for the mentally retarded.~~ 63840

(C) Subject to section 5123.196 of the Revised Code, the 63841  
director of developmental disabilities shall license the operation 63842  
of residential facilities. An initial license shall be issued for 63843  
a period that does not exceed one year, unless the director denies 63844  
the license under division (D) of this section. A license shall be 63845  
renewed for a period that does not exceed three years, unless the 63846  
director refuses to renew the license under division (D) of this 63847  
section. The director, when issuing or renewing a license, shall 63848  
specify the period for which the license is being issued or 63849  
renewed. A license remains valid for the length of the licensing 63850  
period specified by the director, unless the license is 63851  
terminated, revoked, or voluntarily surrendered. 63852

(D) If it is determined that an applicant or licensee is not 63853  
in compliance with a provision of this chapter that applies to 63854  
residential facilities or the rules adopted under such a 63855  
provision, the director may deny issuance of a license, refuse to 63856  
renew a license, terminate a license, revoke a license, issue an 63857  
order for the suspension of admissions to a facility, issue an 63858  
order for the placement of a monitor at a facility, issue an order 63859  
for the immediate removal of residents, or take any other action 63860  
the director considers necessary consistent with the director's 63861  
authority under this chapter regarding residential facilities. In 63862

the director's selection and administration of the sanction to be 63863  
imposed, all of the following apply: 63864

(1) The director may deny, refuse to renew, or revoke a 63865  
license, if the director determines that the applicant or licensee 63866  
has demonstrated a pattern of serious noncompliance or that a 63867  
violation creates a substantial risk to the health and safety of 63868  
residents of a residential facility. 63869

(2) The director may terminate a license if more than twelve 63870  
consecutive months have elapsed since the residential facility was 63871  
last occupied by a resident or a notice required by division (K) 63872  
of this section is not given. 63873

(3) The director may issue an order for the suspension of 63874  
admissions to a facility for any violation that may result in 63875  
sanctions under division (D)(1) of this section and for any other 63876  
violation specified in rules adopted under division (H)(2) of this 63877  
section. If the suspension of admissions is imposed for a 63878  
violation that may result in sanctions under division (D)(1) of 63879  
this section, the director may impose the suspension before 63880  
providing an opportunity for an adjudication under Chapter 119. of 63881  
the Revised Code. The director shall lift an order for the 63882  
suspension of admissions when the director determines that the 63883  
violation that formed the basis for the order has been corrected. 63884

(4) The director may order the placement of a monitor at a 63885  
residential facility for any violation specified in rules adopted 63886  
under division (H)(2) of this section. The director shall lift the 63887  
order when the director determines that the violation that formed 63888  
the basis for the order has been corrected. 63889

(5) If the director determines that two or more residential 63890  
facilities owned or operated by the same person or government 63891  
entity are not being operated in compliance with a provision of 63892  
this chapter that applies to residential facilities or the rules 63893



adopted under such a provision, and the director's findings are 63894  
based on the same or a substantially similar action, practice, 63895  
circumstance, or incident that creates a substantial risk to the 63896  
health and safety of the residents, the director shall conduct a 63897  
survey as soon as practicable at each residential facility owned 63898  
or operated by that person or government entity. The director may 63899  
take any action authorized by this section with respect to any 63900  
facility found to be operating in violation of a provision of this 63901  
chapter that applies to residential facilities or the rules 63902  
adopted under such a provision. 63903

(6) When the director initiates license revocation 63904  
proceedings, no opportunity for submitting a plan of correction 63905  
shall be given. The director shall notify the licensee by letter 63906  
of the initiation of the proceedings. The letter shall list the 63907  
deficiencies of the residential facility and inform the licensee 63908  
that no plan of correction will be accepted. The director shall 63909  
also send a copy of the letter to the county board of 63910  
developmental disabilities. The county board shall send a copy of 63911  
the letter to each of the following: 63912

(a) Each resident who receives services from the licensee; 63913

(b) The guardian of each resident who receives services from 63914  
the licensee if the resident has a guardian; 63915

(c) The parent or guardian of each resident who receives 63916  
services from the licensee if the resident is a minor. 63917

(7) Pursuant to rules which shall be adopted in accordance 63918  
with Chapter 119. of the Revised Code, the director may order the 63919  
immediate removal of residents from a residential facility 63920  
whenever conditions at the facility present an immediate danger of 63921  
physical or psychological harm to the residents. 63922

(8) In determining whether a residential facility is being 63923  
operated in compliance with a provision of this chapter that 63924

applies to residential facilities or the rules adopted under such 63925  
a provision, or whether conditions at a residential facility 63926  
present an immediate danger of physical or psychological harm to 63927  
the residents, the director may rely on information obtained by a 63928  
county board of developmental disabilities or other governmental 63929  
agencies. 63930

(9) In proceedings initiated to deny, refuse to renew, or 63931  
revoke licenses, the director may deny, refuse to renew, or revoke 63932  
a license regardless of whether some or all of the deficiencies 63933  
that prompted the proceedings have been corrected at the time of 63934  
the hearing. 63935

(E) The director shall establish a program under which public 63936  
notification may be made when the director has initiated license 63937  
revocation proceedings or has issued an order for the suspension 63938  
of admissions, placement of a monitor, or removal of residents. 63939  
The director shall adopt rules in accordance with Chapter 119. of 63940  
the Revised Code to implement this division. The rules shall 63941  
establish the procedures by which the public notification will be 63942  
made and specify the circumstances for which the notification must 63943  
be made. The rules shall require that public notification be made 63944  
if the director has taken action against the facility in the 63945  
eighteen-month period immediately preceding the director's latest 63946  
action against the facility and the latest action is being taken 63947  
for the same or a substantially similar violation of a provision 63948  
of this chapter that applies to residential facilities or the 63949  
rules adopted under such a provision. The rules shall specify a 63950  
method for removing or amending the public notification if the 63951  
director's action is found to have been unjustified or the 63952  
violation at the residential facility has been corrected. 63953

(F)(1) Except as provided in division (F)(2) of this section, 63954  
appeals from proceedings initiated to impose a sanction under 63955  
division (D) of this section shall be conducted in accordance with 63956

Chapter 119. of the Revised Code. 63957

(2) Appeals from proceedings initiated to order the 63958  
suspension of admissions to a facility shall be conducted in 63959  
accordance with Chapter 119. of the Revised Code, unless the order 63960  
was issued before providing an opportunity for an adjudication, in 63961  
which case all of the following apply: 63962

(a) The licensee may request a hearing not later than ten 63963  
days after receiving the notice specified in section 119.07 of the 63964  
Revised Code. 63965

(b) If a timely request for a hearing that includes the 63966  
licensee's current address is made, the hearing shall commence not 63967  
later than thirty days after the department receives the request. 63968

(c) After commencing, the hearing shall continue 63969  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 63970  
unless other interruptions are agreed to by the licensee and the 63971  
director. 63972

(d) If the hearing is conducted by a hearing examiner, the 63973  
hearing examiner shall file a report and recommendations not later 63974  
than ten days after the last of the following: 63975

(i) The close of the hearing; 63976

(ii) If a transcript of the proceedings is ordered, the 63977  
hearing examiner receives the transcript; 63978

(iii) If post-hearing briefs are timely filed, the hearing 63979  
examiner receives the briefs. 63980

(e) A copy of the written report and recommendation of the 63981  
hearing examiner shall be sent, by certified mail, to the licensee 63982  
and the licensee's attorney, if applicable, not later than five 63983  
days after the report is filed. 63984

(f) Not later than five days after the hearing examiner files 63985  
the report and recommendations, the licensee may file objections 63986

to the report and recommendations. 63987

(g) Not later than fifteen days after the hearing examiner 63988  
files the report and recommendations, the director shall issue an 63989  
order approving, modifying, or disapproving the report and 63990  
recommendations. 63991

(h) Notwithstanding the pendency of the hearing, the director 63992  
shall lift the order for the suspension of admissions when the 63993  
director determines that the violation that formed the basis for 63994  
the order has been corrected. 63995

(G) Neither a person or government agency whose application 63996  
for a license to operate a residential facility is denied nor a 63997  
related party of the person or government agency may apply for a 63998  
license to operate a residential facility before the date that is 63999  
one year after the date of the denial. Neither a licensee whose 64000  
residential facility license is revoked nor a related party of the 64001  
licensee may apply for a residential facility license before the 64002  
date that is five years after the date of the revocation. 64003

(H) In accordance with Chapter 119. of the Revised Code, the 64004  
director shall adopt and may amend and rescind rules for licensing 64005  
and regulating the operation of residential facilities, ~~including~~ 64006  
~~intermediate care facilities for the mentally retarded~~. The rules 64007  
for residential facilities that are intermediate care facilities 64008  
for the mentally retarded may differ from those for other 64009  
residential facilities. The rules shall establish and specify the 64010  
following: 64011

(1) Procedures and criteria for issuing and renewing 64012  
licenses, including procedures and criteria for determining the 64013  
length of the licensing period that the director must specify for 64014  
each license when it is issued or renewed; 64015

(2) Procedures and criteria for denying, refusing to renew, 64016  
terminating, and revoking licenses and for ordering the suspension 64017

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| of admissions to a facility, placement of a monitor at a facility, | 64018 |
| and the immediate removal of residents from a facility;            | 64019 |
| (3) Fees for issuing and renewing licenses, which shall be         | 64020 |
| deposited into the program fee fund created under section 5123.033 | 64021 |
| of the Revised Code;                                               | 64022 |
| (4) Procedures for surveying residential facilities;               | 64023 |
| (5) Requirements for the training of residential facility          | 64024 |
| personnel;                                                         | 64025 |
| (6) Classifications for the various types of residential           | 64026 |
| facilities;                                                        | 64027 |
| (7) Certification procedures for licensees and management          | 64028 |
| contractors that the director determines are necessary to ensure   | 64029 |
| that they have the skills and qualifications to properly operate   | 64030 |
| or manage residential facilities;                                  | 64031 |
| (8) The maximum number of persons who may be served in a           | 64032 |
| particular type of residential facility;                           | 64033 |
| (9) Uniform procedures for admission of persons to and             | 64034 |
| transfers and discharges of persons from residential facilities;   | 64035 |
| (10) Other standards for the operation of residential              | 64036 |
| facilities and the services provided at residential facilities;    | 64037 |
| (11) Procedures for waiving any provision of any rule adopted      | 64038 |
| under this section.                                                | 64039 |
| (I) Before issuing a license, the director of the department       | 64040 |
| or the director's designee shall conduct a survey of the           | 64041 |
| residential facility for which application is made. The director   | 64042 |
| or the director's designee shall conduct a survey of each licensed | 64043 |
| residential facility at least once during the period the license   | 64044 |
| is valid and may conduct additional inspections as needed. A       | 64045 |
| survey includes but is not limited to an on-site examination and   | 64046 |
| evaluation of the residential facility, its personnel, and the     | 64047 |

services provided there. 64048

In conducting surveys, the director or the director's 64049  
designee shall be given access to the residential facility; all 64050  
records, accounts, and any other documents related to the 64051  
operation of the facility; the licensee; the residents of the 64052  
facility; and all persons acting on behalf of, under the control 64053  
of, or in connection with the licensee. The licensee and all 64054  
persons on behalf of, under the control of, or in connection with 64055  
the licensee shall cooperate with the director or the director's 64056  
designee in conducting the survey. 64057

Following each survey, unless the director initiates a 64058  
license revocation proceeding, the director or the director's 64059  
designee shall provide the licensee with a report listing any 64060  
deficiencies, specifying a timetable within which the licensee 64061  
shall submit a plan of correction describing how the deficiencies 64062  
will be corrected, and, when appropriate, specifying a timetable 64063  
within which the licensee must correct the deficiencies. After a 64064  
plan of correction is submitted, the director or the director's 64065  
designee shall approve or disapprove the plan. A copy of the 64066  
report and any approved plan of correction shall be provided to 64067  
any person who requests it. 64068

The director shall initiate disciplinary action against any 64069  
department employee who notifies or causes the notification to any 64070  
unauthorized person of an unannounced survey of a residential 64071  
facility by an authorized representative of the department. 64072

(J) In addition to any other information which may be 64073  
required of applicants for a license pursuant to this section, the 64074  
director shall require each applicant to provide a copy of an 64075  
approved plan for a proposed residential facility pursuant to 64076  
section 5123.042 of the Revised Code. This division does not apply 64077  
to renewal of a license or to an applicant for an initial or 64078  
modified license who meets the requirements of section ~~5123.193~~ or 64079

5123.197 of the Revised Code. 64080

(K) A licensee shall notify the owner of the building in 64081  
which the licensee's residential facility is located of any 64082  
significant change in the identity of the licensee or management 64083  
contractor before the effective date of the change if the licensee 64084  
is not the owner of the building. 64085

Pursuant to rules which shall be adopted in accordance with 64086  
Chapter 119. of the Revised Code, the director may require 64087  
notification to the department of any significant change in the 64088  
ownership of a residential facility or in the identity of the 64089  
licensee or management contractor. If the director determines that 64090  
a significant change of ownership is proposed, the director shall 64091  
consider the proposed change to be an application for development 64092  
by a new operator pursuant to section 5123.042 of the Revised Code 64093  
and shall advise the applicant within sixty days of the 64094  
notification that the current license shall continue in effect or 64095  
a new license will be required pursuant to this section. If the 64096  
director requires a new license, the director shall permit the 64097  
facility to continue to operate under the current license until 64098  
the new license is issued, unless the current license is revoked, 64099  
refused to be renewed, or terminated in accordance with Chapter 64100  
119. of the Revised Code. 64101

(L) A county board of developmental disabilities, the legal 64102  
rights service, and any interested person may file complaints 64103  
alleging violations of statute or department rule relating to 64104  
residential facilities with the department. All complaints shall 64105  
be in writing and shall state the facts constituting the basis of 64106  
the allegation. The department shall not reveal the source of any 64107  
complaint unless the complainant agrees in writing to waive the 64108  
right to confidentiality or until so ordered by a court of 64109  
competent jurisdiction. 64110

The department shall adopt rules in accordance with Chapter 64111

119. of the Revised Code establishing procedures for the receipt, 64112  
referral, investigation, and disposition of complaints filed with 64113  
the department under this division. 64114

(M) The department shall establish procedures for the 64115  
notification of interested parties of the transfer or interim care 64116  
of residents from residential facilities that are closing or are 64117  
losing their license. 64118

(N) Before issuing a license under this section to a 64119  
residential facility that will accommodate at any time more than 64120  
one mentally retarded or developmentally disabled individual, the 64121  
director shall, by first class mail, notify the following: 64122

(1) If the facility will be located in a municipal 64123  
corporation, the clerk of the legislative authority of the 64124  
municipal corporation; 64125

(2) If the facility will be located in unincorporated 64126  
territory, the clerk of the appropriate board of county 64127  
commissioners and the fiscal officer of the appropriate board of 64128  
township trustees. 64129

The director shall not issue the license for ten days after 64130  
mailing the notice, excluding Saturdays, Sundays, and legal 64131  
holidays, in order to give the notified local officials time in 64132  
which to comment on the proposed issuance. 64133

Any legislative authority of a municipal corporation, board 64134  
of county commissioners, or board of township trustees that 64135  
receives notice under this division of the proposed issuance of a 64136  
license for a residential facility may comment on it in writing to 64137  
the director within ten days after the director mailed the notice, 64138  
excluding Saturdays, Sundays, and legal holidays. If the director 64139  
receives written comments from any notified officials within the 64140  
specified time, the director shall make written findings 64141  
concerning the comments and the director's decision on the 64142



issuance of the license. If the director does not receive written 64143  
comments from any notified local officials within the specified 64144  
time, the director shall continue the process for issuance of the 64145  
license. 64146

(O) Any person may operate a licensed residential facility 64147  
that provides room and board, personal care, habilitation 64148  
services, and supervision in a family setting for at least six but 64149  
not more than eight persons with mental retardation or a 64150  
developmental disability as a permitted use in any residential 64151  
district or zone, including any single-family residential district 64152  
or zone, of any political subdivision. These residential 64153  
facilities may be required to comply with area, height, yard, and 64154  
architectural compatibility requirements that are uniformly 64155  
imposed upon all single-family residences within the district or 64156  
zone. 64157

(P) Any person may operate a licensed residential facility 64158  
that provides room and board, personal care, habilitation 64159  
services, and supervision in a family setting for at least nine 64160  
but not more than sixteen persons with mental retardation or a 64161  
developmental disability as a permitted use in any multiple-family 64162  
residential district or zone of any political subdivision, except 64163  
that a political subdivision that has enacted a zoning ordinance 64164  
or resolution establishing planned unit development districts may 64165  
exclude these residential facilities from those districts, and a 64166  
political subdivision that has enacted a zoning ordinance or 64167  
resolution may regulate these residential facilities in 64168  
multiple-family residential districts or zones as a conditionally 64169  
permitted use or special exception, in either case, under 64170  
reasonable and specific standards and conditions set out in the 64171  
zoning ordinance or resolution to: 64172

(1) Require the architectural design and site layout of the 64173  
residential facility and the location, nature, and height of any 64174

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| walls, screens, and fences to be compatible with adjoining land   | 64175 |
| uses and the residential character of the neighborhood;           | 64176 |
| (2) Require compliance with yard, parking, and sign               | 64177 |
| regulation;                                                       | 64178 |
| (3) Limit excessive concentration of these residential            | 64179 |
| facilities.                                                       | 64180 |
| (Q) This section does not prohibit a political subdivision        | 64181 |
| from applying to residential facilities nondiscriminatory         | 64182 |
| regulations requiring compliance with health, fire, and safety    | 64183 |
| regulations and building standards and regulations.               | 64184 |
| (R) Divisions (O) and (P) of this section are not applicable      | 64185 |
| to municipal corporations that had in effect on June 15, 1977, an | 64186 |
| ordinance specifically permitting in residential zones licensed   | 64187 |
| residential facilities by means of permitted uses, conditional    | 64188 |
| uses, or special exception, so long as such ordinance remains in  | 64189 |
| effect without any substantive modification.                      | 64190 |
| (S)(1) The director may issue an interim license to operate a     | 64191 |
| residential facility to an applicant for a license under this     | 64192 |
| section if either of the following is the case:                   | 64193 |
| (a) The director determines that an emergency exists              | 64194 |
| requiring immediate placement of persons in a residential         | 64195 |
| facility, that insufficient licensed beds are available, and that | 64196 |
| the residential facility is likely to receive a permanent license | 64197 |
| under this section within thirty days after issuance of the       | 64198 |
| interim license.                                                  | 64199 |
| (b) The director determines that the issuance of an interim       | 64200 |
| license is necessary to meet a temporary need for a residential   | 64201 |
| facility.                                                         | 64202 |
| (2) To be eligible to receive an interim license, an              | 64203 |
| applicant must meet the same criteria that must be met to receive | 64204 |

a permanent license under this section, except for any differing 64205  
procedures and time frames that may apply to issuance of a 64206  
permanent license. 64207

(3) An interim license shall be valid for thirty days and may 64208  
be renewed by the director for a period not to exceed one hundred 64209  
fifty days. 64210

(4) The director shall adopt rules in accordance with Chapter 64211  
119. of the Revised Code as the director considers necessary to 64212  
administer the issuance of interim licenses. 64213

(T) Notwithstanding rules adopted pursuant to this section 64214  
establishing the maximum number of persons who may be served in a 64215  
particular type of residential facility, a residential facility 64216  
shall be permitted to serve the same number of persons being 64217  
served by the facility on the effective date of the rules or the 64218  
number of persons for which the facility is authorized pursuant to 64219  
a current application for a certificate of need with a letter of 64220  
support from the department of developmental disabilities and 64221  
which is in the review process prior to April 4, 1986. 64222

(U) The director or the director's designee may enter at any 64223  
time, for purposes of investigation, any home, facility, or other 64224  
structure that has been reported to the director or that the 64225  
director has reasonable cause to believe is being operated as a 64226  
residential facility without a license issued under this section. 64227

The director may petition the court of common pleas of the 64228  
county in which an unlicensed residential facility is located for 64229  
an order enjoining the person or governmental agency operating the 64230  
facility from continuing to operate without a license. The court 64231  
may grant the injunction on a showing that the person or 64232  
governmental agency named in the petition is operating a 64233  
residential facility without a license. The court may grant the 64234  
injunction, regardless of whether the residential facility meets 64235

the requirements for receiving a license under this section. 64236

Sec. 5123.192. (A) A person or government agency operating, 64237  
on the effective date of this section, an intermediate care 64238  
facility for the mentally retarded pursuant to a nursing home 64239  
license issued under Chapter 3721. of the Revised Code shall do 64240  
both of the following as a condition of continuing to operate the 64241  
facility on and after July 1, 2013: 64242

(1) Not later than February 1, 2013, apply to the director of 64243  
developmental disabilities for a residential facility license 64244  
under section 5123.19 of the Revised Code for the facility; 64245

(2) Not later than July 1, 2013, obtain the residential 64246  
facility license for the facility. 64247

(B) The nursing home license of an intermediate care facility 64248  
for the mentally retarded shall cease to be valid at the earliest 64249  
of the following: 64250

(1) The date that the facility's nursing home license is 64251  
revoked or voided under section 3721.07 of the Revised Code; 64252

(2) The date that a residential facility license is obtained 64253  
for the facility under section 5123.19 of the Revised Code; 64254

(3) July 1, 2013. 64255

(C) No bed that is part of an intermediate care facility for 64256  
the mentally retarded that is licensed as a nursing home on the 64257  
effective date of this section may be used as part of a nursing 64258  
home on and after the earlier of the following: 64259

(1) The date that a residential facility license is obtained 64260  
for the facility under section 5123.19 of the Revised Code; 64261

(2) July 1, 2013. 64262

Sec. 5123.31. (A) The department of developmental 64263

disabilities shall keep ~~in its office, accessible only to its~~ 64264  
~~employees, except by the consent of the department or the order of~~ 64265  
~~the judge of a court of record,~~ a record showing the name, 64266  
residence, sex, age, nativity, occupation, condition, and date of 64267  
entrance or commitment of every resident in the institutions 64268  
governed by it, the date, cause, and terms of discharge and the 64269  
condition of such person at the time of leaving, and also a record 64270  
of all transfers from one institution to another, and, if such 64271  
person dies while in the care or custody of the department, the 64272  
date and cause of death. These and such other facts as the 64273  
department requires shall be furnished by the managing officer of 64274  
each institution within ten days after the commitment, entrance, 64275  
death, or discharge of a resident. 64276

Except as provided in division (C) of this section, the 64277  
department shall maintain the records described in this division 64278  
in its office. The department shall make the records accessible 64279  
only to its employees, except by the consent of the department or 64280  
the order of the judge of a court of record. 64281

(B) In case of an accident or injury or peculiar death of a 64282  
an institution resident the managing officer shall make a special 64283  
report to the department within twenty-four hours thereafter, 64284  
giving the circumstances as fully as possible. 64285

(C) After a period of time determined by the department, the 64286  
records described in division (A) of this section may be deposited 64287  
with the Ohio historical society. Neither the records nor the 64288  
information contained in them shall be disclosed by the historical 64289  
society, except as provided in section 5123.89 of the Revised 64290  
Code. 64291

**Sec. 5123.38.** (A) Except as provided in division (B) ~~and (C)~~ 64292  
of this section, if an individual receiving supported living or 64293  
home and community-based services funded by a county board of 64294

developmental disabilities is committed to a state-operated 64295  
intermediate care facility for the mentally retarded pursuant to 64296  
sections 5123.71 to 5123.76 of the Revised Code, ~~the department of~~ 64297  
~~developmental disabilities shall use the funds otherwise allocated~~ 64298  
~~to the county board as~~ is responsible for the nonfederal share of 64299  
medicaid expenditures for the individual's care in the 64300  
state-operated facility. The department of developmental 64301  
disabilities shall collect the amount of the nonfederal share from 64302  
the county board by either withholding that amount from funds the 64303  
department has otherwise allocated to the county board or 64304  
submitting an invoice for payment of that amount to the county 64305  
board. 64306

(B) Division (A) of this section does not apply ~~if the~~ under 64307  
any of the following circumstances: 64308

(1) The county board, not later than ninety days after the 64309  
date of the commitment of a person receiving supported services 64310  
living, commences funding of supported living for an individual 64311  
who resides in a state-operated intermediate care facility for the 64312  
mentally retarded on the date of the commitment or another 64313  
eligible individual designated by the department. 64314

~~(C) Division (A) of this section does not apply if the~~ (2) 64315  
The county board, not later than ninety days after the date of the 64316  
commitment of a person receiving home and community-based 64317  
services, commences funding of home and community-based services 64318  
for an individual who resides in a state-operated intermediate 64319  
care facility for the mentally retarded on the date of the 64320  
commitment or another eligible individual designated by the 64321  
department. 64322

(3) The director of developmental disabilities, after 64323  
determining that circumstances warrant granting a waiver in an 64324  
individual's case, grants the county board a waiver that exempts 64325  
the county board from responsibility for the nonfederal share for 64326

|                                                                                                                                     |       |
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| <u>that case.</u>                                                                                                                   | 64327 |
| <b>Sec. 5123.41.</b> As used in this section and sections 5123.42 to 5123.47 of the Revised Code:                                   | 64328 |
| (A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.                                                | 64329 |
| (A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.                                                | 64330 |
| (A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.                                                | 64331 |
| (B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code. | 64332 |
| (B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code. | 64333 |
| (B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code. | 64334 |
| (C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.                                                          | 64335 |
| (C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.                                                          | 64336 |
| (D) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.                                       | 64337 |
| (D) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.                                       | 64338 |
| (E) "Health-related activities" means the following:                                                                                | 64339 |
| (1) Taking vital signs;                                                                                                             | 64340 |
| (2) Application of clean dressings that do not require health assessment;                                                           | 64341 |
| (2) Application of clean dressings that do not require health assessment;                                                           | 64342 |
| (3) Basic measurement of bodily intake and output;                                                                                  | 64343 |
| (4) Oral suctioning;                                                                                                                | 64344 |
| (5) Use of glucometers;                                                                                                             | 64345 |
| (6) External urinary catheter care;                                                                                                 | 64346 |
| (7) Emptying and replacing colostomy bags;                                                                                          | 64347 |
| (8) Collection of specimens by noninvasive means.                                                                                   | 64348 |
| (F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.    | 64349 |
| (F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.    | 64350 |
| (F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.    | 64351 |
| (G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals            | 64352 |
| (G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals            | 64353 |

with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows: 64354  
64355

(1) Through direct employment with the department of developmental disabilities or a county board of developmental disabilities; 64356  
64357  
64358

(2) Through an entity under contract with the department of developmental disabilities or a county board of developmental disabilities; 64359  
64360  
64361

(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities. 64362  
64363  
64364

(H) "Nursing delegation" means the process established in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers the performance of a particular nursing activity or task to another person who is not otherwise authorized to perform the activity or task. 64365  
64366  
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(I) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs. 64372  
64373  
64374

(J) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code ~~or subject to section 5123.192 of the Revised Code.~~ 64375  
64376  
64377

(K) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 64378  
64379

(L) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube. 64380  
64381

**Sec. 5123.50.** As used in ~~this section and sections 5123.51, 5123.52, and 5123.541~~ 5123.50 to 5123.542 of the Revised Code: 64382  
64383



|                                                                                                                                                                                                                                            |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (A) "Abuse" means all of the following:                                                                                                                                                                                                    | 64384                            |
| (1) The use of physical force that can reasonably be expected to result in physical harm or serious physical harm;                                                                                                                         | 64385<br>64386                   |
| (2) Sexual abuse;                                                                                                                                                                                                                          | 64387                            |
| (3) Verbal abuse.                                                                                                                                                                                                                          | 64388                            |
| (B) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code. | 64389<br>64390<br>64391<br>64392 |
| (C) "MR/DD employee" means all of the following:                                                                                                                                                                                           | 64393                            |
| (1) An employee of the department of developmental disabilities;                                                                                                                                                                           | 64394<br>64395                   |
| (2) An employee of a county board of developmental disabilities;                                                                                                                                                                           | 64396<br>64397                   |
| (3) An employee in a position that includes providing specialized services to an individual with mental retardation or another developmental disability;                                                                                   | 64398<br>64399<br>64400          |
| <u>(4) An independent provider as defined in section 5123.16 of the Revised Code.</u>                                                                                                                                                      | 64401<br>64402                   |
| (D) "Neglect" means, when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual.                                  | 64403<br>64404<br>64405<br>64406 |
| (E) <u>"Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.</u>                                                                                                                                           | 64407<br>64408                   |
| (F) "Physical harm" and "serious physical harm" have the same meanings as in section 2901.01 of the Revised Code.                                                                                                                          | 64409<br>64410                   |
| <del>(F)</del> (G) <u>"Prescribed medication" has the same meaning as in section 5123.41 of the Revised Code.</u>                                                                                                                          | 64411<br>64412                   |

(H) "Sexual abuse" means unlawful sexual conduct or sexual contact. 64413  
64414

~~(G)~~(I) "Specialized services" means any program or service 64415  
designed and operated to serve primarily individuals with mental 64416  
retardation or a developmental disability, including a program or 64417  
service provided by an entity licensed or certified by the 64418  
department of developmental disabilities. A program or service 64419  
available to the general public is not a specialized service. 64420

~~(H)~~(J) "Verbal abuse" means purposely using words to 64421  
threaten, coerce, intimidate, harass, or humiliate an individual. 64422

~~(I)~~(K) "Sexual conduct," "sexual contact," and "spouse" have 64423  
the same meanings as in section 2907.01 of the Revised Code. 64424

**Sec. 5123.51.** (A) In addition to any other action required by 64425  
sections 5123.61 and 5126.31 of the Revised Code, the department 64426  
of developmental disabilities shall review each report the 64427  
department receives of abuse or neglect of an individual with 64428  
mental retardation or a developmental disability or 64429  
misappropriation of an individual's property that includes an 64430  
allegation that an MR/DD employee committed or was responsible for 64431  
the abuse, neglect, or misappropriation. The department shall 64432  
review a report it receives from a public children services agency 64433  
only after the agency completes its investigation pursuant to 64434  
section 2151.421 of the Revised Code. On receipt of a notice under 64435  
section 2930.061 or 5123.541 of the Revised Code, the department 64436  
shall review the notice. 64437

(B) The department shall do both of the following: 64438

(1) Investigate the allegation or adopt the findings of an 64439  
investigation or review of the allegation conducted by another 64440  
person or government entity and determine whether there is a 64441  
reasonable basis for the allegation; 64442

(2) If the department determines that there is a reasonable basis for the allegation, conduct an adjudication pursuant to Chapter 119. of the Revised Code.

(C)(1) The department shall appoint an independent hearing officer to conduct any hearing conducted pursuant to division (B)(2) of this section, except that, if the hearing is regarding an employee of the department who is represented by a union, the department and a representative of the union shall jointly select the hearing officer.

(2)(a) Except as provided in division (C)(2)(b) of this section, no hearing shall be conducted under division (B)(2) of this section until any criminal proceeding or collective bargaining arbitration concerning the same allegation has concluded.

(b) The department may conduct a hearing pursuant to division (B)(2) of this section before a criminal proceeding concerning the same allegation is concluded if both of the following are the case:

(i) The department notifies the prosecutor responsible for the criminal proceeding that the department proposes to conduct a hearing.

(ii) The prosecutor consents to the hearing.

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following:

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following:

(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more;

|                                                                                                                                                                                                                                                                                                                                              |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine; | 64473<br>64474<br>64475<br>64476<br>64477<br>64478 |
| (iii) <u>Misappropriated prescribed medication of an individual with mental retardation or a developmental disability;</u>                                                                                                                                                                                                                   | 64479<br>64480                                     |
| (iv) Knowingly abused such an individual;                                                                                                                                                                                                                                                                                                    | 64481                                              |
| <del>(iv)</del> (v) Recklessly abused or neglected such an individual, with resulting physical harm;                                                                                                                                                                                                                                         | 64482<br>64483                                     |
| <del>(v)</del> (vi) Negligently abused or neglected such an individual, with resulting serious physical harm;                                                                                                                                                                                                                                | 64484<br>64485                                     |
| <del>(vi)</del> (vii) Recklessly neglected such an individual, creating a substantial risk of serious physical harm;                                                                                                                                                                                                                         | 64486<br>64487                                     |
| <del>(vii)</del> (viii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care;                                                             | 64488<br>64489<br>64490<br>64491<br>64492          |
| <del>(viii)</del> (ix) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability;                                  | 64493<br>64494<br>64495<br>64496<br>64497          |
| (x) <u>Been convicted of or entered a plea of guilty to any of the following if the victim of the offense is an individual with mental retardation or a developmental disability: an offense of violence, a violation of a section contained in Chapter 2907. or Chapter 2913. of the Revised Code, or a violation of section</u>            | 64498<br>64499<br>64500<br>64501<br>64502          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <u>2903.16, 2903.34, 2903.341, or 2919.22 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 64503                                                                                                             |
| (b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 64504<br>64505                                                                                                    |
| (c) Give weight to any relevant facts presented at the hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 64506<br>64507                                                                                                    |
| (D)(1) Unless the director of developmental disabilities determines that there are extenuating circumstances and except as provided in division (E) of this section, if the director, after considering all of the factors listed in division (C)(3) of this section, finds that there is clear and convincing evidence that an MR/DD employee has done one or more of the things described in division (C)(3)(a) of this section the director shall include the name of the employee in the registry established under section 5123.52 of the Revised Code.                                                                                                                                                                                                                                                     | 64508<br>64509<br>64510<br>64511<br>64512<br>64513<br>64514<br>64515<br>64516                                     |
| (2) Extenuating circumstances the director must consider include the use of physical force by an MR/DD employee that was necessary as self-defense.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 64517<br>64518<br>64519                                                                                           |
| (3) If the director includes an MR/DD employee in the registry established under section 5123.52 of the Revised Code, the director shall notify the employee, the person or government entity that employs or contracts with the employee, the individual with mental retardation or a developmental disability who was the subject of the report and that individual's legal guardian, if any, the attorney general, and the prosecuting attorney or other law enforcement agency. If the MR/DD employee holds a license, certificate, registration, or other authorization to engage in a profession issued pursuant to Title XLVII of the Revised Code, the director shall notify the appropriate agency, board, department, or other entity responsible for regulating the employee's professional practice. | 64520<br>64521<br>64522<br>64523<br>64524<br>64525<br>64526<br>64527<br>64528<br>64529<br>64530<br>64531<br>64532 |
| (4) If an individual whose name appears on the registry is                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 64533                                                                                                             |

involved in a court proceeding or arbitration arising from the 64534  
same facts as the allegation resulting in the individual's 64535  
placement on the registry, the disposition of the proceeding or 64536  
arbitration shall be noted in the registry next to the 64537  
individual's name. 64538

(E) In the case of an allegation concerning an employee of 64539  
the department, after the hearing conducted pursuant to division 64540  
(B)(2) of this section, the director of health or that director's 64541  
designee shall review the decision of the hearing officer to 64542  
determine whether the standard described in division (C)(3) of 64543  
this section has been met. If the director or designee determines 64544  
that the standard has been met and that no extenuating 64545  
circumstances exist, the director or designee shall notify the 64546  
director of developmental disabilities that the MR/DD employee is 64547  
to be included in the registry established under section 5123.52 64548  
of the Revised Code. If the director of developmental disabilities 64549  
receives such notification, the director shall include the MR/DD 64550  
employee in the registry and shall provide the notification 64551  
described in division (D)(3) of this section. 64552

(F) If the department is required by Chapter 119. of the 64553  
Revised Code to give notice of an opportunity for a hearing and 64554  
the MR/DD employee subject to the notice does not timely request a 64555  
hearing in accordance with section 119.07 or 5123.0414 of the 64556  
Revised Code, the department is not required to hold a hearing. 64557

(G) Files and records of investigations conducted pursuant to 64558  
this section are not public records as defined in section 149.43 64559  
of the Revised Code, but, on request, the department shall provide 64560  
copies of those files and records to the attorney general, a 64561  
prosecuting attorney, or a law enforcement agency. 64562

**Sec. 5123.542.** (A) Each of the following shall annually 64563  
provide a written notice to each of its MR/DD employees explaining 64564

the conduct for which an MR/DD employee may be included in the registry established under section 5123.52 of the Revised Code: 64565  
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(1) The department of developmental disabilities; 64567

(2) Each county board of developmental disabilities; 64568

(3) Each ~~contracting entity~~ provider and subcontractor, as defined in section ~~5126.281~~ 5123.081 of the Revised Code; 64569  
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(4) Each owner, operator, or administrator of a residential facility, as defined in section 5123.19 of the Revised Code; 64571  
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(5) Each owner, operator, or administrator of a program certified by the department to provide supported living. 64573  
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(B) The department of developmental disabilities or a county board of developmental disabilities shall provide the notice required by division (A) of this section to an MR/DD employee who is an independent provider as defined in section 5123.16 of the Revised Code. 64575  
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(C) The notice described in division (A) of this section shall be in a form and provided in a manner prescribed by the department of developmental disabilities. The form shall be the same for all persons and entities required to provide notice under division (A) of this section. 64580  
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(C) The fact that an MR/DD employee does not receive the notice required by this section does not exempt the employee from inclusion in the registry established under section 5123.52 of the Revised Code. 64585  
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**Sec. 5123.61.** (A) As used in this section: 64589

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff. 64590  
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64592

(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.

(B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents.

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that person, shall immediately report or cause reports to be made of such information to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or to the county board of developmental disabilities. If the report concerns a resident of a facility operated by the department of developmental disabilities the report shall be made either to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(2) All of the following persons are required to make a report under division (C)(1) of this section:



(a) Any physician, including a hospital intern or resident, 64624  
any dentist, podiatrist, chiropractor, practitioner of a limited 64625  
branch of medicine as specified in section 4731.15 of the Revised 64626  
Code, hospital administrator or employee of a hospital, nurse 64627  
licensed under Chapter 4723. of the Revised Code, employee of an 64628  
ambulatory health facility as defined in section 5101.61 of the 64629  
Revised Code, employee of a home health agency, employee of ~~an~~ 64630  
~~adult care residential~~ facility licensed under ~~Chapter 3722.~~ 64631  
section 5119.22 of the Revised Code that provides accommodations, 64632  
supervision, and personal care services for three to sixteen 64633  
unrelated adults, or employee of a community mental health 64634  
facility; 64635

(b) Any school teacher or school authority, social worker, 64636  
psychologist, attorney, peace officer, coroner, or residents' 64637  
rights advocate as defined in section 3721.10 of the Revised Code; 64638

(c) A superintendent, board member, or employee of a county 64639  
board of developmental disabilities; an administrator, board 64640  
member, or employee of a residential facility licensed under 64641  
section 5123.19 of the Revised Code; an administrator, board 64642  
member, or employee of any other public or private provider of 64643  
services to a person with mental retardation or a developmental 64644  
disability, or any MR/DD employee, as defined in section 5123.50 64645  
of the Revised Code; 64646

(d) A member of a citizen's advisory council established at 64647  
an institution or branch institution of the department of 64648  
developmental disabilities under section 5123.092 of the Revised 64649  
Code; 64650

(e) A ~~clergyman~~ member of the clergy who is employed in a 64651  
position that includes providing specialized services to an 64652  
individual with mental retardation or another developmental 64653  
disability, while acting in an official or professional capacity 64654  
in that position, or a person who is employed in a position that 64655

includes providing specialized services to an individual with 64656  
mental retardation or another developmental disability and who, 64657  
while acting in an official or professional capacity, renders 64658  
spiritual treatment through prayer in accordance with the tenets 64659  
of an organized religion. 64660

(3)(a) The reporting requirements of this division do not 64661  
apply to members of the legal rights service commission or to 64662  
employees of the legal rights service. 64663

(b) An attorney or physician is not required to make a report 64664  
pursuant to division (C)(1) of this section concerning any 64665  
communication the attorney or physician receives from a client or 64666  
patient in an attorney-client or physician-patient relationship, 64667  
if, in accordance with division (A) or (B) of section 2317.02 of 64668  
the Revised Code, the attorney or physician could not testify with 64669  
respect to that communication in a civil or criminal proceeding, 64670  
except that the client or patient is deemed to have waived any 64671  
testimonial privilege under division (A) or (B) of section 2317.02 64672  
of the Revised Code with respect to that communication and the 64673  
attorney or physician shall make a report pursuant to division 64674  
(C)(1) of this section, if both of the following apply: 64675

(i) The client or patient, at the time of the communication, 64676  
is a person with mental retardation or a developmental disability. 64677

(ii) The attorney or physician knows or suspects, as a result 64678  
of the communication or any observations made during that 64679  
communication, that the client or patient has suffered or faces a 64680  
substantial risk of suffering any wound, injury, disability, or 64681  
condition of a nature that reasonably indicates abuse or neglect 64682  
of the client or patient. 64683

(4) Any person who fails to make a report required under 64684  
division (C) of this section and who is an MR/DD employee, as 64685  
defined in section 5123.50 of the Revised Code, shall be eligible 64686

to be included in the registry regarding misappropriation, abuse, 64687  
neglect, or other specified misconduct by MR/DD employees 64688  
established under section 5123.52 of the Revised Code. 64689

(D) The reports required under division (C) of this section 64690  
shall be made forthwith by telephone or in person and shall be 64691  
followed by a written report. The reports shall contain the 64692  
following: 64693

(1) The names and addresses of the person with mental 64694  
retardation or a developmental disability and the person's 64695  
custodian, if known; 64696

(2) The age of the person with mental retardation or a 64697  
developmental disability; 64698

(3) Any other information that would assist in the 64699  
investigation of the report. 64700

(E) When a physician performing services as a member of the 64701  
staff of a hospital or similar institution has reason to believe 64702  
that a person with mental retardation or a developmental 64703  
disability has suffered injury, abuse, or physical neglect, the 64704  
physician shall notify the person in charge of the institution or 64705  
that person's designated delegate, who shall make the necessary 64706  
reports. 64707

(F) Any person having reasonable cause to believe that a 64708  
person with mental retardation or a developmental disability has 64709  
suffered or faces a substantial risk of suffering abuse or neglect 64710  
may report or cause a report to be made of that belief to the 64711  
entity specified in this division. Except as provided in section 64712  
5120.173 of the Revised Code or as otherwise provided in this 64713  
division, the person making the report shall make it to a law 64714  
enforcement agency or the county board of developmental 64715  
disabilities. If the person is a resident of a facility operated 64716  
by the department of developmental disabilities, the report shall 64717

be made to a law enforcement agency or to the department. If the 64718  
report concerns any act or omission of an employee of a county 64719  
board of developmental disabilities, the report immediately shall 64720  
be made to the department and to the county board. 64721

(G)(1) Upon the receipt of a report concerning the possible 64722  
abuse or neglect of a person with mental retardation or a 64723  
developmental disability, the law enforcement agency shall inform 64724  
the county board of developmental disabilities or, if the person 64725  
is a resident of a facility operated by the department of 64726  
developmental disabilities, the director of the department or the 64727  
director's designee. 64728

(2) On receipt of a report under this section that includes 64729  
an allegation of action or inaction that may constitute a crime 64730  
under federal law or the law of this state, the department of 64731  
developmental disabilities shall notify the law enforcement 64732  
agency. 64733

(3) When a county board of developmental disabilities 64734  
receives a report under this section that includes an allegation 64735  
of action or inaction that may constitute a crime under federal 64736  
law or the law of this state, the superintendent of the board or 64737  
an individual the superintendent designates under division (H) of 64738  
this section shall notify the law enforcement agency. The 64739  
superintendent or individual shall notify the department of 64740  
developmental disabilities when it receives any report under this 64741  
section. 64742

(4) When a county board of developmental disabilities 64743  
receives a report under this section and believes that the degree 64744  
of risk to the person is such that the report is an emergency, the 64745  
superintendent of the board or an employee of the board the 64746  
superintendent designates shall attempt a face-to-face contact 64747  
with the person with mental retardation or a developmental 64748  
disability who allegedly is the victim within one hour of the 64749

board's receipt of the report. 64750

(H) The superintendent of the board may designate an 64751  
individual to be responsible for notifying the law enforcement 64752  
agency and the department when the county board receives a report 64753  
under this section. 64754

(I) An adult with mental retardation or a developmental 64755  
disability about whom a report is made may be removed from the 64756  
adult's place of residence only by law enforcement officers who 64757  
consider that the adult's immediate removal is essential to 64758  
protect the adult from further injury or abuse or in accordance 64759  
with the order of a court made pursuant to section 5126.33 of the 64760  
Revised Code. 64761

(J) A law enforcement agency shall investigate each report of 64762  
abuse or neglect it receives under this section. In addition, the 64763  
department, in cooperation with law enforcement officials, shall 64764  
investigate each report regarding a resident of a facility 64765  
operated by the department to determine the circumstances 64766  
surrounding the injury, the cause of the injury, and the person 64767  
responsible. The investigation shall be in accordance with the 64768  
memorandum of understanding prepared under section 5126.058 of the 64769  
Revised Code. The department shall determine, with the registry 64770  
office which shall be maintained by the department, whether prior 64771  
reports have been made concerning an adult with mental retardation 64772  
or a developmental disability or other principals in the case. If 64773  
the department finds that the report involves action or inaction 64774  
that may constitute a crime under federal law or the law of this 64775  
state, it shall submit a report of its investigation, in writing, 64776  
to the law enforcement agency. If the person with mental 64777  
retardation or a developmental disability is an adult, with the 64778  
consent of the adult, the department shall provide such protective 64779  
services as are necessary to protect the adult. The law 64780  
enforcement agency shall make a written report of its findings to 64781

the department. 64782

If the person is an adult and is not a resident of a facility 64783  
operated by the department, the county board of developmental 64784  
disabilities shall review the report of abuse or neglect in 64785  
accordance with sections 5126.30 to 5126.33 of the Revised Code 64786  
and the law enforcement agency shall make the written report of 64787  
its findings to the county board. 64788

(K) Any person or any hospital, institution, school, health 64789  
department, or agency participating in the making of reports 64790  
pursuant to this section, any person participating as a witness in 64791  
an administrative or judicial proceeding resulting from the 64792  
reports, or any person or governmental entity that discharges 64793  
responsibilities under sections 5126.31 to 5126.33 of the Revised 64794  
Code shall be immune from any civil or criminal liability that 64795  
might otherwise be incurred or imposed as a result of such actions 64796  
except liability for perjury, unless the person or governmental 64797  
entity has acted in bad faith or with malicious purpose. 64798

(L) No employer or any person with the authority to do so 64799  
shall discharge, demote, transfer, prepare a negative work 64800  
performance evaluation, reduce pay or benefits, terminate work 64801  
privileges, or take any other action detrimental to an employee or 64802  
retaliate against an employee as a result of the employee's having 64803  
made a report under this section. This division does not preclude 64804  
an employer or person with authority from taking action with 64805  
regard to an employee who has made a report under this section if 64806  
there is another reasonable basis for the action. 64807

(M) Reports made under this section are not public records as 64808  
defined in section 149.43 of the Revised Code. Information 64809  
contained in the reports on request shall be made available to the 64810  
person who is the subject of the report, to the person's legal 64811  
counsel, and to agencies authorized to receive information in the 64812  
report by the department or by a county board of developmental 64813

disabilities. 64814

(N) Notwithstanding section 4731.22 of the Revised Code, the 64815  
physician-patient privilege shall not be a ground for excluding 64816  
evidence regarding the injuries or physical neglect of a person 64817  
with mental retardation or a developmental disability or the cause 64818  
thereof in any judicial proceeding resulting from a report 64819  
submitted pursuant to this section. 64820

**Sec. 5123.89.** (A) All certificates, applications, records, 64821  
and reports made for the purpose of this chapter, other than court 64822  
journal entries or court docket entries, which directly or 64823  
indirectly identify a resident or former resident of an 64824  
institution for the mentally retarded or person whose 64825  
institutionalization has been sought under this chapter shall be 64826  
kept confidential and shall not be disclosed by any person except 64827  
in the following situations: 64828

(1) It is the judgment of the court for judicial records, and 64829  
the managing officer for institution records, that disclosure is 64830  
in the best interest of the person identified, and that person or 64831  
that person's guardian or, if that person is a minor, that 64832  
person's parent or guardian consents. 64833

(2) Disclosure is provided for in other sections of this 64834  
chapter. 64835

(3) It is the judgment of the managing officer for 64836  
institution records that disclosure to a mental health facility is 64837  
in the best interest of the person identified. 64838

(4) Disclosure is of a record deposited with the Ohio 64839  
historical society pursuant to division (C) of section 5123.31 of 64840  
the Revised Code and the disclosure is made to the closest living 64841  
relative of the person identified, on the relative's request. 64842

(B) The department of developmental disabilities shall adopt 64843

rules with respect to the systematic and periodic destruction of residents' records. 64844  
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(C)(1) As used in this division, "family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin. 64846  
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(2) Upon the death of a resident or former resident of an institution for the mentally retarded or a person whose institutionalization was sought under this chapter, the managing officer of an institution shall provide access to the certificates, applications, records, and reports made for the purposes of this chapter to the resident's, former resident's, or person's guardian if the guardian makes a written request. If a deceased resident, former resident, or person whose institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request. 64849  
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(D) No person shall reveal the contents of a record of a resident except as authorized by this chapter. 64862  
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**Sec. 5126.023.** ~~(A)~~ None of the following individuals may serve as a member of a county board of developmental disabilities: 64864  
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~~(1)~~(A) An elected public official, except for a township trustee, township fiscal officer, or individual excluded from the definition of public official or employee in division (B) of section 102.01 of the Revised Code; 64866  
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~~(2)~~(B) An immediate family member of ~~another~~ a member of the same county board ~~member~~; 64870  
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~~(3)~~ ~~A county board~~ (C) An employee ~~or of any county board~~; 64872

(D) An immediate family member of ~~a county board~~ an employee 64873



of the same county board; 64874

~~(4)(E)~~ A former employee of ~~the~~ a county board whose 64875  
employment ~~with the county board~~ ceased less than ~~one~~ four 64876  
calendar ~~year~~ years before the former employee would begin to 64877  
serve as a member of the same county board; 64878

~~(5)(F)~~ A former employee of a county board whose employment 64879  
ceased less than two years before the former employee would begin 64880  
to serve as a member of a different county board; 64881

(G) An individual who or whose immediate family member is a 64882  
board member ~~or an employee~~ of an agency licensed or certified by 64883  
the department of developmental disabilities to provide services 64884  
to individuals with mental retardation or developmental 64885  
disabilities or an individual who or whose immediate family member 64886  
is an employee of such an agency; 64887

~~(6)~~ ~~An individual who or whose immediate family member is a~~ 64888  
~~board member or employee of an agency contracting with the county~~ 64889  
~~board that is not licensed or certified by the department of~~ 64890  
~~developmental disabilities to provide services to individuals with~~ 64891  
~~mental retardation or developmental disabilities unless there is~~ 64892  
~~no conflict of interest;~~ 64893

~~(7)(H)~~ An individual with an immediate family member who 64894  
serves as a county commissioner of a county served by the county 64895  
board unless the individual was a member of the county board 64896  
before October 31, 1980. 64897

~~(B)~~ ~~All questions relating to the existence of a conflict of~~ 64898  
~~interest for the purpose of division (A)(6) of this section shall~~ 64899  
~~be submitted to the local prosecuting attorney for resolution. The~~ 64900  
~~Ohio ethics commission may examine any issues arising under~~ 64901  
~~Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the~~ 64902  
~~Revised Code.~~ 64903

Sec. 5126.0220. (A) The superintendent of the county board of developmental disabilities shall do all of the following: 64904  
64905

~~(A)~~(1) Administer the work of the board, subject to the board's rules; 64906  
64907

~~(B)~~(2) Recommend to the board the changes necessary to increase the effectiveness of the programs and services offered pursuant to Chapters 3323. and 5126. of the Revised Code; 64908  
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~~(C)~~(3) Employ persons for all positions authorized by the board, approve contracts of employment for management employees that are for a term of one year or less, and approve personnel actions that involve employees in the classified civil service as may be necessary for the work of the board; 64911  
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~~(D)~~(4) Approve compensation for employees within the limits set by the salary schedule and budget set by the board ~~and in accordance with section 5126.26 of the Revised Code~~, and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties; 64916  
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~~(E)~~(5) Provide consultation to public agencies as defined in division (C) of section 102.01 of the Revised Code, including other county boards of developmental disabilities, and to individuals, agencies, or organizations providing services supported by the board. 64922  
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(B) The superintendent may authorize the payment of board obligations by the county auditor. 64927  
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Sec. 5126.0221. (A) As used in this section, "specialized services" has the same meaning as in section ~~5126.281~~ 5123.081 of the Revised Code. 64929  
64930  
64931

(B) Except as provided in division (C) of section 5126.033 of 64932

the Revised Code, none of the following individuals may be employed by a county board of developmental disabilities:

(1) An employee of an agency contracting with the county board;

(2) An immediate family member of an employee of an agency contracting with the county board unless the county board adopts a resolution authorizing the immediate family member's employment with the county board or the employment is consistent with a policy adopted by the board establishing parameters for such employment and the policy is consistent with Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the Revised Code;

(3) An individual with an immediate family member who serves as a county commissioner of any of the counties served by the county board unless the individual was an employee of the county board before October 31, 1980;

(4) An individual who is employed by, has an ownership interest in, performs or provides administrative duties for, or is a member of the governing board of an entity that provides specialized services, regardless of whether the entity contracts with the county board to provide specialized services.

~~Sec. 5126.043. When an individual with mental retardation or other developmental disability is required within this chapter to consent, refuse to give consent, or withdraw consent for services and the individual has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code, the guardian for the individual appointed under that chapter and functioning in accordance with the appointment shall be responsible for giving, refusing to give, or withdrawing the consent for services.~~

Individuals (A) Unless a guardian has been appointed for the individual, when a decision regarding receipt of a service or

participation in a program provided for or funded under this 64963  
chapter or Chapter 5123. of the Revised Code by an individual with 64964  
mental retardation or other developmental disability must be made, 64965  
the individual shall be permitted to make the decision. The 64966  
individual may obtain support and guidance from an adult family 64967  
member or other person, but doing so does not affect the right of 64968  
the individual to make the decision. 64969

(B) An individual with mental retardation or other 64970  
developmental disability may authorize an adult to make a decision 64971  
described in division (A) of this section on the individual's 64972  
behalf, as long as the adult does not have a financial interest in 64973  
the decision. The authorization shall be made in writing. 64974

(C) If a guardian has been appointed for an individual with 64975  
mental retardation or other developmental disability, the guardian 64976  
shall make any decision described in division (A) of this section 64977  
on behalf of the individual. This section does not require 64978  
appointment of a guardian. 64979

(D) Individuals with mental retardation and other 64980  
developmental disabilities, including those who have been 64981  
adjudicated incompetent pursuant to Chapter 2111. of the Revised 64982  
Code, have the right to participate in decisions that affect their 64983  
lives and to have their needs, desires, and preferences 64984  
considered. An adult or guardian who makes a decision pursuant to 64985  
division (B) or (C) of this section shall make a decision that is 64986  
in the best interests of the individual on whose behalf the 64987  
decision is made and that is consistent with the needs, desires, 64988  
and preferences of that individual. 64989

**Sec. 5126.046.** ~~(A) Each county board of developmental~~ 64990  
~~disabilities that has medicaid local administrative authority~~ 64991  
~~under division (A) of section 5126.055 of the Revised Code for~~ 64992  
~~habilitation, vocational, or community employment services~~ 64993

~~provided as part of home and community based services shall create 64994  
a list of all persons and government entities eligible to provide 64995  
such habilitation, vocational, or community employment services. 64996  
If the county board chooses and is eligible to provide such 64997  
habilitation, vocational, or community employment services, the 64998  
county board shall include itself on the list. The county board 64999  
shall make the list available to each individual with mental 65000  
retardation or other developmental disability who resides in the 65001  
county and is eligible for such habilitation, vocational, or 65002  
community employment services. The county board shall also make 65003  
the list available to such individuals' families. 65004~~

~~An Except as otherwise provided by 42 C.F.R. 431.51, an 65005  
individual with mental retardation or other developmental 65006  
disability who is eligible for habilitation, vocational, or 65007  
community employment home and community-based services may choose 65008  
the has the right to obtain the services from any provider of the 65009  
services. 65010~~

~~(B) Each month, the department of developmental disabilities 65011  
shall create a list of all persons and government entities 65012  
eligible to provide residential services and supported living. The 65013  
department shall include on the list all residential facilities 65014  
licensed under section 5123.19 of the Revised Code and all 65015  
supported living providers certified under section 5123.161 of the 65016  
Revised Code. The department shall distribute the monthly lists to 65017  
county boards that have local administrative authority under 65018  
division (A) of section 5126.055 of the Revised Code for 65019  
residential services and supported living provided as part of home 65020  
and community based services. A county board that receives a list 65021  
shall make it available to each individual with mental retardation 65022  
or other developmental disability who resides in the county and is 65023  
eligible for such residential services or supported living. The 65024  
county board shall also make the list available to the families of 65025~~

~~those individuals~~ that is qualified to furnish the services and is 65026  
willing to furnish the services to the individual. A county board 65027  
of developmental disabilities that has medicaid local 65028  
administrative authority under division (A) of section 5126.055 of 65029  
the Revised Code for home and community-based services and refuses 65030  
to permit an individual to obtain home and community-based 65031  
services from a qualified and willing provider shall provide the 65032  
individual timely notice that the individual may request a hearing 65033  
under section 5101.35 of the Revised Code. 65034

(B) An individual with mental retardation or other 65035  
developmental disability who is eligible for nonmedicaid 65036  
residential services or nonmedicaid supported living ~~may choose~~ 65037  
~~the~~ has the right to obtain the services from any provider of the 65038  
residential services or supported living that is qualified to 65039  
furnish the residential services or supported living and is 65040  
willing to furnish the residential services or supported living to 65041  
the individual. 65042

(C) ~~If a county board that has medicaid local administrative~~ 65043  
~~authority under division (A) of section 5126.055 of the Revised~~ 65044  
~~Code for home and community based services violates the right~~ 65045  
~~established by this section of an individual to choose a provider~~ 65046  
~~that is qualified and willing to provide services to the~~ 65047  
~~individual, the individual shall receive timely notice that the~~ 65048  
~~individual may request a hearing under section 5101.35 of the~~ 65049  
~~Revised Code.~~ 65050

(D) ~~The departments~~ director of developmental disabilities 65051  
~~and job and family services~~ shall adopt rules in accordance with 65052  
Chapter 119. of the Revised Code governing the implementation of 65053  
this section. The rules shall include procedures for individuals 65054  
to choose their ~~service~~ providers. The rules shall not be limited 65055  
by a provider selection system established under section 5126.42 65056  
of the Revised Code, including any pool of providers created 65057

pursuant to a provider selection system. 65058

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 65059  
the Revised Code, a county board of developmental disabilities has 65060  
medicaid local administrative authority to, and shall, do all of 65061  
the following for an individual with mental retardation or other 65062  
developmental disability who resides in the county that the county 65063  
board serves and seeks or receives home and community-based 65064  
services: 65065

(1) Perform assessments and evaluations of the individual. As 65066  
part of the assessment and evaluation process, the county board 65067  
shall do all of the following: 65068

(a) Make a recommendation to the department of developmental 65069  
disabilities on whether the department should approve or deny the 65070  
individual's application for the services, including on the basis 65071  
of whether the individual needs the level of care an intermediate 65072  
care facility for the mentally retarded provides; 65073

(b) If the individual's application is denied because of the 65074  
county board's recommendation and the individual requests a 65075  
hearing under section 5101.35 of the Revised Code, present, with 65076  
the department of developmental disabilities or department of job 65077  
and family services, whichever denies the application, the reasons 65078  
for the recommendation and denial at the hearing; 65079

(c) If the individual's application is approved, recommend to 65080  
the departments of developmental disabilities and job and family 65081  
services the services that should be included in the individual's 65082  
individualized service plan and, if either department approves, 65083  
reduces, denies, or terminates a service included in the 65084  
individual's individualized service plan under section 5111.871 of 65085  
the Revised Code because of the county board's recommendation, 65086  
present, with the department that made the approval, reduction, 65087  
denial, or termination, the reasons for the recommendation and 65088

approval, reduction, denial, or termination at a hearing under 65089  
section 5101.35 of the Revised Code. 65090

(2) ~~In accordance with the rules adopted under section~~ 65091  
~~5126.046 of the Revised Code, perform the county board's~~ Perform 65092  
any duties assigned to the county board in rules adopted under 65093  
~~that~~ section 5126.046 of the Revised Code regarding ~~assisting~~ the 65094  
individual's right to choose a qualified and willing provider of 65095  
the services and, at a hearing under section 5101.35 of the 65096  
Revised Code, present evidence of the process for appropriate 65097  
assistance in choosing providers; 65098

(3) If the county board is certified under section 5123.161 65099  
of the Revised Code to provide the services and agrees to provide 65100  
the services to the individual and the individual chooses the 65101  
county board to provide the services, furnish, in accordance with 65102  
the county board's medicaid provider agreement and for the 65103  
authorized reimbursement rate, the services the individual 65104  
requires; 65105

(4) Monitor the services provided to the individual and 65106  
ensure the individual's health, safety, and welfare. The 65107  
monitoring shall include quality assurance activities. If the 65108  
county board provides the services, the department of 65109  
developmental disabilities shall also monitor the services. 65110

(5) Develop, with the individual and the provider of the 65111  
individual's services, an effective individualized service plan 65112  
that includes coordination of services, recommend that the 65113  
departments of developmental disabilities and job and family 65114  
services approve the plan, and implement the plan unless either 65115  
department disapproves it. The individualized service plan shall 65116  
include a summary page, agreed to by the county board, provider, 65117  
and individual receiving services, that clearly outlines the 65118  
amount, duration, and scope of services to be provided under the 65119  
plan. 65120



(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual; 65121  
65122

(7) Have a service and support administrator perform the duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual. 65123  
65124  
65125

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following: 65126  
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(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code; 65129  
65130  
65131

(2) All applicable federal and state laws; 65132

(3) All applicable policies of the departments of developmental disabilities and job and family services and the United States department of health and human services; 65133  
65134  
65135

(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency; 65136  
65137  
65138

(5) The department of developmental disabilities' oversight. 65139

(C) The departments of developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish. 65140  
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(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of job and family services determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that

makes the determination shall require that county board do the 65183  
following: 65184

(1) If the deficiency affects the health, safety, or welfare 65185  
of an individual with mental retardation or other developmental 65186  
disability, correct the deficiency within twenty-four hours; 65187

(2) If the deficiency does not affect the health, safety, or 65188  
welfare of an individual with mental retardation or other 65189  
developmental disability, receive technical assistance from the 65190  
department or submit a plan of correction to the department that 65191  
is acceptable to the department within sixty days and correct the 65192  
deficiency within the time required by the plan of correction. 65193

**Sec. 5126.13.** (A) A county board of developmental 65194  
disabilities may enter into an agreement with one or more other 65195  
county boards of developmental disabilities to establish a 65196  
regional council in accordance with Chapter 167. of the Revised 65197  
Code. The agreement shall specify the duties and functions to be 65198  
performed by the council, which may include any duty or function a 65199  
county board is required or authorized to perform under this 65200  
chapter. ~~If directed to do so by a resolution adopted by a county 65201  
board that is a member of a regional council, the department of 65202  
developmental disabilities shall make any distributions of money 65203  
for that county for the duties or functions performed by the 65204  
council pursuant to its agreement that are otherwise required to 65205  
be made to the county board under this chapter to the fiscal 65206  
officer of the council designated under section 167.04 of the 65207  
Revised Code.~~ 65208

A county board may also enter into an agreement with one or 65209  
more school districts or other political subdivisions to establish 65210  
a regional council in accordance with Chapter 167. of the Revised 65211  
Code. 65212

(B) On or before the thirtieth day of March, the fiscal 65213

officer of a regional council described in this section shall 65214  
report to the department of developmental disabilities, in the 65215  
format specified by the department, all income and operating 65216  
expenditures of the council for the immediately preceding calendar 65217  
year. 65218

**Sec. 5126.15.** (A) A county board of developmental 65219  
disabilities shall provide service and support administration to 65220  
each individual three years of age or older who is eligible for 65221  
service and support administration if the individual requests, or 65222  
a person on the individual's behalf requests, service and support 65223  
administration. A board shall provide service and support 65224  
administration to each individual receiving home and 65225  
community-based services. A board may provide, in accordance with 65226  
the service coordination requirements of 34 C.F.R. 303.23, service 65227  
and support administration to an individual under three years of 65228  
age eligible for early intervention services under 34 C.F.R. part 65229  
303. A board may provide service and support administration to an 65230  
individual who is not eligible for other services of the board. 65231  
Service and support administration shall be provided in accordance 65232  
with rules adopted under section 5126.08 of the Revised Code. 65233

A board may provide service and support administration by 65234  
directly employing service and support administrators or by 65235  
contracting with entities for the performance of service and 65236  
support administration. Individuals employed or under contract as 65237  
service and support administrators shall not be in the same 65238  
collective bargaining unit as employees who perform duties that 65239  
are not administrative. 65240

Individuals employed by a board as service and support 65241  
administrators shall not be assigned responsibilities for 65242  
implementing other services for individuals and shall not be 65243  
employed by or serve in a decision-making or policy-making 65244

capacity for any other entity that provides programs or services 65245  
to individuals with mental retardation or developmental 65246  
disabilities. An individual employed as a conditional status 65247  
service and support administrator shall perform the duties of 65248  
service and support administration only under the supervision of a 65249  
management employee who is a service and support administration 65250  
supervisor. 65251

(B) The individuals employed by or under contract with a 65252  
board to provide service and support administration shall do all 65253  
of the following: 65254

(1) Establish an individual's eligibility for the services of 65255  
the county board of developmental disabilities; 65256

(2) Assess individual needs for services; 65257

(3) Develop individual service plans with the active 65258  
participation of the individual to be served, other persons 65259  
selected by the individual, and, when applicable, the provider 65260  
selected by the individual, and recommend the plans for approval 65261  
by the department of developmental disabilities when services 65262  
included in the plans are funded through medicaid; 65263

(4) Establish budgets for services based on the individual's 65264  
assessed needs and preferred ways of meeting those needs; 65265

(5) Assist individuals in making selections from among the 65266  
providers they have chosen; 65267

(6) Ensure that services are effectively coordinated and 65268  
provided by appropriate providers; 65269

(7) Establish and implement an ongoing system of monitoring 65270  
the implementation of individual service plans to achieve 65271  
consistent implementation and the desired outcomes for the 65272  
individual; 65273

(8) Perform quality assurance reviews as a distinct function 65274

of service and support administration; 65275

(9) Incorporate the results of quality assurance reviews and 65276  
identified trends and patterns of unusual incidents and major 65277  
unusual incidents into amendments of an individual's service plan 65278  
for the purpose of improving and enhancing the quality and 65279  
appropriateness of services rendered to the individual. 65280

~~(10) Ensure that each individual receiving services has a 65281  
designated person who is responsible on a continuing basis for 65282  
providing the individual with representation, advocacy, advice, 65283  
and assistance related to the day to day coordination of services 65284  
in accordance with the individual's service plan. The service and 65285  
support administrator shall give the individual receiving services 65286  
an opportunity to designate the person to provide daily 65287  
representation. If the individual declines to make a designation, 65288  
the administrator shall make the designation. In either case, the 65289  
individual receiving services may change at any time the person 65290  
designated to provide daily representation. 65291~~

**Sec. 5126.20.** As used in this section and sections 5126.21 to 65292  
~~5126.29~~ 5126.25 of the Revised Code: 65293

(A) "Service employee" means a person employed by a county 65294  
board of developmental disabilities in a position which may 65295  
require ~~evidence of~~ registration under section 5126.25 of the 65296  
Revised Code but for which a bachelor's degree from an accredited 65297  
college or university is not required, and includes employees in 65298  
the positions listed in division (C) of section 5126.22 of the 65299  
Revised Code. 65300

(B)(1) "Professional employee" means both of the following: 65301

(a) A person employed by a board in a position for which 65302  
either a bachelor's degree from an accredited college or 65303  
university or a license or certificate issued under Title XLVII of 65304

the Revised Code is a minimum requirement; 65305

(b) A person employed by a board as a conditional status 65306  
service and support administrator. 65307

(2) "Professional employee" includes employees in the 65308  
positions listed in division (B) of section 5126.22 of the Revised 65309  
Code. 65310

(C) "Management employee" means a person employed by a board 65311  
in a position having supervisory or managerial responsibilities 65312  
and duties, and includes employees in the positions listed in 65313  
division (A) of section 5126.22 of the Revised Code. 65314

(D) "Limited contract" means a contract of limited duration 65315  
which is renewable at the discretion of the superintendent. 65316

(E) ~~"Continuing contract" means a contract of employment that 65317  
was issued prior to June 24, 1988, to a classified employee under 65318  
which the employee has completed the employee's probationary 65319  
period and under which the employee retains employment until the 65320  
employee retires or resigns, is removed pursuant to section 65321  
5126.23 of the Revised Code, or is laid off. 65322~~

~~(F)~~ "Supervisory responsibilities and duties" includes the 65323  
authority to hire, transfer, suspend, lay off, recall, promote, 65324  
discharge, assign, reward, or discipline other employees of the 65325  
board; to responsibly direct them; to adjust their grievances; or 65326  
to effectively recommend such action, if the exercise of that 65327  
authority is not of a merely routine or clerical nature but 65328  
requires the use of independent judgment. 65329

~~(G)~~(F) "Managerial responsibilities and duties" includes 65330  
formulating policy on behalf of the board, responsibly directing 65331  
the implementation of policy, assisting in the preparation for the 65332  
conduct of collective negotiations, administering collectively 65333  
negotiated agreements, or having a major role in personnel 65334  
administration. 65335

~~(H)~~(G) "Investigative agent" means an individual who conducts investigations under section 5126.313 of the Revised Code.

**Sec. 5126.21.** As used in this section, "management employee" does not include the superintendent of a county board of developmental disabilities.

(A)(1) Each management employee of a county board of developmental disabilities shall hold a limited contract for a period of not less than one year and not more than five years, except that a management employee hired after the beginning of a program year may be employed under a limited contract expiring at the end of the program year. The board shall approve all contracts of employment for management employees that are for a term of more than one year. A management employee shall receive notice of the superintendent's intention not to rehire the employee at least ninety days prior to the expiration of the contract. ~~If the superintendent fails to notify a management employee, the employee shall be reemployed under a limited contract of one year at the same salary plus any authorized salary increases.~~

(2) During the term of a contract a management employee's salary may be increased, but shall not be reduced unless the reduction is part of a uniform plan affecting all employees of the board.

(B) All management employees may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code.

(C) All management employees shall receive employee benefits ~~that shall include sick leave, vacation leave, holiday pay, and such other benefits~~ as are established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.

(D) The superintendent of a county board of developmental



disabilities shall notify all management employees of the board of 65366  
their salary no later than thirty days before the first day of the 65367  
new contract year. 65368

~~(E) All management employees of a county board of 65369  
developmental disabilities who were given continuing contract 65370  
status prior to the effective date of this section have continuing 65371  
contract status so long as they maintain employment with the 65372  
board. 65373~~

~~(F) All management employees who were probationary employees 65374  
on the effective date of this section shall, upon completion of 65375  
their probationary period, be granted continuing contract status 65376  
if retained in employment. 65377~~

~~(G) Each county board of developmental disabilities shall 65378  
establish a lay-off policy to be followed if it determines a 65379  
reduction in the number of management employees is necessary. 65380~~

**Sec. 5126.22.** (A) Employees who hold the following positions 65381  
in a county board of developmental disabilities are management 65382  
employees: 65383

assistant superintendent 65384

director of business 65385

director of personnel 65386

adult services director 65387

workshop director 65388

habilitation manager 65389

director of residential services 65390

principal (director of children services) 65391

program or service supervisor 65392

plant manager 65393

|                                                                                                                                          |                         |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| production manager                                                                                                                       | 65394                   |
| service and support administration supervisor                                                                                            | 65395                   |
| investigative agent                                                                                                                      | 65396                   |
| confidential employees as defined in section 4117.01 of the<br>Revised Code                                                              | 65397<br>65398          |
| positions designated by the director of developmental<br>disabilities as having managerial or supervisory responsibilities<br>and duties | 65399<br>65400<br>65401 |
| positions designated by the county board in accordance with<br>division (D) of this section.                                             | 65402<br>65403          |
| (B) Employees who hold the following positions in a board are<br>professional employees:                                                 | 65404<br>65405          |
| personnel <u>licensed or</u> certified pursuant to Chapter 3319. of<br>the Revised Code                                                  | 65406<br>65407          |
| early intervention specialist                                                                                                            | 65408                   |
| physical development specialist                                                                                                          | 65409                   |
| habilitation specialist                                                                                                                  | 65410                   |
| work adjustment specialist                                                                                                               | 65411                   |
| placement specialist                                                                                                                     | 65412                   |
| vocational evaluator                                                                                                                     | 65413                   |
| psychologist                                                                                                                             | 65414                   |
| occupational therapist                                                                                                                   | 65415                   |
| speech and language pathologist                                                                                                          | 65416                   |
| recreation specialist                                                                                                                    | 65417                   |
| behavior management specialist                                                                                                           | 65418                   |
| physical therapist                                                                                                                       | 65419                   |
| supportive home services specialist                                                                                                      | 65420                   |

|                                                                                                                                                                                                                                        |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| licensed practical nurse or registered nurse                                                                                                                                                                                           | 65421                            |
| rehabilitation counselor                                                                                                                                                                                                               | 65422                            |
| doctor of medicine and surgery or of osteopathic medicine and surgery                                                                                                                                                                  | 65423<br>65424                   |
| dentist                                                                                                                                                                                                                                | 65425                            |
| service and support administrator                                                                                                                                                                                                      | 65426                            |
| conditional status service and support administrator                                                                                                                                                                                   | 65427                            |
| social worker                                                                                                                                                                                                                          | 65428                            |
| any position that is not a management position and for which the standards for certification established by the director of developmental disabilities under section 5126.25 of the Revised Code require a bachelor's or higher degree | 65429<br>65430<br>65431<br>65432 |
| professional positions designated by the director                                                                                                                                                                                      | 65433                            |
| professional positions designated by the county board in accordance with division (D) of this section.                                                                                                                                 | 65434<br>65435                   |
| (C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:                                                                | 65436<br>65437<br>65438          |
| workshop specialist                                                                                                                                                                                                                    | 65439                            |
| workshop specialist assistant                                                                                                                                                                                                          | 65440                            |
| contract procurement specialist                                                                                                                                                                                                        | 65441                            |
| community employment specialist                                                                                                                                                                                                        | 65442                            |
| any assistant to a professional employee certified to provide, or supervise the provision of, adult services or service and support administration                                                                                     | 65443<br>65444<br>65445          |
| service positions designated by the director                                                                                                                                                                                           | 65446                            |
| service positions designated by a county board in accordance with division (D) of this section.                                                                                                                                        | 65447<br>65448                   |

(D) A county board may designate a position only if the 65449  
position does not include directly providing, or supervising 65450  
employees who directly provide, service or instruction to 65451  
individuals with mental retardation or developmental disabilities. 65452

(E) If a county board desires to have a position established 65453  
that is not specifically listed in this section that includes 65454  
directly providing, or supervising employees who directly provide, 65455  
services or instruction to individuals with mental retardation or 65456  
developmental disabilities, the board shall submit to the director 65457  
a written description of the position and request that the 65458  
director designate the position as a management, professional, or 65459  
service position under this section. The director shall consider 65460  
each request submitted under this division and respond within 65461  
thirty days. If the director approves the request, the director 65462  
shall designate the position as a management, professional, or 65463  
service position. 65464

(F) A county board shall not terminate its employment of any 65465  
management, professional, or service employee solely because a 65466  
position is added to or eliminated from those positions listed in 65467  
this section or because a position is designated or no longer 65468  
designated by the director or a county board. 65469

**Sec. 5126.25.** (A) The director of developmental disabilities 65470  
shall adopt rules ~~in accordance with Chapter 119. of the Revised~~ 65471  
~~Code under division (C) of this section~~ establishing uniform 65472  
standards and procedures for the certification and registration of 65473  
persons ~~for employment by county boards of developmental~~ 65474  
~~disabilities as superintendents, management employees, and~~ 65475  
~~professional employees and uniform standards and procedures for~~ 65476  
~~the registration of persons for employment by county boards as~~ 65477  
~~registered service employees. As part of the rules, the director~~ 65478  
~~may establish continuing education and professional training~~ 65479

~~requirements for renewal of certificates and evidence of 65480  
registration and shall establish such requirements for renewal of 65481  
an investigative agent certificate. In the rules, the director 65482  
shall establish certification standards for employment in the 65483  
position of investigative agent that require an individual to have 65484  
or obtain no less than an associate degree from an accredited 65485  
college or university or have or obtain comparable experience or 65486  
training. The director shall not adopt rules that require any 65487  
service employee to have or obtain a bachelor's or higher degree. 65488~~

~~The director shall adopt the rules in a manner that provides 65489  
for the issuance of certificates and evidence of registration 65490  
according to categories, levels, and grades. The rules shall 65491  
describe each category, level, and grade. 65492~~

~~The rules adopted under this division shall apply to persons 65493  
employed or seeking employment in a position that includes 65494  
directly providing, or supervising persons who directly provide, 65495  
services or instruction to or on behalf of individuals with mental 65496  
retardation or developmental disabilities, except that the rules 65497  
shall not apply to persons who hold a valid license issued under 65498  
Chapter 3319. of the Revised Code and perform no duties other than 65499  
teaching or supervision of a teaching program or persons who hold 65500  
a valid license or certificate issued under Title XLVII of the 65501  
Revised Code and perform only those duties governed by the license 65502  
or certificate. The rules shall specify the positions that require 65503  
certification or registration. The rules shall specify that the 65504  
position of investigative agent requires certification, other than 65505  
the persons described in division (I) of this section, who are 65506  
seeking employment with or are employed by either of the 65507  
following: 65508~~

~~(1) A county board of developmental disabilities; 65509~~

~~(2) An entity that contracts with a county board to operate 65510  
programs and services for individuals with mental retardation or 65511~~

developmental disabilities. 65512

(B) No person shall be employed in a position for which certification or registration is required pursuant to the rules adopted under this section without the certification or registration that is required for that position. The person shall not be employed or shall not continue to be employed if the required certification or registration is denied, revoked, or not renewed. 65513  
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~~(B)~~(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code ~~establishing standards for approval of courses of study to prepare persons to meet certification requirements. The director shall approve courses of study meeting the standards and provide for the inspection of the courses to ensure the maintenance of satisfactory training procedures. The director shall approve courses of study only if given by a state university or college as defined in section 3345.32 of the Revised Code, a state university or college of another state, or an institution that has received a certificate of authorization to confer degrees from the board of regents pursuant to Chapter 1713. of the Revised Code or from a comparable agency of another state as the director considers necessary to implement and administer this section, including rules establishing all of the following:~~ 65520  
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(1) Positions of employment that are subject to this section and, for each position, whether a person must receive certification or receive registration to be employed in that position; 65535  
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(2) Requirements that must be met to receive the certification or registration required to be employed in a particular position, including standards regarding education, specialized training, and experience, taking into account the needs of individuals with mental retardation or developmental 65539  
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disabilities and the specialized techniques needed to serve them, 65544  
except that the rules shall not require a person designated as a 65545  
service employee under section 5126.22 of the Revised Code to have 65546  
or obtain a bachelor's or higher degree; 65547

(3) Procedures to be followed in applying for initial 65548  
certification or registration and for renewing the certification 65549  
or registration. 65550

(4) Requirements that must be met for renewal of 65551  
certification or registration, which may include continuing 65552  
education and professional training requirements; 65553

(5) Subject to section 5126.23 of the Revised Code, grounds 65554  
for which certification or registration may be denied, suspended, 65555  
or revoked and procedures for appealing the denial, suspension, or 65556  
revocation. 65557

~~(C)(D) Each applicant for a certificate for employment or~~ 65558  
~~evidence of person seeking certification or registration for~~ 65559  
~~employment by a county board shall apply to the department of~~ 65560  
~~developmental disabilities on forms that the director of the~~ 65561  
~~department shall prescribe and provide. The application shall be~~ 65562  
~~accompanied by the application fee in the manner established in~~ 65563  
~~rules adopted under this section.~~ 65564

~~(D) The director shall issue a certificate for employment to~~ 65565  
~~each applicant who meets the standards for certification~~ 65566  
~~established under this section and shall issue evidence of~~ 65567  
~~registration for employment to each applicant who meets the~~ 65568  
~~standards for registration established under this section. Each~~ 65569  
~~certificate or evidence of registration shall state the category,~~ 65570  
~~level, and grade for which it is issued.~~ 65571

~~The director shall issue, renew, deny, suspend, or revoke~~ 65572  
~~certificates and evidence of registration in accordance with rules~~ 65573  
~~adopted under this section. The director shall deny, suspend, or~~ 65574

~~revoke a certificate or evidence of registration if the director 65575  
finds, pursuant to an adjudication conducted in accordance with 65576  
Chapter 119. of the Revised Code, that the applicant for or holder 65577  
of the certificate or evidence of registration is guilty of 65578  
intemperate, immoral, or other conduct unbecoming to the 65579  
applicant's or holder's position, or is guilty of incompetence or 65580  
negligence within the scope of the applicant's or holder's duties. 65581  
The director shall deny or revoke a certificate or evidence of 65582  
registration if the director finds, pursuant to an adjudication 65583  
conducted in accordance with Chapter 119. of the Revised Code, 65584  
that the applicant for or holder of the certificate or evidence of 65585  
registration has been convicted of or pleaded guilty to any of the 65586  
offenses described in division (E) of section 5126.28 of the 65587  
Revised Code, unless the individual meets standards for 65588  
rehabilitation that the director establishes in the rules adopted 65589  
under that section. Evidence supporting such allegations shall be 65590  
presented to the director in writing and the director shall 65591  
provide prompt notice of the allegations to the person who is the 65592  
subject of the allegations. A denial, suspension, or revocation 65593  
may be appealed in accordance with procedures the director shall 65594  
establish in the rules adopted under this section. 65595~~

(E)(1) The superintendent of each county board is responsible 65596  
for taking all actions regarding certification and registration of 65597  
employees, other than the position of superintendent. For the 65598  
position of superintendent, the director of developmental 65599  
disabilities is responsible for taking all such actions. 65600

Actions that may be taken under this division include 65601  
issuing, renewing, denying, suspending, and revoking certification 65602  
and registration. All actions shall be taken in accordance with 65603  
the rules adopted under this section. 65604

A person subject to the denial, suspension, or revocation of 65605  
certification or registration may appeal the decision. The appeal 65606



shall be made in accordance with the rules adopted under this section. 65607  
65608

~~(F)~~ A person ~~holding a~~ with valid certificate certification 65609  
or registration under this section on the effective date of any 65610  
rules adopted under this section that increase the standards 65611  
applicable to the certification ~~standards~~ or registration shall 65612  
have such period as the rules prescribe, but not less than one 65613  
year after the effective date of the rules, to meet the new 65614  
certification or registration standards. 65615

~~A person who is registered under this section on the~~ 65616  
~~effective date of any rule that changes the standards adopted~~ 65617  
~~under this section shall have such period as the rules prescribe,~~ 65618  
~~but not less than one year, to meet the new registration~~ 65619  
~~standards.~~ 65620

~~(2) If an applicant for a certificate for employment has not~~ 65621  
~~completed the courses of instruction necessary to meet the~~ 65622  
~~department's standards for certification, the department shall~~ 65623  
~~inform the applicant of the courses the applicant must~~ 65624  
~~successfully complete to meet the standards and shall specify the~~ 65625  
~~time within which the applicant must complete the courses. The~~ 65626  
~~department shall grant the applicant at least one year to complete~~ 65627  
~~the courses and shall not require the applicant to complete more~~ 65628  
~~than four courses in any one year. The applicant is not subject to~~ 65629  
~~any changes regarding the courses required for certification that~~ 65630  
~~are made after the department informs the applicant of the courses~~ 65631  
~~the applicant must complete, unless the applicant does not~~ 65632  
~~successfully complete the courses within the time specified by the~~ 65633  
~~department.~~ 65634

~~(F)~~(G) A person ~~who holds a~~ certificate with valid 65635  
certification or ~~evidence of~~ registration, ~~other than one~~ 65636  
~~designated as temporary,~~ is qualified to be employed according to 65637  
that certificate certification or ~~evidence of~~ registration by any 65638

county board or entity contracting with a county board. 65639

~~(G)~~(H) The director shall monitor county boards to ensure 65640  
that their employees ~~who must be certified or registered are~~ 65641  
~~appropriately certified or registered and~~ and the employees of 65642  
their contracting entities have the applicable certification or 65643  
registration required under this section and that the employees 65644  
are performing only those functions they are authorized to perform 65645  
under ~~their certificate~~ the certification or evidence of 65646  
registration. 65647

~~(H)~~ A county board superintendent or the superintendent's 65648  
designee may certify to the director that county board employees 65649  
who are required to meet continuing education or professional 65650  
training requirements as a condition of renewal of certificates or 65651  
evidence of registration have met the requirements. The 65652  
superintendent of each county board or the superintendent's 65653  
designee shall maintain in appropriate personnel files evidence 65654  
acceptable to the director that the employees have met the 65655  
requirements ~~and permit.~~ On request, representatives of the 65656  
department of developmental disabilities shall be given access to 65657  
the evidence ~~on request.~~ 65658

(I) ~~All fees collected pursuant to this section shall be~~ 65659  
~~deposited in the state treasury to the credit of the program fee~~ 65660  
~~fund created under section 5123.033 of the Revised Code.~~ 65661

~~(J)~~ Employees of entities that contract with county boards of 65662  
developmental disabilities to operate programs and services for 65663  
individuals with mental retardation and developmental disabilities 65664  
are subject to the certification and registration requirements 65665  
established under section 5123.082 of the Revised Code The 65666  
certification and registration requirements of this section and 65667  
the rules adopted under it do not apply to either of the 65668  
following: 65669

(1) A person who holds a valid license issued or certificate issued under Chapter 3319. of the Revised Code and performs no duties other than teaching or supervision of a teaching program; 65670  
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(2) A person who holds a valid license or certificate issued under Title XLVII of the Revised Code and performs only those duties governed by the license or certificate. 65673  
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**Sec. 5126.251.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of developmental disabilities or the superintendent of a county board of developmental disabilities shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to ~~a certificate a person's certification or evidence of registration issued pursuant to this chapter~~ under section 5126.25 of the Revised Code. 65676  
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**Sec. 5126.51.** As used in sections 5126.51 to 5126.62 of the Revised Code: 65685  
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(A) "Develop" or "development," in contexts not referring to developmental disabilities, means construction or rehabilitation. 65687  
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(B) "Eligible lending institution" means a financial institution that meets all of the following requirements: 65689  
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(1) Is eligible to make commercial loans; 65691

(2) Has an office located within the territorial limits of the county; 65692  
65693

(3) Is an institution into which the county's investing authority may deposit the public moneys of the county; 65694  
65695

(4) Holds itself out as participating in the residential facility linked deposit program. 65696  
65697

(C) "Eligible organization" means ~~either of the following:~~ 65698

~~(1) A a nonprofit corporation that has as its primary activity the development or operation of a residential facility+~~ 65699  
65700

~~(2) A nonprofit corporation certified under section 5123.192 of the Revised Code.~~ 65701  
65702

(D) "Investing authority" has the same meaning as in section 135.31 of the Revised Code. 65703  
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(E) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code ~~and also includes a residence where a nonprofit corporation certified under section 5123.192 of the Revised Code provides or proposes to provide supported living for individuals with mental retardation or developmental disabilities.~~ 65705  
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(F) "Residential facility linked deposit program" means the linked deposit program provided for in sections 5126.51 to 5126.62 of the Revised Code. A "residential facility linked deposit" is a deposit of public moneys of the county under, and for the purposes of, the residential facility linked deposit program. A "residential facility linked deposit loan" is a loan under, and for the purposes of, the residential facility linked deposit program. 65710  
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**Sec. 5139.41.** The appropriation made to the department of youth services for care and custody of felony delinquents shall be expended in accordance with the following procedure that the department shall use for each year of a biennium. The procedure shall be consistent with sections 5139.41 to 5139.43 of the Revised Code and shall be developed in accordance with the following guidelines: 65718  
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(A) The line item appropriation for the care and custody of felony delinquents shall provide funding for operational costs for the following: 65725  
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(1) Institutions and the diagnosis, care, or treatment of 65728

felony delinquents at facilities pursuant to contracts entered 65729  
into under section 5139.08 of the Revised Code; 65730

(2) Community corrections facilities constructed, 65731  
reconstructed, improved, or financed as described in section 65732  
5139.36 of the Revised Code for the purpose of providing 65733  
alternative placement and services for felony delinquents who have 65734  
been diverted from care and custody in institutions; 65735

(3) County juvenile courts that administer programs and 65736  
services for prevention, early intervention, diversion, treatment, 65737  
and rehabilitation services and programs that are provided for 65738  
alleged or adjudicated unruly or delinquent children or for 65739  
children who are at risk of becoming unruly or delinquent 65740  
children; 65741

(4) Administrative expenses the department incurs in 65742  
connection with the felony delinquent care and custody programs 65743  
described in section 5139.43 of the Revised Code. 65744

(B) From the appropriated line item for the care and custody 65745  
of felony delinquents, the department, with the advice of the 65746  
RECLAIM advisory committee established under section 5139.44 of 65747  
the Revised Code, shall allocate annual operational funds for 65748  
county juvenile programs, institutional care and custody, 65749  
community corrections facilities care and custody, and 65750  
administrative expenses incurred by the department associated with 65751  
felony delinquent care and custody programs. The department, with 65752  
the advice of the RECLAIM advisory committee, shall adjust these 65753  
allocations, when modifications to this line item are made by 65754  
legislative or executive action. 65755

(C) The department shall divide county juvenile program 65756  
allocations among county juvenile courts that administer programs 65757  
and services for prevention, early intervention, diversion, 65758  
treatment, and rehabilitation that are provided for alleged or 65759

adjudicated unruly or delinquent children or for children who are 65760  
at risk of becoming unruly or delinquent children. The department 65761  
shall base funding on the county's previous year's ratio of the 65762  
department's institutional and community correctional facilities 65763  
commitments to that county's ~~four-year~~ average of felony 65764  
adjudications, as specified in the following formula: 65765

(1) The department shall give to each county a proportional 65766  
allocation of commitment credits. The proportional allocation of 65767  
commitment credits shall be calculated by the following 65768  
procedures: 65769

(a) The department shall determine for each county and for 65770  
the state a ~~four-year~~ an average of felony adjudications. 65771  
Beginning July 1, 2012, the average shall include felony 65772  
adjudications for fiscal year 2007 and for each subsequent fiscal 65773  
year through fiscal year 2016. Beginning July 1, 2017, the most 65774  
recent felony adjudication data shall be included and the oldest 65775  
fiscal year data shall be removed so that a ten-year average of 65776  
felony adjudication data will be maintained. 65777

(b) The department shall determine for each county and for 65778  
the state the number of charged bed days, for both the department 65779  
and community correctional facilities, from the previous year. 65780

(c) The department shall divide the statewide total number of 65781  
charged bed days by the statewide total number of felony 65782  
adjudications, which quotient shall then be multiplied by a factor 65783  
determined by the department. 65784

(d) The department shall calculate the county's allocation of 65785  
credits by multiplying the number of adjudications for each court 65786  
by the result determined pursuant to division (C)(1)(c) of this 65787  
section. 65788

(2) The department shall subtract from the allocation 65789  
determined pursuant to division (C)(1) of this section a credit 65790

for every chargeable bed day a youth stays in a department 65791  
institution and two-thirds of credit for every chargeable bed day 65792  
a youth stays in a community correctional facility, except for 65793  
public safety beds. At the end of the year, the department shall 65794  
divide the amount of remaining credits of that county's allocation 65795  
by the total number of remaining credits to all counties, to 65796  
determine the county's percentage, which shall then be applied to 65797  
the total county allocation to determine the county's payment for 65798  
the fiscal year. 65799

(3) The department shall pay counties three times during the 65800  
fiscal year to allow for credit reporting and audit adjustments, 65801  
and modifications to the appropriated line item for the care and 65802  
custody of felony delinquents, as described in this section. The 65803  
department shall pay fifty per cent of the payment by the 65804  
fifteenth of July of each fiscal year, twenty-five per cent by the 65805  
fifteenth of January of that fiscal year, and twenty-five per cent 65806  
of the payment by the fifteenth of June of that fiscal year. 65807

~~(D) In fiscal year 2004, the payment of county juvenile 65808  
programs shall be based on the following procedure:~~ 65809

~~(1) The department shall divide the funding earned by each 65810  
court in fiscal year 2003 by the aggregate funding of all courts,  
resulting in a percentage. 65811  
65812~~

~~(2) The department shall apply the percentage determined 65813  
under division (D)(1) of this section to the total county juvenile 65814  
program allocation for fiscal year 2004 to determine each court's 65815  
total payment. 65816~~

~~(3) The department shall make payments in accordance with the 65817  
schedule established in division (C)(3) of this section. 65818~~

**Sec. 5139.43.** (A) The department of youth services shall 65819  
operate a felony delinquent care and custody program that shall be 65820

operated in accordance with the formula developed pursuant to 65821  
section 5139.41 of the Revised Code, subject to the conditions 65822  
specified in this section. 65823

(B)(1) Each juvenile court shall use the moneys disbursed to 65824  
it by the department of youth services pursuant to division (B) of 65825  
section 5139.41 of the Revised Code in accordance with the 65826  
applicable provisions of division (B)(2) of this section and shall 65827  
transmit the moneys to the county treasurer for deposit in 65828  
accordance with this division. The county treasurer shall create 65829  
in the county treasury a fund that shall be known as the felony 65830  
delinquent care and custody fund and shall deposit in that fund 65831  
the moneys disbursed to the juvenile court pursuant to division 65832  
(B) of section 5139.41 of the Revised Code. The county treasurer 65833  
also shall deposit into that fund the state subsidy funds granted 65834  
to the county pursuant to section 5139.34 of the Revised Code. The 65835  
moneys disbursed to the juvenile court pursuant to division (B) of 65836  
section 5139.41 of the Revised Code and deposited pursuant to this 65837  
division in the felony delinquent care and custody fund shall not 65838  
be commingled with any other county funds except state subsidy 65839  
funds granted to the county pursuant to section 5139.34 of the 65840  
Revised Code; shall not be used for any capital construction 65841  
projects; upon an order of the juvenile court and subject to 65842  
appropriation by the board of county commissioners, shall be 65843  
disbursed to the juvenile court for use in accordance with the 65844  
applicable provisions of division (B)(2) of this section; shall 65845  
not revert to the county general fund at the end of any fiscal 65846  
year; and shall carry over in the felony delinquent care and 65847  
custody fund from the end of any fiscal year to the next fiscal 65848  
year. The maximum balance carry-over at the end of each respective 65849  
fiscal year in the felony delinquent care and custody fund in any 65850  
county from funds allocated to the county pursuant to sections 65851  
5139.34 and 5139.41 of the Revised Code in the previous fiscal 65852  
year shall not exceed an amount to be calculated as provided in 65853



the formula set forth in this division, unless that county has 65854  
applied for and been granted an exemption by the director of youth 65855  
services. Beginning June 30, 2008, the maximum balance carry-over 65856  
at the end of each respective fiscal year shall be determined by 65857  
the following formula: for fiscal year 2008, the maximum balance 65858  
carry-over shall be one hundred per cent of the allocation for 65859  
fiscal year 2007, to be applied in determining the fiscal year 65860  
2009 allocation; for fiscal year 2009, it shall be fifty per cent 65861  
of the allocation for fiscal year 2008, to be applied in 65862  
determining the fiscal year 2010 allocation; for fiscal year 2010, 65863  
it shall be twenty-five per cent of the allocation for fiscal year 65864  
2009, to be applied in determining the fiscal year 2011 65865  
allocation; and for each fiscal year subsequent to fiscal year 65866  
2010, it shall be twenty-five per cent of the allocation for the 65867  
immediately preceding fiscal year, to be applied in determining 65868  
the allocation for the next immediate fiscal year. The department 65869  
shall withhold from future payments to a county an amount equal to 65870  
any moneys in the felony delinquent care and custody fund of the 65871  
county that exceed the total maximum balance carry-over that 65872  
applies for that county for the fiscal year in which the payments 65873  
are being made and shall reallocate the withheld amount. The 65874  
department shall adopt rules for the withholding and reallocation 65875  
of moneys disbursed under sections 5139.34 and 5139.41 of the 65876  
Revised Code and for the criteria and process for a county to 65877  
obtain an exemption from the withholding requirement. The moneys 65878  
disbursed to the juvenile court pursuant to division (B) of 65879  
section 5139.41 of the Revised Code and deposited pursuant to this 65880  
division in the felony delinquent care and custody fund shall be 65881  
in addition to, and shall not be used to reduce, any usual annual 65882  
increase in county funding that the juvenile court is eligible to 65883  
receive or the current level of county funding of the juvenile 65884  
court and of any programs or services for delinquent children, 65885  
unruly children, or juvenile traffic offenders. 65886

(2)(a) A county and the juvenile court that serves the county 65887  
shall use the moneys in its felony delinquent care and custody 65888  
fund in accordance with rules that the department of youth 65889  
services adopts pursuant to division (D) of section 5139.04 of the 65890  
Revised Code and as follows: 65891

(i) The moneys in the fund that represent state subsidy funds 65892  
granted to the county pursuant to section 5139.34 of the Revised 65893  
Code shall be used to aid in the support of prevention, early 65894  
intervention, diversion, treatment, and rehabilitation programs 65895  
that are provided for alleged or adjudicated unruly children or 65896  
delinquent children or for children who are at risk of becoming 65897  
unruly children or delinquent children. The county shall not use 65898  
for capital improvements more than fifteen per cent of the moneys 65899  
in the fund that represent the applicable annual grant of those 65900  
state subsidy funds. 65901

(ii) The moneys in the fund that were disbursed to the 65902  
juvenile court pursuant to division (B) of section 5139.41 of the 65903  
Revised Code and deposited pursuant to division (B)(1) of this 65904  
section in the fund shall be used to provide programs and services 65905  
for the training, treatment, or rehabilitation of felony 65906  
delinquents that are alternatives to their commitment to the 65907  
department, including, but not limited to, community residential 65908  
programs, day treatment centers, services within the home, and 65909  
electronic monitoring, and shall be used in connection with 65910  
training, treatment, rehabilitation, early intervention, or other 65911  
programs or services for any delinquent child, unruly child, or 65912  
juvenile traffic offender who is under the jurisdiction of the 65913  
juvenile court. 65914

The fund also may be used for prevention, early intervention, 65915  
diversion, treatment, and rehabilitation programs that are 65916  
provided for alleged or adjudicated unruly children, delinquent 65917  
children, or juvenile traffic offenders or for children who are at 65918

risk of becoming unruly children, delinquent children, or juvenile traffic offenders. Consistent with division (B)(1) of this section, a county and the juvenile court of a county shall not use any of those moneys for capital construction projects.

(iii) Moneys in the fund shall not be used to support programs or services that do not comply with federal juvenile justice and delinquency prevention core requirements or to support programs or services that research has shown to be ineffective. ~~Moneys in the fund shall be prioritized to research-supported~~ Research-supported, outcome-based programs and services, to the extent they are available, shall be encouraged.

(iv) The county and the juvenile court that serves the county may use moneys in the fund to provide out-of-home placement of children only in detention centers, community rehabilitation centers, or community corrections facilities approved by the department pursuant to standards adopted by the department, licensed by an authorized state agency, or accredited by the American correctional association or another national organization recognized by the department.

(b) Each juvenile court shall comply with division (B)(3)(d) of this section as implemented by the department. If a juvenile court fails to comply with division (B)(3)(d) of this section, the department shall not be required to make any disbursements in accordance with division (C) ~~or (D)~~ of section 5139.41 or division (C)(2) of section 5139.34 of the Revised Code.

(3) In accordance with rules adopted by the department pursuant to division (D) of section 5139.04 of the Revised Code, each juvenile court and the county served by that juvenile court shall do all of the following that apply:

(a) The juvenile court shall prepare an annual grant agreement and application for funding that satisfies the

requirements of this section and section 5139.34 of the Revised Code and that pertains to the use, upon an order of the juvenile court and subject to appropriation by the board of county commissioners, of the moneys in its felony delinquent care and custody fund for specified programs, care, and services as described in division (B)(2)(a) of this section, shall submit that agreement and application to the county family and children first council, the regional family and children first council, or the local intersystem services to children cluster as described in sections 121.37 and 121.38 of the Revised Code, whichever is applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division (B)(3)(a) of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and the county served by the juvenile court may expend the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (B)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section

by the thirty-first day of August of any year, the department 65982  
shall not disburse any payment of state subsidy funds to which the 65983  
county otherwise is entitled pursuant to section 5139.34 of the 65984  
Revised Code and shall not disburse pursuant to division (B) of 65985  
section 5139.41 of the Revised Code the applicable allocation 65986  
until the juvenile court fully complies with division (B)(3)(b) of 65987  
this section. 65988

(c) If the department requires the juvenile court to prepare 65989  
monthly statistical reports and to submit the reports on forms 65990  
provided by the department, the juvenile court shall file those 65991  
reports with the department on the forms so provided. If the 65992  
juvenile court fails to prepare and submit those monthly 65993  
statistical reports within the department's timelines, the 65994  
department shall not disburse any payment of state subsidy funds 65995  
to which the county otherwise is entitled pursuant to section 65996  
5139.34 of the Revised Code and shall not disburse pursuant to 65997  
division (B) of section 5139.41 of the Revised Code the applicable 65998  
allocation until the juvenile court fully complies with division 65999  
(B)(3)(c) of this section. If the juvenile court fails to prepare 66000  
and submit those monthly statistical reports within one hundred 66001  
eighty days of the date the department establishes for their 66002  
submission, the department shall not disburse any payment of state 66003  
subsidy funds to which the county otherwise is entitled pursuant 66004  
to section 5139.34 of the Revised Code and shall not disburse 66005  
pursuant to division (B) of section 5139.41 of the Revised Code 66006  
the applicable allocation, and the state subsidy funds and the 66007  
remainder of the applicable allocation shall revert to the 66008  
department. If a juvenile court states in a monthly statistical 66009  
report that the juvenile court adjudicated within a state fiscal 66010  
year five hundred or more children to be delinquent children for 66011  
committing acts that would be felonies if committed by adults and 66012  
if the department determines that the data in the report may be 66013  
inaccurate, the juvenile court shall have an independent auditor 66014

or other qualified entity certify the accuracy of the data on a 66015  
date determined by the department. 66016

(d) If the department requires the juvenile court and the 66017  
county to participate in a fiscal monitoring program or another 66018  
monitoring program that is conducted by the department to ensure 66019  
compliance by the juvenile court and the county with division (B) 66020  
of this section, the juvenile court and the county shall 66021  
participate in the program and fully comply with any guidelines 66022  
for the performance of audits adopted by the department pursuant 66023  
to that program and all requests made by the department pursuant 66024  
to that program for information necessary to reconcile fiscal 66025  
accounting. If an audit that is performed pursuant to a fiscal 66026  
monitoring program or another monitoring program described in this 66027  
division determines that the juvenile court or the county used 66028  
moneys in the county's felony delinquent care and custody fund for 66029  
expenses that are not authorized under division (B) of this 66030  
section, within forty-five days after the department notifies the 66031  
county of the unauthorized expenditures, the county either shall 66032  
repay the amount of the unauthorized expenditures from the county 66033  
general revenue fund to the state's general revenue fund or shall 66034  
file a written appeal with the department. If an appeal is timely 66035  
filed, the director of the department shall render a decision on 66036  
the appeal and shall notify the appellant county or its juvenile 66037  
court of that decision within forty-five days after the date that 66038  
the appeal is filed. If the director denies an appeal, the 66039  
county's fiscal agent shall repay the amount of the unauthorized 66040  
expenditures from the county general revenue fund to the state's 66041  
general revenue fund within thirty days after receiving the 66042  
director's notification of the appeal decision. 66043

(C) The determination of which county a reduction of the care 66044  
and custody allocation will be charged against for a particular 66045  
youth shall be made as outlined below for all youths who do not 66046

qualify as public safety beds. The determination of which county a 66047  
reduction of the care and custody allocation will be charged 66048  
against shall be made as follows until each youth is released: 66049

(1) In the event of a commitment, the reduction shall be 66050  
charged against the committing county. 66051

(2) In the event of a recommitment, the reduction shall be 66052  
charged against the original committing county until the 66053  
expiration of the minimum period of institutionalization under the 66054  
original order of commitment or until the date on which the youth 66055  
is admitted to the department of youth services pursuant to the 66056  
order of recommitment, whichever is later. Reductions of the 66057  
allocation shall be charged against the county that recommitted 66058  
the youth after the minimum expiration date of the original 66059  
commitment. 66060

(3) In the event of a revocation of a release on parole, the 66061  
reduction shall be charged against the county that revokes the 66062  
youth's parole. 66063

(D) A juvenile court is not precluded by its allocation 66064  
amount for the care and custody of felony delinquents from 66065  
committing a felony delinquent to the department of youth services 66066  
for care and custody in an institution or a community corrections 66067  
facility when the juvenile court determines that the commitment is 66068  
appropriate. 66069

Sec. 5139.511. Before a youth is released from a secure 66070  
facility under the control of the department of youth services, 66071  
the department of youth services shall attempt to verify the 66072  
youth's identification and social security number. If the 66073  
department is able to verify the youth's identity with a verified 66074  
birth certificate and social security number, the department shall 66075  
issue an identification card that the youth may present to the 66076  
registrar or deputy registrar of motor vehicles. If the department 66077

is not able to verify the youth's identity with both a verified 66078  
birth certificate and social security number, the youth shall not 66079  
receive an identification card under this section. 66080

**Sec. 5149.311.** (A) The department of rehabilitation and 66081  
correction shall establish and administer the probation 66082  
improvement grant and the probation incentive grant for ~~court of~~ 66083  
~~common pleas~~ probation departments that supervise ~~felony~~ offenders 66084  
sentenced by courts of common pleas or municipal courts. 66085

(B)(1) The probation improvement grant shall provide funding 66086  
to court ~~of common pleas~~ probation departments to adopt policies 66087  
and practices based on the latest research on how to reduce the 66088  
number of ~~felony~~ offenders on probation supervision who violate 66089  
the conditions of their supervision. 66090

(2) The department shall adopt rules for the distribution of 66091  
the probation improvement grant, including the formula for the 66092  
allocation of the subsidy based on the number of ~~felony~~ offenders 66093  
placed on probation annually in each jurisdiction. 66094

(C)(1) The probation incentive grant shall provide a 66095  
performance-based level of funding to court ~~of common pleas~~ 66096  
probation departments that are successful in reducing the number 66097  
of felony offenders on probation supervision whose terms of 66098  
supervision are revoked. 66099

(2) The department shall calculate annually any cost savings 66100  
realized by the state from a reduction in the percentage of people 66101  
who are incarcerated because their terms of supervised probation 66102  
were revoked. The cost savings estimate shall be calculated for 66103  
each ~~county~~ jurisdiction served by the probation department 66104  
eligible for a grant under this section and be based on the 66105  
difference from fiscal year 2010 and the fiscal year under 66106  
examination. 66107



(3) The department shall adopt rules that specify the subsidy amount to be appropriated to court ~~of common pleas~~ probation departments that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, courts of common pleas must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code ~~and, except.~~ Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section.

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the court ~~of common pleas~~ probation departments utilize with the programs of subsidies established under this section and establish means of measuring their effectiveness.

(4) The department shall specify the policies, practices, and programs for which court ~~of common pleas~~ probation departments may use the program subsidy and shall establish minimum standards of quality and efficiency that recipients of the subsidy must follow. The department shall give priority to supporting evidence-based

policies and practices, as defined by the department. 66139

**Sec. 5153.18.** (A) The public children services agency shall 66140  
have the capacity possessed by natural persons to institute 66141  
proceedings in any court and shall have a substantial right, as 66142  
defined in section 2505.02 of the Revised Code, in protecting 66143  
children alleged to be abused, neglected, or dependent children 66144  
and in achieving permanency for a child committed to the agency's 66145  
custody in any proceeding in a court of appeals. 66146

(B) When appointed by the probate court exercising 66147  
jurisdiction in adoption proceedings, the executive director may 66148  
act as next friend of any child and perform the duties of such 66149  
next friend. 66150

(C) When appointed by the probate court, in lieu of a 66151  
guardian, in accordance with section 2111.05 of the Revised Code: 66152

(1) The executive director may act as trustee of the estate 66153  
of any ward, provided such an estate does not exceed one thousand 66154  
dollars in value. 66155

(2) The executive director may also act as trustee, on behalf 66156  
of any ward, of periodic payments of not more than twenty-five 66157  
dollars per week of which such ward is entitled as a claimant 66158  
pursuant to the terms of any insurance policy, annuity, pension, 66159  
benefit, or allowance, governmental or private. 66160

(3) Such director shall administer all trusteeships in 66161  
accordance with the laws relating to fiduciaries. 66162

The funds of any such trusteeship shall not be mingled with 66163  
other moneys of the agency or of the county. The cost of any such 66164  
trusteeship shall be paid out of the funds of the trust, but no 66165  
fee shall be allowed to the executive director as such trustee. At 66166  
least once a year, or more often if required by the probate court, 66167  
the executive director shall make a complete report and accounting 66168

to the agency as to the disposition of all trust funds 66169  
administered by the executive director during the year. 66170

**Sec. 5155.14.** At the request of the superintendent or 66171  
administrator of the county home, the board of county 66172  
commissioners or operator shall set apart from the county home 66173  
fund, a reserve fund not to exceed ~~four hundred~~ five thousand 66174  
dollars at any time, which, upon the order of the board or 66175  
operator shall be paid to the superintendent or administrator and 66176  
expended as needed for emergency supplies and expenses. The 66177  
superintendent or administrator shall keep an accurate account of 66178  
the reserve fund, in a book to be provided at the expense of the 66179  
county for that purpose, and all expenditures from it shall be 66180  
audited by the board or operator. The county home fund shall be 66181  
reimbursed by the superintendent or administrator, in full, for 66182  
any items expended by the superintendent or administrator from the 66183  
reserve fund, which items are not allowed by the board or 66184  
operator. When, and as often as such amount is entirely disbursed, 66185  
on the order of the board or operator, the county auditor shall 66186  
pay to the superintendent or administrator the amount so 66187  
appropriated. 66188

**Sec. 5501.04.** ~~The following divisions are hereby established~~ 66189  
~~in the department of transportation:~~ 66190

~~(A) The division of business services;~~ 66191

~~(B) The division of engineering policy;~~ 66192

~~(C) The division of finance;~~ 66193

~~(D) The division of human resources;~~ 66194

~~(E) The division of information technology;~~ 66195

~~(F) The division of multi-modal planning and programs;~~ 66196

~~(G) The division of project management;~~ 66197

~~(H) The division of equal opportunity.~~ 66198

~~The Pursuant to section 5501.02 of the Revised Code, the~~ 66199  
director of transportation shall distribute the duties, powers, 66200  
and functions of the department among the divisions of the 66201  
department. 66202

Each division shall be headed by a deputy director, whose 66203  
title shall be designated by the director, and shall include those 66204  
other officers and employees as may be necessary to carry out the 66205  
work of the division. ~~The director shall appoint the~~ Each deputy 66206  
director of each division, ~~who~~ shall be in the unclassified civil 66207  
service of the state and shall serve at the pleasure of the 66208  
director. ~~The director shall supervise the work of each division~~ 66209  
~~and~~ shall be responsible for the determination of general policies 66210  
in the performance of the duties, powers, and functions of the 66211  
department and of each division. The director shall have complete 66212  
executive charge of the department, shall be responsible for the 66213  
organization, direction, and supervision of the work of the 66214  
department and the performance of the duties, powers, and 66215  
functions assigned to each division, and may establish necessary 66216  
administrative units therein. ~~The~~ Each deputy director of each 66217  
division, with the approval of the director and subject to Chapter 66218  
124. of the Revised Code, shall appoint the necessary employees of 66219  
the division and may remove such employees for cause. 66220

~~The division of equal opportunity shall ensure that minority~~ 66221  
~~groups and all groups protected by state and federal civil rights~~ 66222  
~~laws are afforded equal opportunity to be recruited, trained, and~~ 66223  
~~work in the employment of or on projects of the department of~~ 66224  
~~transportation, and to participate in contracts awarded by the~~ 66225  
~~department. The director of transportation each year shall report~~ 66226  
~~to the governor and the general assembly on the division's~~ 66227  
~~activities and accomplishments.~~ 66228

**Sec. 5501.07.** In addition to those duties, powers, and 66229  
functions the director of transportation assigns to it, the office 66230  
of ~~public transportation of the division of multi-modal planning~~ 66231  
~~and programs~~ transit: 66232

(A) May issue grants from any public transportation grant 66233  
appropriation to county transit boards, regional transit 66234  
authorities, regional transit commissions, counties, municipal 66235  
corporations, and private nonprofit organizations that operate or 66236  
will operate a public transportation system. 66237

The director shall establish criteria for the distribution of 66238  
such grants. These criteria may include and the director may 66239  
consider each of the following: 66240

(1) The degree to which comprehensive regional transportation 66241  
planning goals may be attained through a program for which a grant 66242  
will be used; 66243

(2) The amount of local financial or other support of public 66244  
transportation operations and facilities affected by the program; 66245

(3) The levels of existing service and fare; 66246

(4) The degree to which the proposed plan demonstrates 66247  
approaches of potential value to other local transit boards, 66248  
authorities, commissions, counties, municipal corporations, and 66249  
private nonprofit organizations operating public transportation 66250  
systems; 66251

(5) The degree to which the grant applicant will use state 66252  
and local funds to match a federal grant; 66253

(6) Such other factors as the director determines. 66254

Any criteria established by the director for the distribution 66255  
of such grants shall be consistent with the requirements of the 66256  
United States department of transportation, or any administration 66257  
in the department, including, but not limited to, the federal 66258

transit administration. The director may designate in the criteria 66259  
certain dates after which applications for specified portions of 66260  
the appropriations made for this purpose will not be accepted. 66261

(B) May issue grants from any elderly and handicapped transit 66262  
fare assistance grant appropriation to county transit boards, 66263  
regional transit authorities, regional transit commissions, 66264  
counties, municipal corporations, and private nonprofit 66265  
organizations that operate or will operate public transportation 66266  
systems for the purpose of reducing the transit or paratransit 66267  
fares of elderly or handicapped persons. The director shall 66268  
establish criteria for the distribution of such grants. 66269

(C) May administer provisions of federal public 66270  
transportation acts or programs applicable within the state, 66271  
pursuant to an agreement entered into by the director with an 66272  
appropriate official of the federal agency responsible for 66273  
implementation of the federal acts or programs. The federal acts 66274  
or programs shall include, but are not limited to, programs 66275  
authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 66276  
U.S.C.A. 5301, as amended. 66277

(D) Shall furnish, upon request and within the limits of 66278  
appropriated funds, guidance in technical or policy matters to a 66279  
county transit board, regional transit authority, regional transit 66280  
commission, county, municipal corporation, or private nonprofit 66281  
organization that operates or proposes to operate a public 66282  
transportation system, and provide assistance and liaison in the 66283  
preparation and submission of applications for federal and state 66284  
funds; 66285

(E) May apply for and accept grants or loans from any federal 66286  
agency for the purpose of providing for the development or 66287  
improvement of public transportation facilities or for the 66288  
coordination of any activities related to the development or 66289  
improvement of such facilities, and may provide any consideration 66290

from any public transportation grant appropriation and enter into 66291  
any contracts that may be required in order to obtain such grants 66292  
or loans from a federal agency. 66293

**Sec. 5502.01.** (A) The department of public safety shall 66294  
administer and enforce the laws relating to the registration, 66295  
licensing, sale, and operation of motor vehicles and the laws 66296  
pertaining to the licensing of drivers of motor vehicles. 66297

The department shall compile, analyze, and publish statistics 66298  
relative to motor vehicle accidents and the causes of them, 66299  
prepare and conduct educational programs for the purpose of 66300  
promoting safety in the operation of motor vehicles on the 66301  
highways, and conduct research and studies for the purpose of 66302  
promoting safety on the highways of this state. 66303

(B) The department shall administer the laws and rules 66304  
relative to trauma and emergency medical services specified in 66305  
Chapter 4765. of the Revised Code and any laws and rules relative 66306  
to commercial medical transportation services as may be specified 66307  
in Chapter 4766. of the Revised Code. 66308

(C) The department shall administer and enforce the laws 66309  
contained in Chapters 4301. and 4303. of the Revised Code and 66310  
enforce the rules and orders of the liquor control commission 66311  
pertaining to retail liquor permit holders. 66312

(D) The department shall administer the laws governing the 66313  
state emergency management agency and shall enforce all additional 66314  
duties and responsibilities as prescribed in the Revised Code 66315  
related to emergency management services. 66316

(E) The department shall conduct investigations pursuant to 66317  
Chapter 5101. of the Revised Code in support of the duty of the 66318  
department of job and family services to administer the 66319  
supplemental nutrition assistance program throughout this state. 66320

The department of public safety shall conduct investigations 66321  
necessary to protect the state's property rights and interests in 66322  
the supplemental nutrition assistance program. 66323

(F) The department of public safety shall enforce compliance 66324  
with orders and rules of the public utilities commission and 66325  
applicable laws in accordance with Chapters ~~4919-~~ 4905., 4921., 66326  
and 4923. of the Revised Code regarding commercial motor vehicle 66327  
transportation safety, economic, and hazardous materials 66328  
requirements. 66329

(G) Notwithstanding Chapter 4117. of the Revised Code, the 66330  
department of public safety may establish requirements for its 66331  
enforcement personnel, including its enforcement agents described 66332  
in section 5502.14 of the Revised Code, that include standards of 66333  
conduct, work rules and procedures, and criteria for eligibility 66334  
as law enforcement personnel. 66335

(H) The department shall administer, maintain, and operate 66336  
the Ohio criminal justice network. The Ohio criminal justice 66337  
network shall be a computer network that supports state and local 66338  
criminal justice activities. The network shall be an electronic 66339  
repository for various data, which may include arrest warrants, 66340  
notices of persons wanted by law enforcement agencies, criminal 66341  
records, prison inmate records, stolen vehicle records, vehicle 66342  
operator's licenses, and vehicle registrations and titles. 66343

(I) The department shall coordinate all homeland security 66344  
activities of all state agencies and shall be a liaison between 66345  
state agencies and local entities for those activities and related 66346  
purposes. 66347

(J) Beginning July 1, 2004, the department shall administer 66348  
and enforce the laws relative to private investigators and 66349  
security service providers specified in Chapter 4749. of the 66350  
Revised Code. 66351



(K) The department shall administer criminal justice services 66352  
in accordance with sections 5502.61 to 5502.66 of the Revised 66353  
Code. 66354

**Sec. 5502.011.** (A) As used in this section, "department of 66355  
public safety" and "department" include all divisions within the 66356  
department of public safety. 66357

(B) The director ~~of the department~~ of public safety is the 66358  
chief executive and administrative officer of the department. The 66359  
director may establish policies governing the department, the 66360  
performance of its employees and officers, the conduct of its 66361  
business, and the custody, use, and preservation of departmental 66362  
records, papers, books, documents, and property. The director also 66363  
may authorize and approve investigations to be conducted by any of 66364  
the department's divisions. Whenever the Revised Code imposes a 66365  
duty upon or requires an action of the department, the director 66366  
may perform the action or duty in the name of the department or 66367  
direct such performance to be performed by the director's 66368  
designee. 66369

(C) In addition to any other duties enumerated in the Revised 66370  
Code, the director or the director's designee shall do all of the 66371  
following: 66372

(1) Administer and direct the performance of the duties of 66373  
the department; 66374

(2) Pursuant to Chapter 119. of the Revised Code, approve, 66375  
adopt, and prescribe such forms and rules as are necessary to 66376  
carry out the duties of the department; 66377

(3) On behalf of the department and in addition to any 66378  
authority the Revised Code otherwise grants to the department, 66379  
have the authority and responsibility for approving and entering 66380  
into contracts, agreements, and other business arrangements; 66381

|                                                                                                                                                                                                                            |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (4) Make appointments for the department as needed to comply with requirements of the Revised Code;                                                                                                                        | 66382<br>66383                   |
| (5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations;                                                                                        | 66384<br>66385<br>66386          |
| (6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law; | 66387<br>66388<br>66389<br>66390 |
| (7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;                                                                               | 66391<br>66392<br>66393          |
| (8) Do all other acts necessary or desirable to carry out this chapter.                                                                                                                                                    | 66394<br>66395                   |
| (D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following:                          | 66396<br>66397<br>66398<br>66399 |
| (a) A check, draft, or money order that is returned or dishonored;                                                                                                                                                         | 66400<br>66401                   |
| (b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;                                                                                                                        | 66402<br>66403                   |
| (c) Any financial transaction device that is returned or dishonored for any reason.                                                                                                                                        | 66404<br>66405                   |
| (2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.                                                       | 66406<br>66407<br>66408          |
| (3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.                                                                                                | 66409<br>66410                   |
| (E) The director shall establish a homeland security advisory                                                                                                                                                              | 66411                            |

council to advise the director on homeland security, including 66412  
homeland security funding efforts. The advisory council shall 66413  
include, but not be limited to, state and local government 66414  
officials who have homeland security or emergency management 66415  
responsibilities and who represent first responders. The director 66416  
shall appoint the members of the council, who shall serve without 66417  
compensation. 66418

~~(F) The director of public safety shall adopt rules in 66419  
accordance with Chapter 119. of the Revised Code as required by 66420  
section 2909.28 of the Revised Code and division (A)(1) of section 66421  
2909.32 of the Revised Code. The director shall adopt rules as 66422  
required by division (D) of section 2909.32 of the Revised Code, 66423  
division (E) of section 2909.33 of the Revised Code, and division 66424  
(D) of section 2909.34 of the Revised Code. The director may adopt 66425  
rules pursuant to division (A)(2) of section 2909.32 of the 66426  
Revised Code, division (A)(2) of section 2909.33 of the Revised 66427  
Code, and division (A)(2) of section 2909.34 of the Revised Code.~~ 66428

**Sec. ~~5503.21~~ 5502.05.** There is hereby created in the 66429  
department of public safety, ~~division of state highway patrol, a 66430  
driver's license examination section to be administered by the 66431  
superintendent of the state highway patrol.~~ 66432

The ~~superintendent, with the approval of the~~ director of 66433  
public safety, may appoint necessary driver's license examiners 66434  
and clerical personnel necessary to carry out the duties assigned 66435  
under this section. The examiners shall be citizens of the United 66436  
States and residents of the state and shall have such additional 66437  
qualifications as the ~~superintendent, with the approval of the 66438  
director,~~ prescribes. 66439

The salaries and classifications of examiners and personnel 66440  
shall be fixed in accordance with section 124.15 or 124.152 of the 66441  
Revised Code. 66442

~~Sec. 5503.22~~ 5502.06. Driver's license examiners assigned to 66443  
the driver's license examination section shall conduct all 66444  
examinations for driver's licenses as required by sections 4507.01 66445  
to 4507.36 of the Revised Code, subject to the ~~regulations~~ rules 66446  
issued by the registrar of motor vehicles. 66447

~~Sec. 5503.23~~ 5502.07. The ~~superintendent of the state highway~~ 66448  
~~patrol, with the approval of the~~ director of public safety, may 66449  
conduct training schools for prospective driver's license 66450  
examiners. ~~The superintendent~~ and may establish rules governing 66451  
the qualifications for admission to such schools and provide for 66452  
competitive examinations to determine the fitness of such students 66453  
for prospective examiners, not inconsistent with the rules of the 66454  
director of administrative services. 66455

~~Sec. 5503.02.~~ (A) The state highway patrol shall enforce the 66456  
laws of the state relating to the titling, registration, and 66457  
licensing of motor vehicles; enforce on all roads and highways, 66458  
notwithstanding section 4513.39 of the Revised Code, the laws 66459  
relating to the operation and use of vehicles on the highways; 66460  
enforce and prevent the violation of the laws relating to the 66461  
size, weight, and speed of commercial motor vehicles and all laws 66462  
designed for the protection of the highway pavements and 66463  
structures on the highways; investigate and enforce rules and laws 66464  
of the public utilities commission governing the transportation of 66465  
persons and property by motor carriers and report violations of 66466  
such rules and laws to the commission; enforce against any motor 66467  
~~transportation company~~ carrier as defined in section ~~4921.02~~ 66468  
4923.01 of the Revised Code, ~~any contract carrier by motor vehicle~~ 66469  
~~as defined in section 4923.02 of the Revised Code, any private~~ 66470  
~~motor carrier as defined in section 4923.20 of the Revised Code,~~ 66471  
~~and any motor carrier as defined in section 4919.75 of the Revised~~ 66472

~~Code~~ those rules and laws that, if violated, may result in a 66473  
forfeiture as provided in section ~~4905.83, 4919.99, 4921.99, or~~ 66474  
4923.99 of the Revised Code; investigate and report violations of 66475  
all laws relating to the collection of excise taxes on motor 66476  
vehicle fuels; and regulate the movement of traffic on the roads 66477  
and highways of the state, notwithstanding section 4513.39 of the 66478  
Revised Code. 66479

The patrol, whenever possible, shall determine the identity 66480  
of the persons who are causing or who are responsible for the 66481  
breaking, damaging, or destruction of any improved surfaced 66482  
roadway, structure, sign, marker, guardrail, or other appurtenance 66483  
constructed or maintained by the department of transportation and 66484  
shall arrest the persons who are responsible for the breaking, 66485  
damaging, or destruction and bring them before the proper 66486  
officials for prosecution. 66487

State highway patrol troopers shall investigate and report 66488  
all motor vehicle accidents on all roads and highways outside of 66489  
municipal corporations. The superintendent of the patrol or any 66490  
state highway patrol trooper may arrest, without a warrant, any 66491  
person, who is the driver of or a passenger in any vehicle 66492  
operated or standing on a state highway, whom the superintendent 66493  
or trooper has reasonable cause to believe is guilty of a felony, 66494  
under the same circumstances and with the same power that any 66495  
peace officer may make such an arrest. 66496

The superintendent or any state highway patrol trooper may 66497  
enforce the criminal laws on all state properties and state 66498  
institutions, owned or leased by the state, and, when so ordered 66499  
by the governor in the event of riot, civil disorder, or 66500  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 66501  
Revised Code, arrest offenders against the criminal laws wherever 66502  
they may be found within the state if the violations occurred 66503  
upon, or resulted in injury to person or property on, state 66504

properties or state institutions, or under the conditions 66505  
described in division (B) of this section. This authority of the 66506  
superintendent and any state highway patrol trooper to enforce the 66507  
criminal laws shall extend to any prison that houses state of Ohio 66508  
inmates within the boundaries of this state and that is being 66509  
operated pursuant to an agreement with the department of 66510  
rehabilitation and correction pursuant to section 9.06 of the 66511  
Revised Code, to the same extent as if the prison were owned by 66512  
this state. 66513

(B) In the event of riot, civil disorder, or insurrection, or 66514  
the reasonable threat of riot, civil disorder, or insurrection, 66515  
and upon request, as provided in this section, of the sheriff of a 66516  
county or the mayor or other chief executive of a municipal 66517  
corporation, the governor may order the state highway patrol to 66518  
enforce the criminal laws within the area threatened by riot, 66519  
civil disorder, or insurrection, as designated by the governor, 66520  
upon finding that law enforcement agencies within the counties 66521  
involved will not be reasonably capable of controlling the riot, 66522  
civil disorder, or insurrection and that additional assistance is 66523  
necessary. In cities in which the sheriff is under contract to 66524  
provide exclusive police services pursuant to section 311.29 of 66525  
the Revised Code, in villages, and in the unincorporated areas of 66526  
the county, the sheriff has exclusive authority to request the use 66527  
of the patrol. In cities in which the sheriff does not exclusively 66528  
provide police services, the mayor, or other chief executive 66529  
performing the duties of mayor, has exclusive authority to request 66530  
the use of the patrol. 66531

The superintendent or any state highway patrol trooper may 66532  
enforce the criminal laws within the area designated by the 66533  
governor during the emergency arising out of the riot, civil 66534  
disorder, or insurrection until released by the governor upon 66535  
consultation with the requesting authority. State highway patrol 66536

troopers shall never be used as peace officers in connection with 66537  
any strike or labor dispute. 66538

When a request for the use of the patrol is made pursuant to 66539  
this division, the requesting authority shall notify the law 66540  
enforcement authorities in contiguous communities and the sheriff 66541  
of each county within which the threatened area, or any part of 66542  
the threatened area, lies of the request, but the failure to 66543  
notify the authorities or a sheriff shall not affect the validity 66544  
of the request. 66545

(C) Any person who is arrested by the superintendent or a 66546  
state highway patrol trooper shall be taken before any court or 66547  
magistrate having jurisdiction of the offense with which the 66548  
person is charged. Any person who is arrested or apprehended 66549  
within the limits of a municipal corporation shall be brought 66550  
before the municipal court or other tribunal of the municipal 66551  
corporation. 66552

(D)(1) State highway patrol troopers have the same right and 66553  
power of search and seizure as other peace officers. 66554

No state official shall command, order, or direct any state 66555  
highway patrol trooper to perform any duty or service that is not 66556  
authorized by law. The powers and duties conferred on the patrol 66557  
are supplementary to, and in no way a limitation on, the powers 66558  
and duties of sheriffs or other peace officers of the state. 66559

(2)(a) A state highway patrol trooper, pursuant to the policy 66560  
established by the superintendent of the state highway patrol 66561  
under division (D)(2)(b) of this section, may render emergency 66562  
assistance to any other peace officer who has arrest authority 66563  
under section 2935.03 of the Revised Code, if both of the 66564  
following apply: 66565

(i) There is a threat of imminent physical danger to the 66566  
peace officer, a threat of physical harm to another person, or any 66567

other serious emergency situation; 66568

(ii) Either the peace officer requests emergency assistance, 66569  
or it appears that the peace officer is unable to request 66570  
emergency assistance and the circumstances observed by the state 66571  
highway patrol trooper reasonably indicate that emergency 66572  
assistance is appropriate, or the peace officer requests emergency 66573  
assistance and in the request the peace officer specifies a 66574  
particular location and the state highway patrol trooper arrives 66575  
at that location prior to the time that the peace officer arrives 66576  
at that location and the circumstances observed by the state 66577  
highway patrol trooper reasonably indicate that emergency 66578  
assistance is appropriate. 66579

(b) The superintendent of the state highway patrol shall 66580  
establish, within sixty days of August 8, 1991, a policy that sets 66581  
forth the manner and procedures by which a state highway patrol 66582  
trooper may render emergency assistance to any other peace officer 66583  
under division (D)(2)(a) of this section. The policy shall include 66584  
a provision that a state highway patrol trooper never be used as a 66585  
peace officer in connection with any strike or labor dispute. 66586

(3)(a) A state highway patrol trooper who renders emergency 66587  
assistance to any other peace officer under the policy established 66588  
by the superintendent pursuant to division (D)(2)(b) of this 66589  
section shall be considered to be performing regular employment 66590  
for the purposes of compensation, pension, indemnity fund rights, 66591  
workers' compensation, and other rights or benefits to which the 66592  
trooper may be entitled as incident to regular employment. 66593

(b) A state highway patrol trooper who renders emergency 66594  
assistance to any other peace officer under the policy established 66595  
by the superintendent pursuant to division (D)(2)(b) of this 66596  
section retains personal immunity from liability as specified in 66597  
section 9.86 of the Revised Code. 66598



(c) A state highway patrol trooper who renders emergency assistance under the policy established by the superintendent pursuant to division (D)(2)(b) of this section has the same authority as the peace officer for or with whom the state highway patrol trooper is providing emergency assistance.

(E)(1) Subject to the availability of funds specifically appropriated by the general assembly for security detail purposes, the state highway patrol shall provide security as follows:

(a) For the governor;

(b) At the direction of the governor, for other officials of the state government of this state; officials of the state governments of other states who are visiting this state; officials of the United States government who are visiting this state; officials of the governments of foreign countries or their political subdivisions who are visiting this state; or other officials or dignitaries who are visiting this state, including, but not limited to, members of trade missions;

(c) For the capitol square, as defined in section 105.41 of the Revised Code;

(d) For other state property.

(2) To carry out the security responsibilities of the patrol listed in division (E)(1) of this section, the superintendent may assign state highway patrol troopers to a separate unit that is responsible for security details. The number of troopers assigned to particular security details shall be determined by the superintendent.

(3) The superintendent and any state highway patrol trooper, when providing security pursuant to division (E)(1)(a) or (b) of this section, have the same arrest powers as other peace officers to apprehend offenders against the criminal laws who endanger or threaten the security of any person being protected, no matter

where the offense occurs. 66630

The superintendent, any state highway patrol trooper, and any 66631  
special police officer designated under section 5503.09 of the 66632  
Revised Code, when providing security pursuant to division 66633  
(E)(1)(c) of this section, shall enforce any rules governing 66634  
capitol square adopted by the capitol square review and advisory 66635  
board. 66636

(F) The governor may order the state highway patrol to 66637  
undertake major criminal investigations that involve state 66638  
property interests. If an investigation undertaken pursuant to 66639  
this division results in either the issuance of a no bill or the 66640  
filing of an indictment, the superintendent shall file a complete 66641  
and accurate report of the investigation with the president of the 66642  
senate, the speaker of the house of representatives, the minority 66643  
leader of the senate, and the minority leader of the house of 66644  
representatives within fifteen days after the issuance of the no 66645  
bill or the filing of an indictment. If the investigation does not 66646  
have as its result any prosecutorial action, the superintendent 66647  
shall, upon reporting this fact to the governor, file a complete 66648  
and accurate report of the investigation with the president of the 66649  
senate, the speaker of the house of representatives, the minority 66650  
leader of the senate, and the minority leader of the house of 66651  
representatives. 66652

(G) The superintendent may purchase or lease real property 66653  
and buildings needed by the patrol, negotiate the sale of real 66654  
property owned by the patrol, rent or lease real property owned or 66655  
leased by the patrol, and make or cause to be made repairs to all 66656  
property owned or under the control of the patrol. Any instrument 66657  
by which real property is acquired pursuant to this division shall 66658  
identify the agency of the state that has the use and benefit of 66659  
the real property as specified in section 5301.012 of the Revised 66660  
Code. 66661

Sections 123.01 and 125.02 of the Revised Code do not limit 66662  
the powers granted to the superintendent by this division. 66663

**Sec. 5503.04.** Forty-five per cent of the fines collected from 66664  
or moneys arising from bail forfeited by persons apprehended or 66665  
arrested by state highway patrol troopers shall be paid into the 66666  
state treasury to be credited to the general revenue fund, five 66667  
per cent shall be paid into the state treasury to be credited to 66668  
the trauma and emergency medical services grants fund created by 66669  
~~division (E)~~ of section 4513.263 of the Revised Code, and fifty 66670  
per cent shall be paid into the treasury of the municipal 66671  
corporation where the case is prosecuted, if in a mayor's court. 66672  
If the prosecution is in a trial court outside a municipal 66673  
corporation, or outside the territorial jurisdiction of a 66674  
municipal court, the fifty per cent of the fines and moneys that 66675  
is not paid into the state treasury shall be paid into the 66676  
treasury of the county where the case is prosecuted. The fines and 66677  
moneys paid into a county treasury and the fines and moneys paid 66678  
into the treasury of a municipal corporation shall be deposited 66679  
one-half to the same fund and expended in the same manner as is 66680  
the revenue received from the registration of motor vehicles, and 66681  
one-half to the general fund of such county or municipal 66682  
corporation. 66683

If the prosecution is in a municipal court, forty-five per 66684  
cent of the fines and moneys shall be paid into the state treasury 66685  
to be credited to the general revenue fund, five per cent shall be 66686  
paid into the state treasury to be credited to the trauma and 66687  
emergency medical services grants fund created by division (E) of 66688  
section 4513.263 of the Revised Code, ten per cent shall be paid 66689  
into the county treasury to be credited to the general fund of the 66690  
county, and forty per cent shall be paid into the municipal 66691  
treasury to be credited to the general fund of the municipal 66692  
corporation. In the Auglaize county, Clermont county, Crawford 66693

county, Hocking county, Jackson county, Lawrence county, Madison 66694  
county, Miami county, Ottawa county, Portage county, and Wayne 66695  
county municipal courts, that portion of money otherwise paid into 66696  
the municipal treasury shall be paid into the county treasury. 66697

The trial court shall make remittance of the fines and moneys 66698  
as prescribed in this section, and at the same time as the 66699  
remittance is made of the state's portion to the state treasury, 66700  
the trial court shall notify the superintendent of the state 66701  
highway patrol of the case and the amount covered by the 66702  
remittance. 66703

This section does not apply to fines for violations of 66704  
division (B) of section 4513.263 of the Revised Code, or for 66705  
violations of any municipal ordinance that is substantively 66706  
comparable to that division, all of which shall be delivered to 66707  
the treasurer of state as provided in division (E) of section 66708  
4513.263 of the Revised Code. 66709

**Sec. 5503.34.** There is hereby created in the department of 66710  
public safety, division of state highway patrol, a motor carrier 66711  
enforcement unit, to be administered by the superintendent of the 66712  
state highway patrol. This unit shall be responsible for 66713  
enforcement of commercial motor vehicle transportation safety~~7~~ 66714  
~~economic~~, and hazardous materials requirements. 66715

The superintendent, with the approval of the director of 66716  
public safety, may appoint and maintain necessary staff to carry 66717  
out the duties assigned under this section. 66718

Employees of the motor carrier enforcement unit shall 66719  
cooperate with the public utilities commission to enforce 66720  
compliance with orders and rules of the commission, applicable 66721  
laws under Chapters ~~4919~~ 4905., 4921., and 4923. of the Revised 66722  
Code, and any other applicable laws or rules. 66723

Uniformed employees of the motor carrier enforcement unit may 66724  
stop commercial motor vehicles for the exclusive purpose of 66725  
inspecting such vehicles to enforce compliance with orders and 66726  
rules of the public utilities commission as required by division 66727  
(F) of section 5502.01 of the Revised Code. 66728

**Sec. 5701.13.** (A) As used in this section: 66729

(1) "Nursing home" means a nursing home or a home for the 66730  
aging, as those terms are defined in section 3721.01 of the 66731  
Revised Code, that is issued a license pursuant to section 3721.02 66732  
of the Revised Code. 66733

(2) "Residential care facility" means a residential care 66734  
facility, as defined in section 3721.01 of the Revised Code, that 66735  
is issued a license pursuant to section 3721.02 of the Revised 66736  
Code. 66737

(3) "~~Adult care~~ Residential facility" means ~~an adult care a~~ 66738  
residential facility ~~as defined in licensed under~~ section ~~5119.70~~ 66739  
5119.22 of the Revised Code that ~~is issued a license pursuant to~~ 66740  
~~section 5119.73 of the Revised Code~~ provides accommodations, 66741  
supervision, and personal care services for three to sixteen 66742  
unrelated adults. 66743

(B) As used in Title LVII of the Revised Code, and for the 66744  
purpose of other sections of the Revised Code that refer 66745  
specifically to Chapter 5701. or section 5701.13 of the Revised 66746  
Code, a "home for the aged" means either of the following: 66747

(1) A place of residence for aged and infirm persons that 66748  
satisfies divisions (B)(1)(a) to (e) of this section: 66749

(a) It is a nursing home, residential care facility, or ~~adult~~ 66750  
~~care~~ residential facility. 66751

(b) It is owned by a corporation, unincorporated association, 66752  
or trust of a charitable, religious, or fraternal nature, which is 66753

organized and operated not for profit, which is not formed for the 66754  
pecuniary gain or profit of, and whose net earnings or any part of 66755  
whose net earnings is not distributable to, its members, trustees, 66756  
officers, or other private persons, and which is exempt from 66757  
federal income taxation under section 501 of the "Internal Revenue 66758  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 66759

(c) It is open to the public without regard to race, color, 66760  
or national origin. 66761

(d) It does not pay, directly or indirectly, compensation for 66762  
services rendered, interest on debts incurred, or purchase price 66763  
for land, building, equipment, supplies, or other goods or 66764  
chattels, which compensation, interest, or purchase price is 66765  
unreasonably high. 66766

(e) It provides services for the life of each resident 66767  
without regard to the resident's ability to continue payment for 66768  
the full cost of the services. 66769

(2) A place of residence that satisfies divisions (B)(1)(b), 66770  
(d), and (e) of this section; that satisfies the definition of 66771  
"nursing home" or "residential care facility" under section 66772  
3721.01 of the Revised Code or the definition of "~~adult care~~ 66773  
residential facility" under ~~section 5119.70 of the Revised Code~~ 66774  
division (A)(3) of this section regardless of whether it is 66775  
licensed as such a home or facility; and that is provided at no 66776  
charge to individuals on account of their service without 66777  
compensation to a charitable, religious, fraternal, or educational 66778  
institution, which individuals are aged or infirm and are members 66779  
of the corporation, association, or trust that owns the place of 66780  
residence. For the purposes of division (B)(2) of this section, 66781  
"compensation" does not include furnishing room and board, 66782  
clothing, health care, or other necessities, or stipends or other 66783  
de minimis payments to defray the cost thereof. 66784

Exemption from taxation shall be accorded, on proper 66785  
application, only to those homes or parts of homes which meet the 66786  
standards and provide the services specified in this section. 66787

Nothing in this section shall be construed as preventing a 66788  
home from requiring a resident with financial need to apply for 66789  
any applicable financial assistance or requiring a home to retain 66790  
a resident who willfully refuses to pay for services for which the 66791  
resident has contracted even though the resident has sufficient 66792  
resources to do so. 66793

(C)(1) If a corporation, unincorporated association, or trust 66794  
described in division (B)(1)(b) of this section is granted a 66795  
certificate of need pursuant to section 3702.52 of the Revised 66796  
Code to construct, add to, or otherwise modify a nursing home, or 66797  
is given approval pursuant to section 3791.04 of the Revised Code 66798  
to construct, add to, or otherwise modify a residential care 66799  
facility or ~~adult care~~ residential facility and if the 66800  
corporation, association, or trust submits an affidavit to the tax 66801  
commissioner stating that, commencing on the date of licensure and 66802  
continuing thereafter, the home or facility will be operated in 66803  
accordance with the requirements of divisions (B)(1)(a) to (e) of 66804  
this section, the corporation, association, or trust shall be 66805  
considered to be operating a "home for the aged" within the 66806  
meaning of division (B)(1) of this section, beginning on the first 66807  
day of January of the year in which such certificate is granted or 66808  
approval is given. 66809

(2) If a corporation, association, or trust is considered to 66810  
be operating a "home for the aged" pursuant to division (C)(1) of 66811  
this section, the corporation, association, or trust shall notify 66812  
the tax commissioner in writing upon the occurrence of any of the 66813  
following events: 66814

(a) The corporation, association, or trust no longer intends 66815  
to complete the construction of, addition to, or modification of 66816

the home or facility, to obtain the appropriate license for the 66817  
home or facility, or to commence operation of the home or facility 66818  
in accordance with the requirements of divisions (B)(1)(a) to (e) 66819  
of this section; 66820

(b) The certificate of approval referred to in division 66821  
(C)(1) of this section expires, is revoked, or is otherwise 66822  
terminated prior to the completion of the construction of, 66823  
addition to, or modification of the home or facility; 66824

(c) The license to operate the home or facility is not 66825  
granted by the director of health within one year following 66826  
completion of the construction of, addition to, or modification of 66827  
the home or facility; 66828

(d) The license to operate the home or facility is not 66829  
granted by the director of health within four years following the 66830  
date upon which the certificate or approval referred to in 66831  
division (C)(1) of this section was granted or given; 66832

(e) The home or facility is granted a license to operate as a 66833  
nursing home, residential care facility, or ~~adult care~~ residential 66834  
facility. 66835

(3) Upon the occurrence of any of the events referred to in 66836  
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 66837  
corporation, association, or trust shall no longer be considered 66838  
to be operating a "home for the aged" pursuant to division (C)(1) 66839  
of this section, except that the tax commissioner, for good cause 66840  
shown and to the extent the commissioner considers appropriate, 66841  
may extend the time period specified in division (C)(2)(c) or (d) 66842  
of this section, or both. Nothing in division (C)(3) of this 66843  
section shall be construed to prevent a nursing home, residential 66844  
care facility, or ~~adult care~~ residential facility from qualifying 66845  
as a "home for the aged" if, upon proper application made pursuant 66846  
to division (B) of this section, it is found to meet the 66847



requirements of divisions (A) and (B) of this section. 66848

**Sec. 5703.05.** All powers, duties, and functions of the 66849  
department of taxation are vested in and shall be performed by the 66850  
tax commissioner, which powers, duties, and functions shall 66851  
include, but shall not be limited to, the following: 66852

(A) Prescribing all blank forms which the department is 66853  
authorized to prescribe, and to provide such forms and distribute 66854  
the same as required by law and the rules of the department. 66855

(B) Exercising the authority provided by law, including 66856  
orders from bankruptcy courts, relative to remitting or refunding 66857  
taxes or assessments, including penalties and interest thereon, 66858  
illegally or erroneously assessed or collected, or for any other 66859  
reason overpaid, and in addition, the commissioner may on written 66860  
application of any person, firm, or corporation claiming to have 66861  
overpaid to the treasurer of state at any time within five years 66862  
prior to the making of such application any tax payable under any 66863  
law which the department of taxation is required to administer 66864  
which does not contain any provision for refund, or on the 66865  
commissioner's own motion investigate the facts and make in 66866  
triplicate a written statement of the commissioner's findings, 66867  
and, if the commissioner finds that there has been an overpayment, 66868  
issue in triplicate a certificate of abatement payable to the 66869  
taxpayer, the taxpayer's assigns, or legal representative which 66870  
shows the amount of the overpayment and the kind of tax overpaid. 66871  
One copy of such statement shall be entered on the journal of the 66872  
commissioner, one shall be certified to the attorney general, and 66873  
one certified copy shall be delivered to the taxpayer. All copies 66874  
of the certificate of abatement shall be transmitted to the 66875  
attorney general, and if the attorney general finds it to be 66876  
correct the attorney general shall so certify on each copy, and 66877  
deliver one copy to the taxpayer, one copy to the commissioner, 66878

and the third copy to the treasurer of state. Except as provided 66879  
in ~~sections~~ section 5725.08 and ~~5725.16~~ of the Revised Code, the 66880  
taxpayer's copy of any certificates of abatement may be tendered 66881  
by the payee or transferee thereof to the treasurer of state, or 66882  
to the commissioner on behalf of the treasurer, as payment, to the 66883  
extent of the amount thereof, of any tax payable to the treasurer 66884  
of state. 66885

(C) Exercising the authority provided by law relative to 66886  
consenting to the compromise and settlement of tax claims; 66887

(D) Exercising the authority provided by law relative to the 66888  
use of alternative tax bases by taxpayers in the making of 66889  
personal property tax returns; 66890

(E) Exercising the authority provided by law relative to 66891  
authorizing the prepayment of taxes on retail sales of tangible 66892  
personal property or on the storage, use, or consumption of 66893  
personal property, and waiving the collection of such taxes from 66894  
the consumers; 66895

(F) Exercising the authority provided by law to revoke 66896  
licenses; 66897

(G) Maintaining a continuous study of the practical operation 66898  
of all taxation and revenue laws of the state, the manner in which 66899  
and extent to which such laws provide revenues for the support of 66900  
the state and its political subdivisions, the probable effect upon 66901  
such revenue of possible changes in existing laws, and the 66902  
possible enactment of measures providing for other forms of 66903  
taxation. For this purpose the commissioner may establish and 66904  
maintain a division of research and statistics, and may appoint 66905  
necessary employees who shall be in the unclassified civil 66906  
service; the results of such study shall be available to the 66907  
members of the general assembly and the public. 66908

(H) Making all tax assessments, valuations, findings, 66909

determinations, computations, and orders the department of 66910  
taxation is by law authorized and required to make and, pursuant 66911  
to time limitations provided by law, on the commissioner's own 66912  
motion, reviewing, redetermining, or correcting any tax 66913  
assessments, valuations, findings, determinations, computations, 66914  
or orders the commissioner has made, but the commissioner shall 66915  
not review, redetermine, or correct any tax assessment, valuation, 66916  
finding, determination, computation, or order which the 66917  
commissioner has made as to which an appeal or application for 66918  
rehearing, review, redetermination, or correction has been filed 66919  
with the board of tax appeals, unless such appeal or application 66920  
is withdrawn by the appellant or applicant or dismissed; 66921

(I) Appointing not more than five deputy tax commissioners, 66922  
who, under such regulations as the rules of the department of 66923  
taxation prescribe, may act for the commissioner in the 66924  
performance of such duties as the commissioner prescribes in the 66925  
administration of the laws which the commissioner is authorized 66926  
and required to administer, and who shall serve in the 66927  
unclassified civil service at the pleasure of the commissioner, 66928  
but if a person who holds a position in the classified service is 66929  
appointed, it shall not affect the civil service status of such 66930  
person. The commissioner may designate not more than two of the 66931  
deputy commissioners to act as commissioner in case of the 66932  
absence, disability, or recusal of the commissioner or vacancy in 66933  
the office of commissioner. The commissioner may adopt rules 66934  
relating to the order of precedence of such designated deputy 66935  
commissioners and to their assumption and administration of the 66936  
office of commissioner. 66937

(J) Appointing and prescribing the duties of all other 66938  
employees of the department of taxation necessary in the 66939  
performance of the work of the department which the tax 66940  
commissioner is by law authorized and required to perform, and 66941

creating such divisions or sections of employees as, in the 66942  
commissioner's judgment, is proper; 66943

(K) Organizing the work of the department, which the 66944  
commissioner is by law authorized and required to perform, so 66945  
that, in the commissioner's judgment, an efficient and economical 66946  
administration of the laws will result; 66947

(L) Maintaining a journal, which is open to public 66948  
inspection, in which the tax commissioner shall keep a record of 66949  
all final determinations of the commissioner; 66950

(M) Adopting and promulgating, in the manner provided by 66951  
section 5703.14 of the Revised Code, all rules of the department, 66952  
including rules for the administration of sections 3517.16, 66953  
3517.17, and 5747.081 of the Revised Code; 66954

(N) Destroying any or all returns or assessment certificates 66955  
in the manner authorized by law; 66956

(O) Adopting rules, in accordance with division (B) of 66957  
section 325.31 of the Revised Code, governing the expenditure of 66958  
moneys from the real estate assessment fund under that division. 66959

**Sec. 5705.08.** On or before the first Monday in May of each 66960  
year, the fiscal officer of each subdivision ~~that is not a, except~~ 66961  
~~school district~~ districts and the city of Cincinnati, shall 66962  
certify to its taxing authority the amount necessary to provide 66963  
for the payment of final judgments against the subdivision, except 66964  
in condemnation of property cases. The taxing authority shall 66965  
place such certified amount in each budget and in the annual 66966  
appropriation measure for the full amount certified. 66967

On or before the first Monday in November of each year, the 66968  
fiscal officer of the city of Cincinnati and of each school 66969  
district shall certify to its ~~board of education~~ taxing authority 66970  
the amount necessary to provide for the payment of final judgments 66971

against the ~~district~~ subdivision, except in condemnation of 66972  
property cases. The ~~board of education~~ taxing authority shall 66973  
place such certified amount in each budget and in the annual 66974  
appropriation measure for the full amount certified. 66975

**Sec. 5705.19.** This section does not apply to school districts 66976  
or county school financing districts. 66977

The taxing authority of any subdivision at any time and in 66978  
any year, by vote of two-thirds of all the members of the taxing 66979  
authority, may declare by resolution and certify the resolution to 66980  
the board of elections not less than ninety days before the 66981  
election upon which it will be voted that the amount of taxes that 66982  
may be raised within the ten-mill limitation will be insufficient 66983  
to provide for the necessary requirements of the subdivision and 66984  
that it is necessary to levy a tax in excess of that limitation 66985  
for any of the following purposes: 66986

(A) For current expenses of the subdivision, except that the 66987  
total levy for current expenses of a detention facility district 66988  
or district organized under section 2151.65 of the Revised Code 66989  
shall not exceed two mills and that the total levy for current 66990  
expenses of a combined district organized under sections 2151.65 66991  
and 2152.41 of the Revised Code shall not exceed four mills; 66992

(B) For the payment of debt charges on certain described 66993  
bonds, notes, or certificates of indebtedness of the subdivision 66994  
issued subsequent to January 1, 1925; 66995

(C) For the debt charges on all bonds, notes, and 66996  
certificates of indebtedness issued and authorized to be issued 66997  
prior to January 1, 1925; 66998

(D) For a public library of, or supported by, the subdivision 66999  
under whatever law organized or authorized to be supported; 67000

(E) For a municipal university, not to exceed two mills over 67001

the limitation of one mill prescribed in section 3349.13 of the Revised Code; 67002  
67003

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue; 67004  
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67006

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships; 67007  
67008  
67009

(H) For parks and recreational purposes; 67010

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company; 67011  
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(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance 67023  
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or emergency medical services operated by a police department; 67033

(K) For the maintenance and operation of a county home or 67034  
detention facility; 67035

(L) For community mental retardation and developmental 67036  
disabilities programs and services pursuant to Chapter 5126. of 67037  
the Revised Code, except that the procedure for such levies shall 67038  
be as provided in section 5705.222 of the Revised Code; 67039

(M) For regional planning; 67040

(N) For a county's share of the cost of maintaining and 67041  
operating schools, district detention facilities, forestry camps, 67042  
or other facilities, or any combination thereof, established under 67043  
section 2151.65 or 2152.41 of the Revised Code or both of those 67044  
sections; 67045

(O) For providing for flood defense, providing and 67046  
maintaining a flood wall or pumps, and other purposes to prevent 67047  
floods; 67048

(P) For maintaining and operating sewage disposal plants and 67049  
facilities; 67050

(Q) For the purpose of purchasing, acquiring, constructing, 67051  
enlarging, improving, equipping, repairing, maintaining, or 67052  
operating, or any combination of the foregoing, a county transit 67053  
system pursuant to sections 306.01 to 306.13 of the Revised Code, 67054  
or of making any payment to a board of county commissioners 67055  
operating a transit system or a county transit board pursuant to 67056  
section 306.06 of the Revised Code; 67057

(R) For the subdivision's share of the cost of acquiring or 67058  
constructing any schools, forestry camps, detention facilities, or 67059  
other facilities, or any combination thereof, under section 67060  
2151.65 or 2152.41 of the Revised Code or both of those sections; 67061

(S) For the prevention, control, and abatement of air 67062

|                                                                                                                                                                                                                                                                                                                        |                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| pollution;                                                                                                                                                                                                                                                                                                             | 67063                                     |
| (T) For maintaining and operating cemeteries;                                                                                                                                                                                                                                                                          | 67064                                     |
| (U) For providing ambulance service, emergency medical<br>service, or both;                                                                                                                                                                                                                                            | 67065<br>67066                            |
| (V) For providing for the collection and disposal of garbage<br>or refuse, including yard waste;                                                                                                                                                                                                                       | 67067<br>67068                            |
| (W) For the payment of the police officer employers'<br>contribution or the firefighter employers' contribution required<br>under sections 742.33 and 742.34 of the Revised Code;                                                                                                                                      | 67069<br>67070<br>67071                   |
| (X) For the construction and maintenance of a drainage<br>improvement pursuant to section 6131.52 of the Revised Code;                                                                                                                                                                                                 | 67072<br>67073                            |
| (Y) For providing or maintaining senior citizens services or<br>facilities as authorized by section 307.694, 307.85, 505.70, or<br>505.706 or division (EE) of section 717.01 of the Revised Code;                                                                                                                     | 67074<br>67075<br>67076                   |
| (Z) For the provision and maintenance of zoological park<br>services and facilities as authorized under section 307.76 of the<br>Revised Code;                                                                                                                                                                         | 67077<br>67078<br>67079                   |
| (AA) For the maintenance and operation of a free public<br>museum of art, science, or history;                                                                                                                                                                                                                         | 67080<br>67081                            |
| (BB) For the establishment and operation of a 9-1-1 system,<br>as defined in section 4931.40 of the Revised Code;                                                                                                                                                                                                      | 67082<br>67083                            |
| (CC) For the purpose of acquiring, rehabilitating, or<br>developing rail property or rail service. As used in this<br>division, "rail property" and "rail service" have the same<br>meanings as in section 4981.01 of the Revised Code. This division<br>applies only to a county, township, or municipal corporation. | 67084<br>67085<br>67086<br>67087<br>67088 |
| (DD) For the purpose of acquiring property for, constructing,<br>operating, and maintaining community centers as provided for in<br>section 755.16 of the Revised Code;                                                                                                                                                | 67089<br>67090<br>67091                   |



(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;

(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;

(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no

building, structure, or fixture used for recreational purposes is 67124  
permanently attached or affixed to the land. Except as otherwise 67125  
provided in this division, land that previously has been acquired 67126  
in a township for these greenspace purposes may subsequently be 67127  
used for recreational purposes if the board of township trustees 67128  
adopts a resolution approving that use and no building, structure, 67129  
or fixture used for recreational purposes is permanently attached 67130  
or affixed to the land. The authorization to use greenspace land 67131  
for recreational use does not apply to land located in a township 67132  
that had a population, at the time it passed its first greenspace 67133  
levy, of more than thirty-eight thousand within a county that had 67134  
a population, at that time, of at least eight hundred sixty 67135  
thousand. 67136

(II) For the support by a county of a crime victim assistance 67137  
program that is provided and maintained by a county agency or a 67138  
private, nonprofit corporation or association under section 307.62 67139  
of the Revised Code; 67140

(JJ) For any or all of the purposes set forth in divisions 67141  
(I) and (J) of this section. This division applies only to a 67142  
township. 67143

(KK) For a countywide public safety communications system 67144  
under section 307.63 of the Revised Code. This division applies 67145  
only to counties. 67146

(LL) For the support by a county of criminal justice services 67147  
under section 307.45 of the Revised Code; 67148

(MM) For the purpose of maintaining and operating a jail or 67149  
other detention facility as defined in section 2921.01 of the 67150  
Revised Code; 67151

(NN) For purchasing, maintaining, or improving, or any 67152  
combination of the foregoing, real estate on which to hold 67153  
agricultural fairs. This division applies only to a county. 67154

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (OO) For constructing, rehabilitating, repairing, or               | 67155 |
| maintaining sidewalks, walkways, trails, bicycle pathways, or      | 67156 |
| similar improvements, or acquiring ownership interests in land     | 67157 |
| necessary for the foregoing improvements;                          | 67158 |
| (PP) For both of the purposes set forth in divisions (G) and       | 67159 |
| (OO) of this section.                                              | 67160 |
| (QQ) For both of the purposes set forth in divisions (H) and       | 67161 |
| (HH) of this section. This division applies only to a township.    | 67162 |
| (RR) For the legislative authority of a municipal                  | 67163 |
| corporation, board of county commissioners of a county, or board   | 67164 |
| of township trustees of a township to acquire agricultural         | 67165 |
| easements, as defined in section 5301.67 of the Revised Code, and  | 67166 |
| to supervise and enforce the easements.                            | 67167 |
| (SS) For both of the purposes set forth in divisions (BB) and      | 67168 |
| (KK) of this section. This division applies only to a county.      | 67169 |
| (TT) For the maintenance and operation of a facility that is       | 67170 |
| organized in whole or in part to promote the sciences and natural  | 67171 |
| history under section 307.761 of the Revised Code.                 | 67172 |
| (UU) For the creation and operation of a county land               | 67173 |
| reutilization corporation and for any programs or activities of    | 67174 |
| the corporation found by the board of directors of the corporation | 67175 |
| to be consistent with the purposes for which the corporation is    | 67176 |
| organized;                                                         | 67177 |
| (VV) For construction and maintenance of improvements and          | 67178 |
| expenses of soil and water conservation district programs under    | 67179 |
| Chapter 1515. of the Revised Code;                                 | 67180 |
| (WW) For the Ohio cooperative extension service fund created       | 67181 |
| under section 3335.35 of the Revised Code for the purposes         | 67182 |
| prescribed under section 3335.36 of the Revised Code for the       | 67183 |
| benefit of the citizens of a county. This division applies only to | 67184 |

a county. 67185

(XX) For a municipal corporation that withdraws or proposes 67186  
by resolution to withdraw from a regional transit authority under 67187  
section 306.55 of the Revised Code to provide transportation 67188  
services for the movement of persons within, from, or to the 67189  
municipal corporation. 67190

The resolution shall be confined to the purpose or purposes 67191  
described in one division of this section, to which the revenue 67192  
derived therefrom shall be applied. The existence in any other 67193  
division of this section of authority to levy a tax for any part 67194  
or all of the same purpose or purposes does not preclude the use 67195  
of such revenues for any part of the purpose or purposes of the 67196  
division under which the resolution is adopted. 67197

The resolution shall specify the amount of the increase in 67198  
rate that it is necessary to levy, the purpose of that increase in 67199  
rate, and the number of years during which the increase in rate 67200  
shall be in effect, which may or may not include a levy upon the 67201  
duplicate of the current year. The number of years may be any 67202  
number not exceeding five, except as follows: 67203

(1) When the additional rate is for the payment of debt 67204  
charges, the increased rate shall be for the life of the 67205  
indebtedness. 67206

(2) When the additional rate is for any of the following, the 67207  
increased rate shall be for a continuing period of time: 67208

(a) For the current expenses for a detention facility 67209  
district, a district organized under section 2151.65 of the 67210  
Revised Code, or a combined district organized under sections 67211  
2151.65 and 2152.41 of the Revised Code; 67212

(b) For providing a county's share of the cost of maintaining 67213  
and operating schools, district detention facilities, forestry 67214  
camps, or other facilities, or any combination thereof, 67215

established under section 2151.65 or 2152.41 of the Revised Code 67216  
or under both of those sections. 67217

(3) When the additional rate is for either of the following, 67218  
the increased rate may be for a continuing period of time: 67219

(a) For the purposes set forth in division (I), (J), (U), or 67220  
(KK) of this section; 67221

(b) For the maintenance and operation of a joint recreation 67222  
district. 67223

(4) When the increase is for the purpose or purposes set 67224  
forth in division (D), (G), (H), (CC), or (PP) of this section, 67225  
the tax levy may be for any specified number of years or for a 67226  
continuing period of time, as set forth in the resolution. 67227

(5) When the additional rate is for the purpose described in 67228  
division (Z) of this section, the increased rate shall be for any 67229  
number of years not exceeding ten. 67230

A levy for one of the purposes set forth in division (G), 67231  
(I), (J), or (U) of this section may be reduced pursuant to 67232  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 67233  
the purposes set forth in division (G), (I), (J), or (U) of this 67234  
section may also be terminated or permanently reduced by the 67235  
taxing authority if it adopts a resolution stating that the 67236  
continuance of the levy is unnecessary and the levy shall be 67237  
terminated or that the millage is excessive and the levy shall be 67238  
decreased by a designated amount. 67239

A resolution of a detention facility district, a district 67240  
organized under section 2151.65 of the Revised Code, or a combined 67241  
district organized under both sections 2151.65 and 2152.41 of the 67242  
Revised Code may include both current expenses and other purposes, 67243  
provided that the resolution shall apportion the annual rate of 67244  
levy between the current expenses and the other purpose or 67245  
purposes. The apportionment need not be the same for each year of 67246

the levy, but the respective portions of the rate actually levied 67247  
each year for the current expenses and the other purpose or 67248  
purposes shall be limited by the apportionment. 67249

Whenever a board of county commissioners, acting either as 67250  
the taxing authority of its county or as the taxing authority of a 67251  
sewer district or subdistrict created under Chapter 6117. of the 67252  
Revised Code, by resolution declares it necessary to levy a tax in 67253  
excess of the ten-mill limitation for the purpose of constructing, 67254  
improving, or extending sewage disposal plants or sewage systems, 67255  
the tax may be in effect for any number of years not exceeding 67256  
twenty, and the proceeds of the tax, notwithstanding the general 67257  
provisions of this section, may be used to pay debt charges on any 67258  
obligations issued and outstanding on behalf of the subdivision 67259  
for the purposes enumerated in this paragraph, provided that any 67260  
such obligations have been specifically described in the 67261  
resolution. 67262

A resolution adopted by the legislative authority of a 67263  
municipal corporation that is for the purpose in division (XX) of 67264  
this section may be combined with the purpose provided in section 67265  
306.55 of the Revised Code, by vote of two-thirds of all members 67266  
of the legislative authority. The legislative authority may 67267  
certify the resolution to the board of elections as a combined 67268  
question. The question appearing on the ballot shall be as 67269  
provided in section 5705.252 of the Revised Code. 67270

The resolution shall go into immediate effect upon its 67271  
passage, and no publication of the resolution is necessary other 67272  
than that provided for in the notice of election. 67273

When the electors of a subdivision have approved a tax levy 67274  
under this section, the taxing authority of the subdivision may 67275  
anticipate a fraction of the proceeds of the levy and issue 67276  
anticipation notes in accordance with section 5705.191 or 5705.193 67277  
of the Revised Code. 67278

Sec. 5705.25. (A) A copy of any resolution adopted as 67279  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 67280  
be certified by the taxing authority to the board of elections of 67281  
the proper county not less than ninety days before the general 67282  
election in any year, and the board shall submit the proposal to 67283  
the electors of the subdivision at the succeeding November 67284  
election. Except as otherwise provided in this division, a 67285  
resolution to renew an existing levy, regardless of the section of 67286  
the Revised Code under which the tax was imposed, shall not be 67287  
placed on the ballot unless the question is submitted at the 67288  
general election held during the last year the tax to be renewed 67289  
or replaced may be extended on the real and public utility 67290  
property tax list and duplicate, or at any election held in the 67291  
ensuing year. The limitation of the foregoing sentence does not 67292  
apply to a resolution to renew and increase or to renew part of an 67293  
existing levy that was imposed under section 5705.191 of the 67294  
Revised Code to supplement the general fund for the purpose of 67295  
making appropriations for one or more of the following purposes: 67296  
for public assistance, human or social services, relief, welfare, 67297  
hospitalization, health, and support of general hospitals. The 67298  
limitation of the second preceding sentence also does not apply to 67299  
a resolution that proposes to renew two or more existing levies 67300  
imposed under section 5705.21 of the Revised Code, in which case 67301  
the question shall be submitted on the date of the general or 67302  
primary election held during the last year at least one of the 67303  
levies to be renewed may be extended on the real and public 67304  
utility property tax list and duplicate, or at any election held 67305  
during the ensuing year. For purposes of this section, a levy 67306  
shall be considered to be an "existing levy" through the year 67307  
following the last year it can be placed on that tax list and 67308  
duplicate. 67309

The board shall make the necessary arrangements for the 67310

submission of such questions to the electors of such subdivision, 67311  
and the election shall be conducted, canvassed, and certified in 67312  
the same manner as regular elections in such subdivision for the 67313  
election of county officers. Notice of the election shall be 67314  
published in a newspaper of general circulation in the subdivision 67315  
once a week for two consecutive weeks, or as provided in section 67316  
7.16 of the Revised Code, prior to the election. If the board of 67317  
elections operates and maintains a web site, the board of 67318  
elections shall post notice of the election on its web site for 67319  
thirty days prior to the election. The notice shall state the 67320  
purpose, the proposed increase in rate expressed in dollars and 67321  
cents for each one hundred dollars of valuation as well as in 67322  
mills for each one dollar of valuation, the number of years during 67323  
which the increase will be in effect, the first month and year in 67324  
which the tax will be levied, and the time and place of the 67325  
election. 67326

(B) The form of the ballots cast at an election held pursuant 67327  
to division (A) of this section shall be as follows: 67328

"An additional tax for the benefit of (name of subdivision or 67329  
public library) ..... for the purpose of (purpose stated in 67330  
the resolution) ..... at a rate not exceeding ..... mills 67331  
for each one dollar of valuation, which amounts to (rate expressed 67332  
in dollars and cents) ..... for each one hundred dollars of 67333  
valuation, for ..... (life of indebtedness or number of years the 67334  
levy is to run). 67335

|  |                      |
|--|----------------------|
|  | For the Tax Levy     |
|  | Against the Tax Levy |

"

(C) If the levy is to be in effect for a continuing period of 67340  
time, the notice of election and the form of ballot shall so state 67341



instead of setting forth a specified number of years for the levy. 67342

If the tax is to be placed on the current tax list, the form 67343  
of the ballot shall be modified by adding, after the statement of 67344  
the number of years the levy is to run, the phrase ", commencing 67345  
in ..... (first year the tax is to be levied), first due in 67346  
calendar year ..... (first calendar year in which the tax 67347  
shall be due)." 67348

If the levy submitted is a proposal to renew, increase, or 67349  
decrease an existing levy, the form of the ballot specified in 67350  
division (B) of this section may be changed by substituting for 67351  
the words "An additional" at the beginning of the form, the words 67352  
"A renewal of a" in case of a proposal to renew an existing levy 67353  
in the same amount; the words "A renewal of ..... mills and an 67354  
increase of ..... mills to constitute a" in the case of an 67355  
increase; or the words "A renewal of part of an existing levy, 67356  
being a reduction of ..... mills, to constitute a" in the case of 67357  
a decrease in the proposed levy. 67358

If the levy submitted is a proposal to renew two or more 67359  
existing levies imposed under section 5705.21 of the Revised Code, 67360  
the form of the ballot specified in division (B) of this section 67361  
shall be modified by substituting for the words "an additional 67362  
tax" the words "a renewal of ....(insert the number of levies to 67363  
be renewed) existing taxes." 67364

If the levy submitted is a levy under section 5705.72 of the 67365  
Revised Code or a proposal to renew, increase, or decrease an 67366  
existing levy imposed under that section, the name of the 67367  
subdivision shall be "the unincorporated area of ..... (name 67368  
of township)." 67369

The question covered by such resolution shall be submitted as 67370  
a separate proposition but may be printed on the same ballot with 67371  
any other proposition submitted at the same election, other than 67372

the election of officers. More than one such question may be 67373  
submitted at the same election. 67374

(D) A levy voted in excess of the ten-mill limitation under 67375  
this section shall be certified to the tax commissioner. In the 67376  
first year of the levy, it shall be extended on the tax lists 67377  
after the February settlement succeeding the election. If the 67378  
additional tax is to be placed upon the tax list of the current 67379  
year, as specified in the resolution providing for its submission, 67380  
the result of the election shall be certified immediately after 67381  
the canvass by the board of elections to the taxing authority, who 67382  
shall make the necessary levy and certify it to the county 67383  
auditor, who shall extend it on the tax lists for collection. 67384  
After the first year, the tax levy shall be included in the annual 67385  
tax budget that is certified to the county budget commission. 67386

Sec. 5705.252. (A) If the legislative authority of a 67387  
municipal corporation adopts a resolution for the purposes 67388  
provided in section 306.55 of the Revised Code and division (XX) 67389  
of section 5705.19 of the Revised Code and certifies the 67390  
resolution to the board of elections as a combined question, the 67391  
question appearing on the ballot shall read: 67392

"Shall the territory within the ..... (name of municipal 67393  
corporation) be withdrawn from ..... (name of regional transit 67394  
authority) and shall an additional tax be levied for the benefit 67395  
of ..... (name of municipal corporation) ..... for the purpose 67396  
of providing transportation services for the movement of persons 67397  
within, from, or to the ..... (name of municipal corporation) at 67398  
a rate not exceeding ..... mills for each one dollar of 67399  
valuation, which amounts to ..... (rate expressed in dollars and 67400  
cents) for each one hundred dollars of valuation, for ..... 67401  
(number of years the levy is to run)?" 67402

(B) If the board of trustees of a township adopts a 67403

resolution for the purposes provided in sections 306.55 and 67404  
5705.72 of the Revised Code and certifies the resolution to the 67405  
board of elections as a combined question, the question appearing 67406  
on the ballot in the unincorporated area of the township shall 67407  
read: 67408

"Shall the territory within the unincorporated area of ..... 67409  
(name of township) be withdrawn from ..... (name of regional 67410  
transit authority) and shall an additional tax be levied for the 67411  
benefit of the unincorporated area of ..... (name of township) 67412  
for the purpose of providing transportation services for the 67413  
movement of persons within, from, or to the unincorporated area of 67414  
..... (name of township) at a rate not exceeding ..... mills for 67415  
each one dollar of valuation, which amounts to ..... (rate 67416  
expressed in dollars and cents) for each one hundred dollars of 67417  
valuation, for ..... (number of years the levy is to run)? 67418

**Sec. 5705.28.** (A) Except as provided in division (B)(1) or 67419  
(2) of this section or in section 5705.281 of the Revised Code, 67420  
the taxing authority of each subdivision or other taxing unit 67421  
shall adopt a tax budget for the next succeeding fiscal year: 67422

(1) On or before the fifteenth day of January in the case of 67423  
a school ~~district~~ districts and the city of Cincinnati; 67424

(2) On or before the fifteenth day of July in the case of all 67425  
other subdivisions and taxing units. 67426

(B)(1) Before the first day of June in each year, the board 67427  
of trustees of a school library district entitled to participate 67428  
in any appropriation or revenue of a school district or to have a 67429  
tax proposed by the board of education of a school district shall 67430  
file with the board of education of the school district a tax 67431  
budget for the ensuing fiscal year. On or before the fifteenth day 67432  
of July in each year, the board of education of a school district 67433  
to which a school library district tax budget was submitted under 67434

this division shall adopt such tax budget on behalf of the library 67435  
district, but such budget shall not be part of the school 67436  
district's tax budget. 67437

(2)(a) The taxing authority of a taxing unit that does not 67438  
levy a tax is not required to adopt a tax budget pursuant to 67439  
division (A) of this section. Instead, on or before the fifteenth 67440  
day of July each year, such taxing authority shall adopt an 67441  
operating budget for the taxing unit for the ensuing fiscal year. 67442  
The operating budget shall include an estimate of receipts from 67443  
all sources, a statement of all taxing unit expenses that are 67444  
anticipated to occur, and the amount required for debt charges 67445  
during the fiscal year. The operating budget is not required to be 67446  
filed with the county auditor or the county budget commission. 67447

(b) Except for this section and sections 5705.36, 5705.38, 67448  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 67449  
Code, a taxing unit that does not levy a tax is not a taxing unit 67450  
for purposes of Chapter 5705. of the Revised Code. Documents 67451  
prepared in accordance with such sections are not required to be 67452  
filed with the county auditor or county budget commission. 67453

(c) The total appropriations from each fund of a taxing unit 67454  
that does not levy a tax shall not exceed the total estimated 67455  
revenue available for expenditures from the fund, and 67456  
appropriations shall be made from each fund only for the purposes 67457  
for which the fund is established. 67458

(C)(1) To assist in the preparation of the tax budget, the 67459  
head of each department, board, commission, and district authority 67460  
entitled to participate in any appropriation or revenue of a 67461  
subdivision shall file with the taxing authority, or in the case 67462  
of a municipal corporation, with its chief executive officer, 67463  
before the forty-fifth day prior to the date on which the budget 67464  
must be adopted, an estimate of contemplated revenue and 67465  
expenditures for the ensuing fiscal year, in such form as is 67466

prescribed by the taxing authority of the subdivision or by the 67467  
auditor of state. The taxing authority shall include in its budget 67468  
of expenditures the full amounts requested by district 67469  
authorities, not to exceed the amount authorized by law, if such 67470  
authorities may fix the amount of revenue they are to receive from 67471  
the subdivision. In a municipal corporation in which a special 67472  
levy for a municipal university has been authorized to be levied 67473  
in excess of the ten-mill limitation, or is required by the 67474  
charter of the municipal corporation, the taxing authority shall 67475  
include an amount not less than the estimated yield of such levy, 67476  
if such amount is requested by the board of directors of the 67477  
municipal university. 67478

(2) A county board of developmental disabilities may include 67479  
within its estimate of contemplated revenue and expenditures a 67480  
reserve balance account in the community developmental 67481  
disabilities residential services fund. The account shall contain 67482  
money that is not needed to pay for current expenses for 67483  
residential services and supported living but will be needed to 67484  
pay for expenses for such services in the future or may be needed 67485  
for unanticipated emergency expenses. On the request of the county 67486  
board of developmental disabilities, the board of county 67487  
commissioners shall include such an account in its budget of 67488  
expenditures and appropriate money to the account from residential 67489  
service moneys for the county board. 67490

(D) The board of trustees of any public library desiring to 67491  
participate in the distribution of the county public library fund 67492  
shall adopt appropriate rules extending the benefits of the 67493  
library service of such library to all the inhabitants of the 67494  
county on equal terms, unless such library service is by law 67495  
available to all such inhabitants, and shall certify a copy of 67496  
such rules to the taxing authority with its estimate of 67497  
contemplated revenue and expenditures. Where such rules have been 67498

so certified or where the adoption of such rules is not required, 67499  
the taxing authority shall include in its budget of receipts such 67500  
amounts as are specified by such board as contemplated revenue 67501  
from the county public library fund, and in its budget of 67502  
expenditures the full amounts requested therefrom by such board. 67503  
No library association, incorporated or unincorporated, is 67504  
entitled to participate in the proceeds of the county public 67505  
library fund unless such association both was organized and 67506  
operating prior to January 1, 1968, and participated in the 67507  
distribution of the proceeds of the county public library fund 67508  
prior to December 31, 2005. 67509

**Sec. 5705.30.** This section does not apply to a subdivision 67510  
for which the county budget commission has waived the requirement 67511  
to adopt a tax budget under section 5705.281 of the Revised Code. 67512

In addition to the information required by section 5705.29 of 67513  
the Revised Code, the budget of each subdivision and school 67514  
library district shall include such other information as is 67515  
prescribed by the auditor of state. At least two copies of the 67516  
budget shall be filed in the office of the fiscal officer of the 67517  
subdivision for public inspection not less than ten days before 67518  
its adoption by the taxing authority, and such taxing authority 67519  
shall hold at least one public hearing thereon, of which public 67520  
notice shall be given by at least one publication not less than 67521  
ten days prior to the date of hearing in the official publication 67522  
of such subdivision, or in a newspaper having general circulation 67523  
in the subdivision. The budget, after adoption, shall be submitted 67524  
to the county auditor on or before the twentieth day of July, or 67525  
in the case of a school district or the city of Cincinnati, by the 67526  
twentieth day of January. The tax commissioner may prescribe a 67527  
later date for the submission of a subdivision's tax budget. Any 67528  
subdivision that fails to submit its budget to the county auditor 67529  
on or before the ~~twentieth day of July, unless the commissioner on~~ 67530

~~er before the twentieth day of July prescribes date prescribed by~~ 67531  
~~this section or a later date for submission of the budget by that~~ 67532  
~~subdivision, prescribed by the commissioner~~ shall not receive an 67533  
apportionment from the undivided local government fund 67534  
distribution for the ensuing calendar year, ~~unless upon review of~~ 67535  
~~the matter~~ the commissioner determines that the budget was adopted 67536  
by the subdivision on or before the ~~fifteenth~~ fifth day ~~of July~~ 67537  
before the date prescribed by this section for submitting the 67538  
budget, but was not submitted ~~to the county auditor~~ by the 67539  
~~twentieth day of July~~ date so prescribed or the later time 67540  
prescribed by the commissioner because of ministerial error by the 67541  
subdivision or its officers, employees, or other representatives. 67542

**Sec. 5705.34.** When the budget commission has completed its 67543  
work with respect to a tax budget or other information required to 67544  
be provided under section 5705.281 of the Revised Code, it shall 67545  
certify its action to the taxing authority, together with an 67546  
estimate by the county auditor of the rate of each tax necessary 67547  
to be levied by the taxing authority within its subdivision or 67548  
taxing unit, and what part thereof is in excess of, and what part 67549  
within, the ten-mill tax limitation. The certification shall also 67550  
indicate the date on which each tax levied by the taxing authority 67551  
will expire. 67552

If a taxing authority levies a tax for a fixed sum of money 67553  
or to pay debt charges for the tax year for which the tax budget 67554  
is prepared, and a payment on account of that tax is payable to 67555  
the taxing authority for the tax year under section 5727.85, 67556  
5727.86, 5751.21, or 5751.22 of the Revised Code, the county 67557  
auditor, when estimating the rate at which the tax shall be levied 67558  
in the current year, shall estimate the rate necessary to raise 67559  
the required sum less the estimated amount of any payments made 67560  
for the tax year to a taxing unit for fixed-sum levies under those 67561  
sections. The estimated rate shall be the rate of the levy that 67562

the budget commission certifies with its action under this 67563  
section. 67564

Each taxing authority, by ordinance or resolution, shall 67565  
authorize the necessary tax levies and certify them to the county 67566  
auditor before the first day of October in each year, or at such 67567  
later date as is approved by the tax commissioner, except that the 67568  
certification by the legislative authority of the city of 67569  
Cincinnati or by a board of education shall be made by the first 67570  
day of April or at such later date as is approved by the 67571  
commissioner, and except that a township board of park 67572  
commissioners that is appointed by the board of township trustees 67573  
and oversees a township park district that contains only 67574  
unincorporated territory shall authorize only those taxes approved 67575  
by, and only at the rate approved by, the board of township 67576  
trustees as required by division (C) of section 511.27 of the 67577  
Revised Code. If the levying of a tax to be placed on the 67578  
duplicate of the current year is approved by the electors of the 67579  
subdivision under sections 5705.01 to 5705.47 of the Revised Code; 67580  
if the rate of a school district tax is increased due to the 67581  
repeal of a school district income tax and property tax rate 67582  
reduction at an election held pursuant to section 5748.04 of the 67583  
Revised Code; or if refunding bonds to refund all or a part of the 67584  
principal of bonds payable from a tax levy for the ensuing fiscal 67585  
year are issued or sold and in the process of delivery, the budget 67586  
commission shall reconsider and revise its action on the budget of 67587  
the subdivision or school library district for whose benefit the 67588  
tax is to be levied after the returns of such election are fully 67589  
canvassed, or after the issuance or sale of such refunding bonds 67590  
is certified to it. 67591

**Sec. 5705.35.** (A) The certification of the budget commission 67592  
to the taxing authority of each subdivision or taxing unit, as set 67593  
forth in section 5705.34 of the Revised Code, shall show the 67594



various funds of such subdivisions other than funds to be created 67595  
by transfer and shall be filed by the county budget commission 67596  
with such taxing authority on or before the first day of March in 67597  
the case of school districts and the city of Cincinnati and on or 67598  
before the first day of September in each year in the case of all 67599  
other taxing authorities. There shall be set forth on the credit 67600  
side of each fund the estimated unencumbered balances and 67601  
receipts, and if a tax is to be levied for such fund, the 67602  
estimated revenue to be derived therefrom, the rate of the levy, 67603  
and what portion thereof is within, and what in excess of, the 67604  
ten-mill tax limitation, and on the debit side, the total 67605  
appropriations that may be made therefrom. Subject to division (G) 67606  
of section 5705.29 of the Revised Code, any reserve balance in an 67607  
account established under section 5705.13 of the Revised Code for 67608  
the purpose described in division (A)(1) of that section, and the 67609  
principal of a nonexpendable trust fund established under section 67610  
5705.131 of the Revised Code and any additions to principal 67611  
arising from sources other than the reinvestment of investment 67612  
earnings arising from that fund, are not unencumbered balances for 67613  
the purposes of this section. The balance in a reserve balance 67614  
account established under section 5705.132 of the Revised Code is 67615  
not an unencumbered balance for the purposes of this division. 67616

There shall be attached to the certification a summary, which 67617  
shall be known as the "official certificate of estimated 67618  
resources," that shall state the total estimated resources of each 67619  
fund of the subdivision that are available for appropriation in 67620  
the fiscal year, other than funds to be created by transfer, and a 67621  
statement of the amount of the total tax duplicate of the school 67622  
district to be used in the collection of taxes for the following 67623  
calendar year. Before the end of the fiscal year, the taxing 67624  
authority of each subdivision and other taxing unit shall revise 67625  
its tax budget, if one was adopted, so that the total contemplated 67626  
expenditures from any fund during the ensuing fiscal year will not 67627

exceed the total appropriations that may be made from such fund, 67628  
as determined by the budget commission in its certification; and 67629  
such revised budget shall be the basis of the annual appropriation 67630  
measure. 67631

(B)(1) Except as otherwise provided in division (B)(2) of 67632  
this section, revenues from real property taxes scheduled to be 67633  
settled on or before the tenth day of August and the fifteenth day 67634  
of February of a fiscal year under divisions (A) and (C) of 67635  
section 321.24 of the Revised Code, and revenue from taxes levied 67636  
on personal property used in business scheduled to be settled on 67637  
or before the thirty-first day of October and the thirtieth day of 67638  
June of a fiscal year under divisions (B) and (D) of section 67639  
321.24 of the Revised Code shall not be available for 67640  
appropriation by a board of education prior to the fiscal year in 67641  
which such latest scheduled settlement date occurs, except that 67642  
moneys advanced to the treasurer of a board of education under 67643  
division (A)(2)(b) of section 321.34 of the Revised Code shall be 67644  
available for appropriation in the fiscal year in which they are 67645  
paid to the treasurer under such section. If the date for any 67646  
settlement of taxes is extended under division (E) of section 67647  
321.24 of the Revised Code, the latest date set forth in divisions 67648  
(A) to (D) of that section shall be used to determine in which 67649  
fiscal year the revenues are first available for appropriation. 67650

(2) Revenues available for appropriation by a school district 67651  
during a fiscal year may include amounts borrowed in that fiscal 67652  
year under section 133.301 of the Revised Code in anticipation of 67653  
the collection of taxes that are to be included in the settlements 67654  
made under divisions (C) and (D) of section 321.24 of the Revised 67655  
Code in the ensuing fiscal year. 67656

**Sec. 5705.38.** (A) This division does not apply to school 67657  
district appropriation measures. On or about the first day of each 67658

fiscal year, the taxing authority of each subdivision or other 67659  
taxing unit shall pass an appropriation measure, and thereafter 67660  
during the year it may pass any supplemental appropriation 67661  
measures as it finds necessary, based on the revised tax budget or 67662  
the official certificate of estimated resources or amendments of 67663  
the certificate. If it desires to postpone the passage of the 67664  
annual appropriation measure until an amended certificate is 67665  
received based on the actual balances, it may pass a temporary 67666  
appropriation measure for meeting the ordinary expenses of the 67667  
taxing unit until no later than the first day of April or, in the 67668  
case of the city of Cincinnati, the first day of October, of the 67669  
current year, and the appropriations made in the temporary measure 67670  
shall be chargeable to the appropriations in the annual 67671  
appropriation measure for that fiscal year when passed. 67672

(B) A board of education shall pass its annual appropriation 67673  
measure by the first day of October. If, by the first day of 67674  
October, a board has not received either the amended certificates 67675  
of estimated resources required by division (B) of section 5705.36 67676  
of the Revised Code or certifications that no amended certificates 67677  
need be issued, the adoption of the annual appropriation measure 67678  
shall be delayed until the amended certificates or certifications 67679  
are received. Prior to the passage of the annual appropriation 67680  
measure, the board may pass a temporary appropriation measure for 67681  
meeting the ordinary expenses of the district until it passes an 67682  
annual appropriation measure, and appropriations made in the 67683  
temporary measure shall be chargeable to the appropriations in the 67684  
annual appropriation measure for that fiscal year when passed. 67685  
During the fiscal year and after the passage of the annual 67686  
appropriation measure, a district may pass any supplemental 67687  
appropriation measures as it finds necessary, based on the revised 67688  
tax budget or the official certificate of estimated resources or 67689  
amendments of the certificate. School district appropriation 67690

measures shall be in the form as the auditor of state, after 67691  
consultation with the tax commissioner, prescribes. 67692

(C) Appropriation measures shall be classified so as to set 67693  
forth separately the amounts appropriated for each office, 67694  
department, and division, and, within each, the amount 67695  
appropriated for personal services. In the case of a municipal 67696  
university, the board of directors of which have assumed, in the 67697  
manner provided by law, custody and control of the funds of the 67698  
university, funds shall be appropriated as a lump sum for the use 67699  
of the university. 67700

Sec. 5705.72. (A) As used in this section and in section 67701  
5705.25 of the Revised Code with regard to a levy submitted under 67702  
this section, "electors" means electors of the unincorporated area 67703  
of a township. 67704

(B) The board of trustees of any township that withdraws or 67705  
proposes by resolution to withdraw the unincorporated area of the 67706  
township from a regional transit authority under section 306.55 of 67707  
the Revised Code, by vote of two-thirds of all the members of the 67708  
board of trustees, may declare by resolution that the amount of 67709  
taxes that may be raised within the ten-mill limitation will be 67710  
insufficient to provide transportation services to the 67711  
unincorporated area of the township and that it is necessary to 67712  
levy a tax in excess of that limitation within the unincorporated 67713  
area of that township for the purpose of providing transportation 67714  
services for the movement of persons within, from, or to the 67715  
unincorporated area of that township. 67716

The resolution shall specify the necessary amount of the 67717  
increase in rate to levy, the purpose of such increase, and the 67718  
number of years, not exceeding ten, during which the rate increase 67719  
shall be in effect, which may or may not include a levy upon the 67720  
tax list of the current year. 67721

The resolution shall be submitted to the proper county board of elections not less than ninety days before the date of the election at which the question will appear on the ballot and in the manner provided by section 5705.25 of the Revised Code, except that the question may be submitted to electors at a general election or a special election held on a date consistent with section 3501.01 of the Revised Code.

A resolution adopted by the board of trustees of a township under this section may be combined with a resolution for the withdrawal of the unincorporated area of the township from a regional transit authority as provided in section 306.55 of the Revised Code, by vote of two-thirds of all members of the board. The board may certify the combined resolution to the board of elections as a combined question. The question appearing on the ballot shall be as provided in section 5705.252 of the Revised Code.

When electors have approved a tax levy under this section, the board of township trustees may anticipate a fraction of the proceeds of the levy and issue anticipation notes as authorized by section 5705.191 of the Revised Code for a current expense levy with a fixed term, and may anticipate the collection of current revenue under section 133.10 of the Revised Code.

**Sec. 5709.12.** (A) As used in this section, "independent living facilities" means any residential housing facilities and related property that are not a nursing home, residential care facility, or ~~adult care~~ residential facility as defined in division (A) of section 5701.13 of the Revised Code.

(B) Lands, houses, and other buildings belonging to a county, township, or municipal corporation and used exclusively for the accommodation or support of the poor, or leased to the state or any political subdivision for public purposes shall be exempt from

taxation. Real and tangible personal property belonging to 67753  
institutions that is used exclusively for charitable purposes 67754  
shall be exempt from taxation, including real property belonging 67755  
to an institution that is a nonprofit corporation that receives a 67756  
grant under the Thomas Alva Edison grant program authorized by 67757  
division (C) of section 122.33 of the Revised Code at any time 67758  
during the tax year and being held for leasing or resale to 67759  
others. If, at any time during a tax year for which such property 67760  
is exempted from taxation, the corporation ceases to qualify for 67761  
such a grant, the director of development shall notify the tax 67762  
commissioner, and the tax commissioner shall cause the property to 67763  
be restored to the tax list beginning with the following tax year. 67764  
All property owned and used by a nonprofit organization 67765  
exclusively for a home for the aged, as defined in section 5701.13 67766  
of the Revised Code, also shall be exempt from taxation. 67767

(C)(1) If a home for the aged described in division (B)(1) of 67768  
section 5701.13 of the Revised Code is operated in conjunction 67769  
with or at the same site as independent living facilities, the 67770  
exemption granted in division (B) of this section shall include 67771  
kitchen, dining room, clinic, entry ways, maintenance and storage 67772  
areas, and land necessary for access commonly used by both 67773  
residents of the home for the aged and residents of the 67774  
independent living facilities. Other facilities commonly used by 67775  
both residents of the home for the aged and residents of 67776  
independent living units shall be exempt from taxation only if the 67777  
other facilities are used primarily by the residents of the home 67778  
for the aged. Vacant land currently unused by the home, and 67779  
independent living facilities and the lands connected with them 67780  
are not exempt from taxation. Except as provided in division 67781  
(A)(1) of section 5709.121 of the Revised Code, property of a home 67782  
leased for nonresidential purposes is not exempt from taxation. 67783

(2) Independent living facilities are exempt from taxation if 67784

they are operated in conjunction with or at the same site as a 67785  
home for the aged described in division (B)(2) of section 5701.13 67786  
of the Revised Code; operated by a corporation, association, or 67787  
trust described in division (B)(1)(b) of that section; operated 67788  
exclusively for the benefit of members of the corporation, 67789  
association, or trust who are retired, aged, or infirm; and 67790  
provided to those members without charge in consideration of their 67791  
service, without compensation, to a charitable, religious, 67792  
fraternal, or educational institution. For the purposes of 67793  
division (C)(2) of this section, "compensation" does not include 67794  
furnishing room and board, clothing, health care, or other 67795  
necessities, or stipends or other de minimis payments to defray 67796  
the cost thereof. 67797

(D)(1) A private corporation established under federal law, 67798  
defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, as 67799  
amended, the objects of which include encouraging the advancement 67800  
of science generally, or of a particular branch of science, the 67801  
promotion of scientific research, the improvement of the 67802  
qualifications and usefulness of scientists, or the increase and 67803  
diffusion of scientific knowledge is conclusively presumed to be a 67804  
charitable or educational institution. A private corporation 67805  
established as a nonprofit corporation under the laws of a state, 67806  
that is exempt from federal income taxation under section 67807  
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 67808  
U.S.C.A. 1, as amended, and has as its principal purpose one or 67809  
more of the foregoing objects, also is conclusively presumed to be 67810  
a charitable or educational institution. 67811

The fact that an organization described in this division 67812  
operates in a manner that results in an excess of revenues over 67813  
expenses shall not be used to deny the exemption granted by this 67814  
section, provided such excess is used, or is held for use, for 67815  
exempt purposes or to establish a reserve against future 67816

contingencies; and, provided further, that such excess may not be 67817  
distributed to individual persons or to entities that would not be 67818  
entitled to the tax exemptions provided by this chapter. Nor shall 67819  
the fact that any scientific information diffused by the 67820  
organization is of particular interest or benefit to any of its 67821  
individual members be used to deny the exemption granted by this 67822  
section, provided that such scientific information is available to 67823  
the public for purchase or otherwise. 67824

(2) Division (D)(2) of this section does not apply to real 67825  
property exempted from taxation under this section and division 67826  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 67827  
nonprofit corporation described in division (D)(1) of this section 67828  
that has received a grant under the Thomas Alva Edison grant 67829  
program authorized by division (C) of section 122.33 of the 67830  
Revised Code during any of the tax years the property was exempted 67831  
from taxation. 67832

When a private corporation described in division (D)(1) of 67833  
this section sells all or any portion of a tract, lot, or parcel 67834  
of real estate that has been exempt from taxation under this 67835  
section and section 5709.121 of the Revised Code, the portion sold 67836  
shall be restored to the tax list for the year following the year 67837  
of the sale and, except in connection with a sale and transfer of 67838  
such a tract, lot, or parcel to a county land reutilization 67839  
corporation organized under Chapter 1724. of the Revised Code, a 67840  
charge shall be levied against the sold property in an amount 67841  
equal to the tax savings on such property during the four tax 67842  
years preceding the year the property is placed on the tax list. 67843  
The tax savings equals the amount of the additional taxes that 67844  
would have been levied if such property had not been exempt from 67845  
taxation. 67846

The charge constitutes a lien of the state upon such property 67847  
as of the first day of January of the tax year in which the charge 67848



is levied and continues until discharged as provided by law. The 67849  
charge may also be remitted for all or any portion of such 67850  
property that the tax commissioner determines is entitled to 67851  
exemption from real property taxation for the year such property 67852  
is restored to the tax list under any provision of the Revised 67853  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 67854  
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 67855  
upon an application for exemption covering the year such property 67856  
is restored to the tax list filed under section 5715.27 of the 67857  
Revised Code. 67858

(E) Real property held by an organization organized and 67859  
operated exclusively for charitable purposes as described under 67860  
section 501(c)(3) of the Internal Revenue Code and exempt from 67861  
federal taxation under section 501(a) of the Internal Revenue 67862  
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 67863  
of constructing or rehabilitating residences for eventual transfer 67864  
to qualified low-income families through sale, lease, or land 67865  
installment contract, shall be exempt from taxation. 67866

The exemption shall commence on the day title to the property 67867  
is transferred to the organization and shall continue to the end 67868  
of the tax year in which the organization transfers title to the 67869  
property to a qualified low-income family. In no case shall the 67870  
exemption extend beyond the second succeeding tax year following 67871  
the year in which the title was transferred to the organization. 67872  
If the title is transferred to the organization and from the 67873  
organization to a qualified low-income family in the same tax 67874  
year, the exemption shall continue to the end of that tax year. 67875  
The proportionate amount of taxes that are a lien but not yet 67876  
determined, assessed, and levied for the tax year in which title 67877  
is transferred to the organization shall be remitted by the county 67878  
auditor for each day of the year that title is held by the 67879  
organization. 67880

Upon transferring the title to another person, the 67881  
organization shall file with the county auditor an affidavit 67882  
affirming that the title was transferred to a qualified low-income 67883  
family or that the title was not transferred to a qualified 67884  
low-income family, as the case may be; if the title was 67885  
transferred to a qualified low-income family, the affidavit shall 67886  
identify the transferee by name. If the organization transfers 67887  
title to the property to anyone other than a qualified low-income 67888  
family, the exemption, if it has not previously expired, shall 67889  
terminate, and the property shall be restored to the tax list for 67890  
the year following the year of the transfer and a charge shall be 67891  
levied against the property in an amount equal to the amount of 67892  
additional taxes that would have been levied if such property had 67893  
not been exempt from taxation. The charge constitutes a lien of 67894  
the state upon such property as of the first day of January of the 67895  
tax year in which the charge is levied and continues until 67896  
discharged as provided by law. 67897

The application for exemption shall be filed as otherwise 67898  
required under section 5715.27 of the Revised Code, except that 67899  
the organization holding the property shall file with its 67900  
application documentation substantiating its status as an 67901  
organization organized and operated exclusively for charitable 67902  
purposes under section 501(c)(3) of the Internal Revenue Code and 67903  
its qualification for exemption from federal taxation under 67904  
section 501(a) of the Internal Revenue Code, and affirming its 67905  
intention to construct or rehabilitate the property for the 67906  
eventual transfer to qualified low-income families. 67907

As used in this division, "qualified low-income family" means 67908  
a family whose income does not exceed two hundred per cent of the 67909  
official federal poverty guidelines as revised annually in 67910  
accordance with section 673(2) of the "Omnibus Budget 67911  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 67912

amended, for a family size equal to the size of the family whose  
income is being determined.

(F) Real property held by a county land reutilization  
corporation organized under Chapter 1724. of the Revised Code  
shall be exempt from taxation. Notwithstanding section 5715.27 of  
the Revised Code, a county land reutilization corporation is not  
required to apply to any county or state agency in order to  
qualify for the exemption.

The exemption shall commence on the day title to the property  
is transferred to the corporation and shall continue to the end of  
the tax year in which the instrument transferring title from the  
corporation to another owner is recorded, if the use to which the  
other owner puts the property does not qualify for an exemption  
under this section or any other section of the Revised Code. If  
the title to the property is transferred to the corporation and  
from the corporation in the same tax year, the exemption shall  
continue to the end of that tax year. The proportionate amount of  
taxes that are a lien but not yet determined, assessed, and levied  
for the tax year in which title is transferred to the corporation  
shall be remitted by the county auditor for each day of the year  
that title is held by the corporation.

Upon transferring the title to another person, the  
corporation shall file with the county auditor an affidavit  
affirming that the title was transferred to such other person and  
shall identify the transferee by name. If the corporation  
transfers title to the property to anyone that does not qualify or  
the use to which the property is put does not qualify the property  
for an exemption under this section or any other section of the  
Revised Code, the exemption, if it has not previously expired,  
shall terminate, and the property shall be restored to the tax  
list for the year following the year of the transfer. A charge  
shall be levied against the property in an amount equal to the

amount of additional taxes that would have been levied if such 67945  
property had not been exempt from taxation. The charge constitutes 67946  
a lien of the state upon such property as of the first day of 67947  
January of the tax year in which the charge is levied and 67948  
continues until discharged as provided by law. 67949

In lieu of the application for exemption otherwise required 67950  
to be filed as required under section 5715.27 of the Revised Code, 67951  
a count land reutilization corporation holding the property shall, 67952  
upon the request of any county or state agency, submit its 67953  
articles of incorporation substantiating its status as a county 67954  
land reutilization corporation. 67955

**Sec. 5709.212.** (A) With every application for an exempt 67956  
facility certificate filed pursuant to section 5709.21 of the 67957  
Revised Code, the applicant shall pay a fee equal to one-half of 67958  
one per cent of the total exempt facility project cost, not to 67959  
exceed two thousand dollars. One-half of the fee received with 67960  
applications for exempt facility certificates shall be credited to 67961  
the exempt facility administrative fund, which is hereby created 67962  
in the state treasury, for appropriation to the department of 67963  
taxation for use in administering sections 5709.20 to 5709.27 of 67964  
the Revised Code. If the director of environmental protection is 67965  
required to provide the opinion for an application, one-half of 67966  
the fee shall be credited to the non-Title V clean air fund 67967  
created in section 3704.035 of the Revised Code for use in 67968  
administering section 5709.211 of the Revised Code, unless the 67969  
application is for an industrial water pollution control facility. 67970  
If the application is for an industrial water pollution control 67971  
facility, one-half of the fee shall be credited to the surface 67972  
water protection fund created in section 6111.038 of the Revised 67973  
Code for use in administering section 5709.211 of the Revised 67974  
Code. If the director of development is required to provide the 67975  
opinion for an application, one-half of the fee for each exempt 67976

facility application shall be credited to the exempt facility 67977  
inspection fund, which is hereby created in the state treasury, 67978  
for appropriation to the department of development for use in 67979  
administering section 5709.211 of the Revised Code. 67980

An applicant is not entitled to any tax exemption under 67981  
section 5709.25 of the Revised Code until the fee required by this 67982  
section is paid. The fee required by this section is not 67983  
refundable, and is due with the application for an exempt facility 67984  
certificate even if an exempt facility certificate ultimately is 67985  
not issued or is withdrawn. Any application submitted without 67986  
payment of the fee shall be deemed incomplete until the fee is 67987  
paid. 67988

(B) The application fee imposed under division (A) of this 67989  
section for a jointly owned facility shall be equal to one-half of 67990  
one per cent of the total exempt facility project cost, not to 67991  
exceed two thousand dollars for each facility that is the subject 67992  
of the application. 67993

**Sec. 5709.73.** (A) As used in this section and section 5709.74 67994  
of the Revised Code: 67995

(1) "Business day" means a day of the week excluding 67996  
Saturday, Sunday, and a legal holiday as defined in section 1.14 67997  
of the Revised Code. 67998

(2) "Further improvements" or "improvements" means the 67999  
increase in the assessed value of real property that would first 68000  
appear on the tax list and duplicate of real and public utility 68001  
property after the effective date of a resolution adopted under 68002  
this section were it not for the exemption granted by that 68003  
resolution. For purposes of division (B) of this section, 68004  
"improvements" do not include any property used or to be used for 68005  
residential purposes. 68006

(3) "Housing renovation" means a project carried out for residential purposes. 68007  
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(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township. 68009  
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(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 68012  
68013

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except with the approval under division (D) of this section of the board of education of each city, local, or exempted village school district within which the improvements are located, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 68014  
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(C)(1) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (F) of this section, exempt from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the township that would have been taxable in the preceding year were it not for the fact 68027  
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that the property was in an existing incentive district and 68039  
therefore exempt from taxation exceeds twenty-five per cent of the 68040  
taxable value of real property in the township for the preceding 68041  
tax year. The district shall be located within the unincorporated 68042  
area of the township and shall not include any territory that is 68043  
included within a district created under division (B) of section 68044  
5709.78 of the Revised Code. The resolution shall delineate the 68045  
boundary of the district and specifically identify each parcel 68046  
within the district. A district may not include any parcel that is 68047  
or has been exempted from taxation under division (B) of this 68048  
section or that is or has been within another district created 68049  
under this division. A resolution may create more than one 68050  
district, and more than one resolution may be adopted under 68051  
division (C)(1) of this section. 68052

(2) Not later than thirty days prior to adopting a resolution 68053  
under division (C)(1) of this section, if the township intends to 68054  
apply for exemptions from taxation under section 5709.911 of the 68055  
Revised Code on behalf of owners of real property located within 68056  
the proposed incentive district, the board shall conduct a public 68057  
hearing on the proposed resolution. Not later than thirty days 68058  
prior to the public hearing, the board shall give notice of the 68059  
public hearing and the proposed resolution by first class mail to 68060  
every real property owner whose property is located within the 68061  
boundaries of the proposed incentive district that is the subject 68062  
of the proposed resolution. 68063

(3)(a) A resolution adopted under division (C)(1) of this 68064  
section shall specify the life of the incentive district and the 68065  
percentage of the improvements to be exempted, shall designate the 68066  
public infrastructure improvements made, to be made, or in the 68067  
process of being made, that benefit or serve, or, once made, will 68068  
benefit or serve parcels in the district. The resolution also 68069  
shall identify one or more specific projects being, or to be, 68070

undertaken in the district that place additional demand on the 68071  
public infrastructure improvements designated in the resolution. 68072  
The project identified may, but need not be, the project under 68073  
division (C)(3)(b) of this section that places real property in 68074  
use for commercial or industrial purposes. 68075

A resolution adopted under division (C)(1) of this section on 68076  
or after March 30, 2006, shall not designate police or fire 68077  
equipment as public infrastructure improvements, and no service 68078  
payment provided for in section 5709.74 of the Revised Code and 68079  
received by the township under the resolution shall be used for 68080  
police or fire equipment. 68081

(b) A resolution adopted under division (C)(1) of this 68082  
section may authorize the use of service payments provided for in 68083  
section 5709.74 of the Revised Code for the purpose of housing 68084  
renovations within the incentive district, provided that the 68085  
resolution also designates public infrastructure improvements that 68086  
benefit or serve the district, and that a project within the 68087  
district places real property in use for commercial or industrial 68088  
purposes. Service payments may be used to finance or support 68089  
loans, deferred loans, and grants to persons for the purpose of 68090  
housing renovations within the district. The resolution shall 68091  
designate the parcels within the district that are eligible for 68092  
housing renovations. The resolution shall state separately the 68093  
amount or the percentages of the expected aggregate service 68094  
payments that are designated for each public infrastructure 68095  
improvement and for the purpose of housing renovations. 68096

(4) Except with the approval of the board of education of 68097  
each city, local, or exempted village school district within the 68098  
territory of which the incentive district is or will be located, 68099  
and subject to division (E) of this section, the life of an 68100  
incentive district shall not exceed ten years, and the percentage 68101  
of improvements to be exempted shall not exceed seventy-five per 68102



cent. With approval of the board of education, the life of a 68103  
district may be not more than thirty years, and the percentage of 68104  
improvements to be exempted may be not more than one hundred per 68105  
cent. The approval of a board of education shall be obtained in 68106  
the manner provided in division (D) of this section. 68107

(D) Improvements with respect to a parcel may be exempted 68108  
from taxation under division (B) of this section, and improvements 68109  
to parcels within an incentive district may be exempted from 68110  
taxation under division (C) of this section, for up to ten years 68111  
or, with the approval of the board of education of the city, 68112  
local, or exempted village school district within which the parcel 68113  
or district is located, for up to thirty years. The percentage of 68114  
the improvements exempted from taxation may, with such approval, 68115  
exceed seventy-five per cent, but shall not exceed one hundred per 68116  
cent. Not later than forty-five business days prior to adopting a 68117  
resolution under this section declaring improvements to be a 68118  
public purpose that is subject to approval by a board of education 68119  
under this division, the board of township trustees shall deliver 68120  
to the board of education a notice stating its intent to adopt a 68121  
resolution making that declaration. The notice regarding 68122  
improvements with respect to a parcel under division (B) of this 68123  
section shall identify the parcels for which improvements are to 68124  
be exempted from taxation, provide an estimate of the true value 68125  
in money of the improvements, specify the period for which the 68126  
improvements would be exempted from taxation and the percentage of 68127  
the improvements that would be exempted, and indicate the date on 68128  
which the board of township trustees intends to adopt the 68129  
resolution. The notice regarding improvements made under division 68130  
(C) of this section to parcels within an incentive district shall 68131  
delineate the boundaries of the district, specifically identify 68132  
each parcel within the district, identify each anticipated 68133  
improvement in the district, provide an estimate of the true value 68134  
in money of each such improvement, specify the life of the 68135

district and the percentage of improvements that would be 68136  
exempted, and indicate the date on which the board of township 68137  
trustees intends to adopt the resolution. The board of education, 68138  
by resolution adopted by a majority of the board, may approve the 68139  
exemption for the period or for the exemption percentage specified 68140  
in the notice; may disapprove the exemption for the number of 68141  
years in excess of ten, may disapprove the exemption for the 68142  
percentage of the improvements to be exempted in excess of 68143  
seventy-five per cent, or both; or may approve the exemption on 68144  
the condition that the board of township trustees and the board of 68145  
education negotiate an agreement providing for compensation to the 68146  
school district equal in value to a percentage of the amount of 68147  
taxes exempted in the eleventh and subsequent years of the 68148  
exemption period or, in the case of exemption percentages in 68149  
excess of seventy-five per cent, compensation equal in value to a 68150  
percentage of the taxes that would be payable on the portion of 68151  
the improvements in excess of seventy-five per cent were that 68152  
portion to be subject to taxation, or other mutually agreeable 68153  
compensation. 68154

The board of education shall certify its resolution to the 68155  
board of township trustees not later than fourteen days prior to 68156  
the date the board of township trustees intends to adopt the 68157  
resolution as indicated in the notice. If the board of education 68158  
and the board of township trustees negotiate a mutually acceptable 68159  
compensation agreement, the resolution may declare the 68160  
improvements a public purpose for the number of years specified in 68161  
the resolution or, in the case of exemption percentages in excess 68162  
of seventy-five per cent, for the exemption percentage specified 68163  
in the resolution. In either case, if the board of education and 68164  
the board of township trustees fail to negotiate a mutually 68165  
acceptable compensation agreement, the resolution may declare the 68166  
improvements a public purpose for not more than ten years, and 68167  
shall not exempt more than seventy-five per cent of the 68168

improvements from taxation. If the board of education fails to 68169  
certify a resolution to the board of township trustees within the 68170  
time prescribed by this section, the board of township trustees 68171  
thereupon may adopt the resolution and may declare the 68172  
improvements a public purpose for up to thirty years or, in the 68173  
case of exemption percentages proposed in excess of seventy-five 68174  
per cent, for the exemption percentage specified in the 68175  
resolution. The board of township trustees may adopt the 68176  
resolution at any time after the board of education certifies its 68177  
resolution approving the exemption to the board of township 68178  
trustees, or, if the board of education approves the exemption on 68179  
the condition that a mutually acceptable compensation agreement be 68180  
negotiated, at any time after the compensation agreement is agreed 68181  
to by the board of education and the board of township trustees. 68182  
If a mutually acceptable compensation agreement is negotiated 68183  
between the board of township trustees and the board of education, 68184  
including agreements for payments in lieu of taxes under section 68185  
5709.74 of the Revised Code, the board of township trustees shall 68186  
compensate the joint vocational school district within which the 68187  
parcel or district is located at the same rate and under the same 68188  
terms received by the city, local, or exempted village school 68189  
district. 68190

If a board of education has adopted a resolution waiving its 68191  
right to approve exemptions from taxation under this section and 68192  
the resolution remains in effect, approval of such exemptions by 68193  
the board of education is not required under division (D) of this 68194  
section. If a board of education has adopted a resolution allowing 68195  
a board of township trustees to deliver the notice required under 68196  
division (D) of this section fewer than forty-five business days 68197  
prior to adoption of the resolution by the board of township 68198  
trustees, the board of township trustees shall deliver the notice 68199  
to the board of education not later than the number of days prior 68200  
to the adoption as prescribed by the board of education in its 68201

resolution. If a board of education adopts a resolution waiving 68202  
its right to approve exemptions or shortening the notification 68203  
period, the board of education shall certify a copy of the 68204  
resolution to the board of township trustees. If the board of 68205  
education rescinds the resolution, it shall certify notice of the 68206  
rescission to the board of township trustees. 68207

If the board of township trustees is not required by division 68208  
(D) of this section to notify the board of education of the board 68209  
of township trustees' intent to declare improvements to be a 68210  
public purpose, the board of township trustees shall comply with 68211  
the notice requirements imposed under section 5709.83 of the 68212  
Revised Code before taking formal action to adopt the resolution 68213  
making that declaration, unless the board of education has adopted 68214  
a resolution under that section waiving its right to receive the 68215  
notice. 68216

(E)(1) If a proposed resolution under division (C)(1) of this 68217  
section exempts improvements with respect to a parcel within an 68218  
incentive district for more than ten years, or the percentage of 68219  
the improvement exempted from taxation exceeds seventy-five per 68220  
cent, not later than forty-five business days prior to adopting 68221  
the resolution the board of township trustees shall deliver to the 68222  
board of county commissioners of the county within which the 68223  
incentive district is or will be located a notice that states its 68224  
intent to adopt a resolution creating an incentive district. The 68225  
notice shall include a copy of the proposed resolution, identify 68226  
the parcels for which improvements are to be exempted from 68227  
taxation, provide an estimate of the true value in money of the 68228  
improvements, specify the period of time for which the 68229  
improvements would be exempted from taxation, specify the 68230  
percentage of the improvements that would be exempted from 68231  
taxation, and indicate the date on which the board of township 68232  
trustees intends to adopt the resolution. 68233

(2) The board of county commissioners, by resolution adopted 68234  
by a majority of the board, may object to the exemption for the 68235  
number of years in excess of ten, may object to the exemption for 68236  
the percentage of the improvement to be exempted in excess of 68237  
seventy-five per cent, or both. If the board of county 68238  
commissioners objects, the board may negotiate a mutually 68239  
acceptable compensation agreement with the board of township 68240  
trustees. In no case shall the compensation provided to the board 68241  
of county commissioners exceed the property taxes foregone due to 68242  
the exemption. If the board of county commissioners objects, and 68243  
the board of county commissioners and board of township trustees 68244  
fail to negotiate a mutually acceptable compensation agreement, 68245  
the resolution adopted under division (C)(1) of this section shall 68246  
provide to the board of county commissioners compensation in the 68247  
eleventh and subsequent years of the exemption period equal in 68248  
value to not more than fifty per cent of the taxes that would be 68249  
payable to the county or, if the board of county commissioner's 68250  
objection includes an objection to an exemption percentage in 68251  
excess of seventy-five per cent, compensation equal in value to 68252  
not more than fifty per cent of the taxes that would be payable to 68253  
the county, on the portion of the improvement in excess of 68254  
seventy-five per cent, were that portion to be subject to 68255  
taxation. The board of county commissioners shall certify its 68256  
resolution to the board of township trustees not later than thirty 68257  
days after receipt of the notice. 68258

(3) If the board of county commissioners does not object or 68259  
fails to certify its resolution objecting to an exemption within 68260  
thirty days after receipt of the notice, the board of township 68261  
trustees may adopt its resolution, and no compensation shall be 68262  
provided to the board of county commissioners. If the board of 68263  
county commissioners timely certifies its resolution objecting to 68264  
the trustees' resolution, the board of township trustees may adopt 68265  
its resolution at any time after a mutually acceptable 68266

compensation agreement is agreed to by the board of county 68267  
commissioners and the board of township trustees, or, if no 68268  
compensation agreement is negotiated, at any time after the board 68269  
of township trustees agrees in the proposed resolution to provide 68270  
compensation to the board of county commissioners of fifty per 68271  
cent of the taxes that would be payable to the county in the 68272  
eleventh and subsequent years of the exemption period or on the 68273  
portion of the improvement in excess of seventy-five per cent, 68274  
were that portion to be subject to taxation. 68275

(F) Service payments in lieu of taxes that are attributable 68276  
to any amount by which the effective tax rate of either a renewal 68277  
levy with an increase or a replacement levy exceeds the effective 68278  
tax rate of the levy renewed or replaced, or that are attributable 68279  
to an additional levy, for a levy authorized by the voters for any 68280  
of the following purposes on or after January 1, 2006, and which 68281  
are provided pursuant to a resolution creating an incentive 68282  
district under division (C)(1) of this section that is adopted on 68283  
or after January 1, 2006, shall be distributed to the appropriate 68284  
taxing authority as required under division (C) of section 5709.74 68285  
of the Revised Code in an amount equal to the amount of taxes from 68286  
that additional levy or from the increase in the effective tax 68287  
rate of such renewal or replacement levy that would have been 68288  
payable to that taxing authority from the following levies were it 68289  
not for the exemption authorized under division (C) of this 68290  
section: 68291

(1) A tax levied under division (L) of section 5705.19 or 68292  
section 5705.191 of the Revised Code for community mental 68293  
retardation and developmental disabilities programs and services 68294  
pursuant to Chapter 5126. of the Revised Code; 68295

(2) A tax levied under division (Y) of section 5705.19 of the 68296  
Revised Code for providing or maintaining senior citizens services 68297  
or facilities; 68298

|                                                                                                                                                                                                                                                            |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (3) A tax levied under section 5705.22 of the Revised Code for county hospitals;                                                                                                                                                                           | 68299<br>68300                   |
| (4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;                                                           | 68301<br>68302<br>68303<br>68304 |
| (5) A tax levied under section 5705.23 of the Revised Code for library purposes;                                                                                                                                                                           | 68305<br>68306                   |
| (6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;                                                                                                                    | 68307<br>68308<br>68309          |
| (7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;                                                          | 68310<br>68311<br>68312          |
| (8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;                                                                                                                   | 68313<br>68314<br>68315          |
| (9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;                       | 68316<br>68317<br>68318<br>68319 |
| (10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;                                                                                                                                                         | 68320<br>68321                   |
| (11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; | 68322<br>68323<br>68324<br>68325 |
| (12) A tax levied under section 3709.29 of the Revised Code for a general health district program.                                                                                                                                                         | 68326<br>68327                   |
| (G) An exemption from taxation granted under this section                                                                                                                                                                                                  | 68328                            |

commences with the tax year specified in the resolution so long as 68329  
the year specified in the resolution commences after the effective 68330  
date of the resolution. If the resolution specifies a year 68331  
commencing before the effective date of the resolution or 68332  
specifies no year whatsoever, the exemption commences with the tax 68333  
year in which an exempted improvement first appears on the tax 68334  
list and duplicate of real and public utility property and that 68335  
commences after the effective date of the resolution. Except as 68336  
otherwise provided in this division, the exemption ends on the 68337  
date specified in the resolution as the date the improvement 68338  
ceases to be a public purpose or the incentive district expires, 68339  
or ends on the date on which the public infrastructure 68340  
improvements and housing renovations are paid in full from the 68341  
township public improvement tax increment equivalent fund 68342  
established under section 5709.75 of the Revised Code, whichever 68343  
occurs first. The exemption of an improvement with respect to a 68344  
parcel or within an incentive district may end on a later date, as 68345  
specified in the resolution, if the board of township trustees and 68346  
the board of education of the city, local, or exempted village 68347  
school district within which the parcel or district is located 68348  
have entered into a compensation agreement under section 5709.82 68349  
of the Revised Code with respect to the improvement and the board 68350  
of education has approved the term of the exemption under division 68351  
(D) of this section, but in no case shall the improvement be 68352  
exempted from taxation for more than thirty years. The board of 68353  
township trustees may, by majority vote, adopt a resolution 68354  
permitting the township to enter into such agreements as the board 68355  
finds necessary or appropriate to provide for the construction or 68356  
undertaking of public infrastructure improvements and housing 68357  
renovations. Any exemption shall be claimed and allowed in the 68358  
same or a similar manner as in the case of other real property 68359  
exemptions. If an exemption status changes during a tax year, the 68360  
procedure for the apportionment of the taxes for that year is the 68361



same as in the case of other changes in tax exemption status 68362  
during the year. 68363

(H) The board of township trustees may issue the notes of the 68364  
township to finance all costs pertaining to the construction or 68365  
undertaking of public infrastructure improvements and housing 68366  
renovations made pursuant to this section. The notes shall be 68367  
signed by the board and attested by the signature of the township 68368  
fiscal officer, shall bear interest not to exceed the rate 68369  
provided in section 9.95 of the Revised Code, and are not subject 68370  
to Chapter 133. of the Revised Code. The resolution authorizing 68371  
the issuance of the notes shall pledge the funds of the township 68372  
public improvement tax increment equivalent fund established 68373  
pursuant to section 5709.75 of the Revised Code to pay the 68374  
interest on and principal of the notes. The notes, which may 68375  
contain a clause permitting prepayment at the option of the board, 68376  
shall be offered for sale on the open market or given to the 68377  
vendor or contractor if no sale is made. 68378

(I) The township, not later than fifteen days after the 68379  
adoption of a resolution under this section, shall submit to the 68380  
director of development a copy of the resolution. On or before the 68381  
thirty-first day of March of each year, the township shall submit 68382  
a status report to the director of development. The report shall 68383  
indicate, in the manner prescribed by the director, the progress 68384  
of the project during each year that the exemption remains in 68385  
effect, including a summary of the receipts from service payments 68386  
in lieu of taxes; expenditures of money from the fund created 68387  
under section 5709.75 of the Revised Code; a description of the 68388  
public infrastructure improvements and housing renovations 68389  
financed with the expenditures; and a quantitative summary of 68390  
changes in private investment resulting from each project. 68391

(J) Nothing in this section shall be construed to prohibit a 68392  
board of township trustees from declaring to be a public purpose 68393

improvements with respect to more than one parcel. 68394

(K) A board of township trustees that adopted a resolution 68395  
under this section prior to July 21, 1994, may amend that 68396  
resolution to include any additional public infrastructure 68397  
improvement. A board of township trustees that seeks by the 68398  
amendment to utilize money from its township public improvement 68399  
tax increment equivalent fund for land acquisition in aid of 68400  
industry, commerce, distribution, or research, demolition on 68401  
private property, or stormwater and flood remediation projects may 68402  
do so provided that the board currently is a party to a 68403  
hold-harmless agreement with the board of education of the city, 68404  
local, or exempted village school district within the territory of 68405  
which are located the parcels that are subject to an exemption. 68406  
For the purposes of this division, a "hold-harmless agreement" 68407  
means an agreement under which the board of township trustees 68408  
agrees to compensate the school district for one hundred per cent 68409  
of the tax revenue that the school district would have received 68410  
from further improvements to parcels designated in the resolution 68411  
were it not for the exemption granted by the resolution. 68412

(L) With respect to improvements resulting from projects, for 68413  
which construction commences on or after April 1, 2012, and on or 68414  
before December 31, 2013, and for which an exemption has been or 68415  
will be sought pursuant to a resolution adopted under this section 68416  
before December 14, 2001, "property used or to be used for 68417  
residential purposes," as used in division (A)(2) of this section, 68418  
means only that property that, as improved, the tax commissioner 68419  
would classify as residential land and improvements pursuant to 68420  
rules adopted by the tax commissioner under section 5713.041 of 68421  
the Revised Code. 68422

**Sec. 5709.75.** (A) Any township that receives service payments 68423  
in lieu of taxes under section 5709.74 of the Revised Code shall 68424

establish a township public improvement tax increment equivalent 68425  
fund into which those payments shall be deposited. If the board of 68426  
township trustees has adopted a resolution under division (C) of 68427  
section 5709.73 of the Revised Code, the township shall establish 68428  
at least one account in that fund with respect to resolutions 68429  
adopted under division (B) of that section, and one account with 68430  
respect to each incentive district created by a resolution adopted 68431  
under division (C) of that section. If a resolution adopted under 68432  
division (C) of section 5709.73 of the Revised Code also 68433  
authorizes the use of service payments for housing renovations 68434  
within the incentive district, the township shall establish 68435  
separate accounts for the service payments designated for public 68436  
infrastructure improvements and for the service payments 68437  
authorized for the purpose of housing renovations. 68438

(B) Except as otherwise provided in division (C) or (D) of 68439  
this section, money deposited in an account of the township public 68440  
improvement tax increment equivalent fund shall be used by the 68441  
township to pay the costs of public infrastructure improvements 68442  
designated in or the housing renovations authorized by the 68443  
resolution with respect to which the account is established, 68444  
including any interest on and principal of the notes; in the case 68445  
of an account established with respect to a resolution adopted 68446  
under division (C) of that section, money in the account shall be 68447  
used to finance the public infrastructure improvements designated, 68448  
or the housing renovations authorized, for each incentive district 68449  
created in the resolution. Money in an account shall not be used 68450  
to finance or support housing renovations that take place after 68451  
the incentive district has expired. 68452

(C)(1)(a) A township may distribute money in such an account 68453  
to any school district in which the exempt property is located in 68454  
an amount not to exceed the amount of real property taxes that 68455  
such school district would have received from the improvement if 68456

it were not exempt from taxation. The resolution establishing the 68457  
fund shall set forth the percentage of such maximum amount that 68458  
will be distributed to any affected school district. 68459

(b) A township also may distribute money in such an account 68460  
as follows: 68461

(i) To a board of county commissioners, in the amount that is 68462  
owed to the board pursuant to division (E) of section 5709.73 of 68463  
the Revised Code; 68464

(ii) To a county in accordance with section 5709.913 of the 68465  
Revised Code. 68466

(2) Money from an account in a township public improvement 68467  
tax increment equivalent fund may be distributed under division 68468  
(C)(1)(b) of this section, regardless of the date a resolution was 68469  
adopted under section 5709.73 of the Revised Code that prompted 68470  
the establishment of the account, even if the resolution was 68471  
adopted prior to March 30, 2006. 68472

(D) A board of township trustees that adopted a resolution 68473  
under ~~division (B)~~ of section 5709.73 of the Revised Code before 68474  
January 1, ~~1995~~ 2011, and that, with respect to property exempted 68475  
under such a resolution, is party to a hold-harmless or service 68476  
agreement, may appropriate and expend unencumbered money in the 68477  
fund to pay current public safety expenses of the township. A 68478  
township appropriating and expending money under this division 68479  
shall reimburse the fund for the sum so appropriated and expended 68480  
not later than the day the exemption granted under the resolution 68481  
expires. For the purposes of this division, a "hold-harmless 68482  
agreement" is an agreement with the board of education of a city, 68483  
local, or exempted village school district under which the board 68484  
of township trustees agrees to compensate the school district for 68485  
one hundred per cent of the tax revenue the school district would 68486  
have received from improvements to parcels designated in the 68487

resolution were it not for the exemption granted by the 68488  
resolution. For the purposes of this division, a "service 68489  
agreement" is an agreement with the board of education of a city, 68490  
local, or exempted village school district under which the board 68491  
of township trustees agrees to compensate the school district for 68492  
a portion of the tax revenue the school district would have 68493  
received from improvements to parcels designated in the resolution 68494  
if not for the exemption granted by the resolution. 68495

(E) Any incidental surplus remaining in the township public 68496  
improvement tax increment equivalent fund or an account of that 68497  
fund upon dissolution of the account or fund shall be transferred 68498  
to the general fund of the township. 68499

**Sec. 5713.012.** (A) For purposes of this section: 68500

(1) "Mass appraisal project" means any sexennial reappraisal, 68501  
triennial update, or other revaluation of all real property or the 68502  
valuation of newly constructed real property in accordance with 68503  
section 5713.01 of the Revised Code. 68504

(2) "Qualified project manager" means a person who plans, 68505  
manages, coordinates, and controls the execution of a mass 68506  
appraisal project under the direction of the county auditor and 68507  
who has all of the following qualifications: 68508

(a) Has passed a comprehensive final examination that 68509  
corresponds to a course, approved by the superintendent of real 68510  
estate and professional licensing, that consists of at least 68511  
thirty hours of instruction, quizzes, and learning aids. The 68512  
superintendent shall not approve a course under this division that 68513  
does not address the following topics in both the instruction and 68514  
the examination: 68515

(i) Concepts and principles of mass appraisal as they relate 68516  
to the assessment of real property for the purposes of ad valorem 68517

|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>taxation;</u>                                                                                                                                                                                                                                                                                                                                                                                                     | 68518                                                       |
| <u>(ii) Methods of data collection and data management relative to parcels of real property, including modern alternative data collection methods and currently utilized computer-assisted mass appraisal systems;</u>                                                                                                                                                                                               | 68519<br>68520<br>68521<br>68522                            |
| <u>(iii) Assessment sales-ratio study including various measures of central tendency, the various measures of dispersion of data about the mean, median, and dollar-weighted mean, and the advantages and disadvantages of various analysis techniques;</u>                                                                                                                                                          | 68523<br>68524<br>68525<br>68526                            |
| <u>(iv) Traditional approaches of property valuation, including the cost approach, the sales comparison approach, and the income approach, as they are implemented in a mass appraisal project;</u>                                                                                                                                                                                                                  | 68527<br>68528<br>68529                                     |
| <u>(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;</u>                                                                                                                                                                                                                                                                                               | 68530<br>68531                                              |
| <u>(vi) Methods of production management and project analysis such as Gantt charts, program evaluation and review technique (PERT) charts, frequency distribution charts, line graphs, bar charts, and scatter diagrams, as they are utilized in the mass appraisal area.</u>                                                                                                                                        | 68532<br>68533<br>68534<br>68535<br>68536                   |
| <u>(b) Has completed at least seven hours of continuing education courses in mass appraisal during the two-year period immediately succeeding the year in which the person passed the examination required in division (A)(2)(a) of this section, and during each two-year period thereafter.</u>                                                                                                                    | 68537<br>68538<br>68539<br>68540<br>68541                   |
| <u>(B)(1) The county auditor, in acting as the assessor of all real property in the auditor's county for taxation purposes in accordance with section 5713.01 of the Revised Code, shall involve at least one qualified project manager in each mass assessment project that originates more than two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly.</u> | 68542<br>68543<br>68544<br>68545<br>68546<br>68547<br>68548 |

(2) The tax commissioner, beginning two years after the 68549  
effective date of the enactment of this section by H.B. 487 of the 68550  
129th general assembly, shall not approve any contract entered 68551  
into by the auditor under division (E) of section 5713.01 of the 68552  
Revised Code, with a person to do all or any part of the work 68553  
necessary to the performance of the auditor's duties as assessor 68554  
unless that person designates an officer or employee of that 68555  
person, with the appropriate credentials, to act as a qualified 68556  
project manager. 68557

(3) The tax commissioner, beginning two years after the 68558  
effective date of the enactment of this section by H.B. 487 of the 68559  
129th general assembly, shall not include any person that has not 68560  
designated an officer or employee, with the appropriate 68561  
credentials, to act as a qualified project manager on a list 68562  
generated by the commissioner for either of the following 68563  
purposes: 68564

(a) To assist county auditors in selecting a person to do all 68565  
or any part of the work necessary to the performance of the 68566  
auditor's duties as assessor of all real property under section 68567  
5713.01 of the Revised Code; 68568

(b) To assist the commissioner in the consideration of 68569  
whether to approve or disapprove the auditor's application 68570  
requesting authority to employ an appraisal firm or individual 68571  
appraiser. 68572

**Sec. 5719.13.** Taxes assessed on the shares of stock of a 68573  
dealer in intangibles shall be a lien on such shares from the 68574  
first day of January in each year until they are paid. Each dealer 68575  
in intangibles shall collect the taxes due from the owners of such 68576  
shares and pay remit the same to the tax commissioner, who shall 68577  
accept the remittance on behalf of the treasurer of state. The 68578  
remittance shall be made payable to the treasurer of state and 68579

shall be made in the form prescribed by the commissioner. Any 68580  
dealer in intangibles who fails to pay said taxes as provided in 68581  
this section shall be liable by way of penalty for the gross 68582  
amount of the taxes due from all the owners of shares, and for an 68583  
additional amount of one hundred dollars for each day of delay in 68584  
the payment of said taxes. 68585

A dealer in intangibles who pays ~~to the treasurer of state~~ 68586  
the taxes assessed upon its shares in the hands of its 68587  
shareholders, as provided in this section, may deduct the amount 68588  
thereof from dividends or distributions that are due or thereafter 68589  
become due on such shares, and shall have a lien on the shares of 68590  
stock and all funds belonging to such shareholders in its 68591  
possession, or which come into its possession, for reimbursement 68592  
of such tax paid on account of the shareholders, with legal 68593  
interest. Such lien may be enforced in any appropriate manner. 68594

**Sec. 5725.14.** (A) As used in this section and section 5725.15 68595  
of the Revised Code: 68596

(1) "Billing address" of a customer means one of the 68597  
following: 68598

(a) The customer's address as set forth in any notice, 68599  
statement, bill, or similar acknowledgment shall be presumed to be 68600  
the address where the customer is located with respect to the 68601  
transaction for which the dealer issued the notice, statement, 68602  
bill, or acknowledgment. 68603

(b) If the dealer issues any notice, statement, bill, or 68604  
similar acknowledgment electronically to an address other than a 68605  
street address or post office box address or if the dealer does 68606  
not issue such a notice, statement, bill, or acknowledgment, the 68607  
customer's street address as set forth in the records of the 68608  
dealer at the time of the transaction shall be presumed to be the 68609  
address where the customer is located. 68610



(2) "Commissions" includes but is not limited to brokerage 68611  
commissions, asset management fees, and similar fees charged in 68612  
the regular course of business to a customer for the maintenance 68613  
and management of the customer's account. 68614

(3) "Gross receipts" means one of the following: 68615

(a) In the case of a dealer in intangibles principally 68616  
engaged in the business of lending money or discounting loans, the 68617  
aggregate amount of loans effected or discounted; 68618

(b) In the case of a dealer in intangibles principally 68619  
engaged in the business of selling or buying stocks, bonds, or 68620  
other similar securities either on the dealer's own account or as 68621  
agent for another, the aggregate amount of all commissions 68622  
charged. 68623

(B) Each dealer in intangibles shall return to the tax 68624  
commissioner between the first and second Mondays of March, 68625  
annually for return years prior to 2014, a report exhibiting in 68626  
detail, and under appropriate heads, the dealer's resources and 68627  
liabilities at the close of business on the thirty-first day of 68628  
December next preceding, together with remittance made payable to 68629  
the treasurer of state of the tax levied under division (D) of 68630  
section 5707.03 of the Revised Code. In the case of an 68631  
unincorporated dealer in intangibles, such report shall also 68632  
exhibit the amount or value as of the date of conversion of all 68633  
property within the year preceding the date of listing, and on or 68634  
after the first day of November converted into bonds or other 68635  
securities not taxed to the extent such nontaxable bonds or 68636  
securities may be shown in the dealer's resources on such date, 68637  
without deduction for indebtedness created in the purchase of such 68638  
nontaxable bonds or securities. 68639

If a dealer in intangibles maintains separate business 68640  
offices, whether within this state only or within and without this 68641

state, the report shall also show the gross receipts from business 68642  
done at each such office during the year ending on the 68643  
thirty-first day of December next preceding. 68644

For the purposes of this section and section 5725.15 of the 68645  
Revised Code, business is considered done at an office when it 68646  
originates at such office, but the receipts from business 68647  
originating at one office and consummated at another office shall 68648  
be divided equitably between such offices. 68649

(C) For the purposes of this section and section 5725.15 of 68650  
the Revised Code, in the case of a dealer in intangibles 68651  
principally engaged in the business of selling or buying stocks, 68652  
bonds, or other similar securities either on the dealer's own 68653  
account or as agent for another, the dealer's capital, surplus, 68654  
and undivided profits employed in this state shall bear the same 68655  
ratio to the dealer's total capital, surplus, and undivided 68656  
profits employed everywhere as the amount described in division 68657  
(C)(1) of this section bears to the amount described in division 68658  
(C)(2) of this section: 68659

(1) The sum of the commissions earned during the year covered 68660  
by the ~~report~~ return from transactions with respect to brokerage 68661  
accounts owned by customers having billing addresses in this 68662  
state; 68663

(2) The sum of the commissions earned during that year from 68664  
transactions with respect to brokerage accounts owned by all of 68665  
the dealer's customers. 68666

(D) An incorporated dealer in intangibles which owns or 68667  
controls fifty-one per cent or more of the common stock of another 68668  
incorporated dealer in intangibles may, under uniform regulations 68669  
prescribed by the tax commissioner, make a consolidated return for 68670  
the purpose of sections 5725.01 to 5725.26, ~~inclusive,~~ of the 68671  
Revised Code. In such case the parent corporation making such 68672

return is not required to include in its resources any of the 68673  
stocks, securities, or other obligations of its subsidiary 68674  
dealers, nor permitted to include in its liabilities any of its 68675  
own securities or other obligations belonging to its subsidiaries. 68676

**Sec. 5725.15.** ~~Upon receiving the~~ The report required by 68677  
section 5725.14 of the Revised Code, ~~the tax commissioner~~ shall 68678  
~~ascertain and assess~~ include as taxable property all the shares of 68679  
~~such dealers~~ the dealer in intangibles, the capital stock of which 68680  
is divided into shares, representing capital employed in this 68681  
state, and the value of the property representing the capital, not 68682  
divided into shares, employed in this state by such dealer in 68683  
intangibles, according to the aggregate fair value of the capital, 68684  
surplus, and undivided profits as shown in such report, including 68685  
in the case of an unincorporated dealer, the value of property 68686  
converted into nontaxable bonds or securities within the preceding 68687  
year, without deduction for indebtedness created in the purchase 68688  
of such nontaxable bonds or securities. 68689

The filing by a dealer of the report required by section 68690  
5725.14 of the Revised Code shall be the preliminary assessment of 68691  
the shares and property listed therein. 68692

If a dealer has separate offices, whether within this state 68693  
only or within and without this state, the ~~commissioner~~ dealer 68694  
shall ~~find~~ list the amount of capital employed in each office in 68695  
this state, which shall bear the same ratio to the entire capital 68696  
of such dealer, wherever employed, as the gross receipts of such 68697  
office bears to the entire gross receipts of such dealer, wherever 68698  
arising. 68699

The aggregate book value of the capital, surplus, and 68700  
undivided profits of a dealer in intangibles as shown in such 68701  
report shall be taken as the fair value thereof for the purpose of 68702  
the assessment required by this section, unless the commissioner 68703

finds that such book value is greater or less than the then fair 68704  
value of said capital, surplus, and undivided profits. Claim for 68705  
any deduction from book value of capital, surplus, and undivided 68706  
profits must be made in writing by the dealer in intangibles at 68707  
the time of making ~~his~~ the dealer's return. 68708

Whenever the commissioner assesses the fair value of the 68709  
capital, surplus, and undivided profits of a dealer in intangibles 68710  
at an amount in excess of the ~~book~~ value thereof as ~~shown by its~~ 68711  
~~report, or disallows any claim for deduction from book value of~~ 68712  
~~such capital, surplus, and undivided profits~~ listed in the 68713  
dealer's report, or assesses the shares or property of a dealer 68714  
that fails to file a return, he the commissioner shall give notice 68715  
and proceed as provided in section 5711.31 of the Revised Code. 68716

**Sec. 5725.16.** On or before the first Monday of May, annually 68717  
for return years prior to 2014, the tax commissioner shall certify 68718  
to the treasurer of state the assessment of the shares or property 68719  
representing capital, or apportionment of either, of each dealer 68720  
in intangibles doing business in the state, showing separately the 68721  
amount representing capital employed in each county. 68722

The treasurer of state shall place the amounts certified on 68723  
the intangible property tax list in ~~his~~ the treasurer of state's 68724  
office in the names of the dealers represented by those 68725  
certificates. 68726

~~Any certificate of abatement issued pursuant to section~~ 68727  
~~5703.05 of the Revised Code for the overpayment of the tax on~~ 68728  
~~shares or property representing capital of a~~ The commissioner 68729  
shall collect, on behalf of the treasurer, the taxes due on the 68730  
assessments certified pursuant to this section, together with any 68731  
applicable penalties or interest, in the manner prescribed by 68732  
section 5725.22 of the Revised Code. The commissioner shall 68733  
immediately forward to the treasurer any payments received under 68734

this section or section 5719.13 of the Revised Code. The treasurer shall credit all such payments against the appropriate amounts on the intangible property tax list in the treasurer's office. 68735  
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~~A dealer in intangibles may be tendered by the payee or transferee thereof to the treasurer of state as payment for any taxes allocable to the county in which the claim for a refund of any overpayment arose of the tax levied under division (D) of section 5707.03 of the Revised Code by filing an application for final assessment in accordance with section 5711.26 of the Revised Code.~~ 68738  
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**Sec. 5725.17.** (A) In addition to any other penalty imposed by this chapter or Chapter 5703. of the Revised Code, the following penalties shall apply: 68745  
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(1) If a dealer in intangibles fails to make and furnish to the tax commissioner the report required by section 5725.14 of the Revised Code, within the time fixed by that section, a penalty shall be imposed equal to the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent, of the tax required to be shown on the report, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the report is filed. 68748  
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(2) If a dealer in intangibles fails to pay any amounts of the tax levied by division (D) of section 5707.03 of the Revised Code by the dates prescribed for payment, a penalty shall be imposed equal to the greater of the penalty due under division ~~(C)~~(F) of section 5725.22 of the Revised Code, for which this penalty shall be a substitute, or two times the interest charged under section 5725.221 of the Revised Code for the delinquent payment. 68758  
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(3) If a dealer in intangibles submits a report required by 68766  
section 5725.14 of the Revised Code that is marked, defaced, or 68767  
otherwise designed by the dealer to be a frivolous protest or an 68768  
attempt to delay or impede the administration of the tax levied by 68769  
division (D) of section 5707.03 of the Revised Code, a penalty 68770  
shall be imposed equal to the greater of one hundred dollars or 68771  
twenty-five per cent of the tax required to be shown on the 68772  
report. 68773

(4) If a dealer in intangibles makes a fraudulent attempt to 68774  
evade the reporting or payment of the tax levied by division (D) 68775  
of section 5707.03 of the Revised Code, a penalty shall be imposed 68776  
equal to the greater of one thousand dollars or one hundred per 68777  
cent of the tax required to be shown on the report required by 68778  
section 5725.14 of the Revised Code. 68779

(5) If any person makes a false or fraudulent claim for 68780  
abatement or refund of the tax levied by division (D) of section 68781  
5707.03 of the Revised Code, a penalty shall be imposed equal to 68782  
the greater of one thousand dollars or one hundred per cent of the 68783  
claim. The penalty imposed by this division, any abatement or 68784  
refund on the claim, and interest on any refund from the date of 68785  
the refund, may be assessed under section 5725.15 of the Revised 68786  
Code or added by the ~~treasurer of state~~ tax commissioner as tax, 68787  
penalty, and interest due from the tax levied by division (D) of 68788  
section 5707.03 of the Revised Code, without regard to whether the 68789  
person making the claim is otherwise subject to the tax, and 68790  
without regard to any time limitation for assessment. 68791

(B) Each penalty imposed under division (A) of this section 68792  
shall be in addition to any other penalty imposed under that 68793  
division. All or part of any penalty imposed under division (A) of 68794  
this section may be abated by the commissioner ~~or the treasurer of~~ 68795  
~~state, as appropriate.~~ 68796

Sec. 5725.22. (A) The treasurer of state shall maintain an 68797  
intangible property tax list of taxes levied by section 5707.03 of 68798  
the Revised Code and certified by the tax commissioner pursuant to 68799  
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 68800  
Code, and a separate list of taxes levied by section 5725.18 of 68801  
the Revised Code and certified by the superintendent of insurance 68802  
pursuant to section 5725.20 of the Revised Code. ~~Upon receipt of~~ 68803  
~~any assessment certified to him~~ 68804

(B)(1) With respect to taxes levied under section 5725.18 of 68805  
the Revised Code, the treasurer of state, upon receipt of an 68806  
assessment, shall compute the taxes at the rates prescribed by law 68807  
and enter the taxes on the proper tax list. ~~He~~ The treasurer shall 68808  
collect, and the taxpayer shall pay, all such taxes and any 68809  
interest applicable thereto. Payments may be made by mail, in 68810  
person, or by any other means authorized by the treasurer of ~~of~~ 68811  
~~state.~~ The treasurer ~~of state~~ shall render a daily itemized 68812  
statement to the ~~tax commissioner~~ superintendent of insurance of 68813  
the amount of taxes collected and the name of the domestic 68814  
insurance company ~~or assessment certificate number of the person~~ 68815  
from whom collected. The treasurer of state may adopt rules 68816  
concerning the methods and timeliness of ~~payment~~ payments under 68817  
this division. 68818

(2) With respect to taxes levied under section 5707.03 of the 68819  
Revised Code, any assessment certified to the treasurer of state 68820  
shall reflect the taxes computed at the rates prescribed by law. 68821  
Upon receipt of such an assessment, the treasurer shall enter the 68822  
taxes on the proper tax list. The tax commissioner shall collect, 68823  
and the taxpayer shall pay, all such taxes and any interest 68824  
applicable thereto. Payments may be made by mail, in person, or by 68825  
any other means authorized by the commissioner. The commissioner 68826  
shall immediately forward to the treasurer any payments received 68827  
under this division, together with any information necessary for 68828

the treasurer to properly credit such payments. The commissioner 68829  
may adopt rules concerning the method and timeliness of payments 68830  
under this division. 68831

(C) Each tax bill issued pursuant to this section shall 68832  
separately reflect the taxes due, interest, if any, due date, and 68833  
any other information considered necessary. The last day on which 68834  
payment may be made without penalty shall be at least twenty but 68835  
not more than thirty days from the date of mailing the tax bill. 68836  
The treasurer of state or tax commissioner, as appropriate, shall 68837  
mail the tax bill, and the mailing thereof shall be prima-facie 68838  
evidence of receipt thereof by the taxpayer. 68839

The treasurer ~~of state~~ or commissioner, as appropriate, shall 68840  
refund taxes as provided in this section, but no refund shall be 68841  
made to a taxpayer having a delinquent claim certified pursuant to 68842  
this section that remains unpaid. The treasurer ~~of state~~ or 68843  
commissioner may consult the attorney general regarding such 68844  
claims. Refunds shall be paid from the tax refund fund created by 68845  
section 5703.052 of the Revised Code. 68846

~~(A)~~(D)(1) Within twenty days after receipt of any preliminary 68847  
assessment ~~certified to him~~ of taxes levied under section 5725.18 68848  
of the Revised Code, the treasurer of state shall issue a tax 68849  
bill, but if such preliminary assessment reflects a late filed tax 68850  
return, the treasurer of state shall add interest as provided in 68851  
division (A) of section 5725.221 of the Revised Code and issue a 68852  
tax bill. 68853

~~(B)~~(2) Within twenty days after receipt of any amended or 68854  
final assessment ~~certified to him~~ of taxes levied under section 68855  
5725.18 of the Revised Code, the treasurer of state shall 68856  
ascertain the difference between the total taxes computed on such 68857  
assessment and the total taxes computed on the most recent 68858  
assessment certified for the same tax year. If the difference is a 68859  
deficiency, the treasurer of state shall add interest as provided 68860



in division (B)(1) of section 5725.221 of the Revised Code and 68861  
issue a tax bill. If the difference is an excess, the treasurer of 68862  
state shall add interest as provided in division (B)(2) of section 68863  
5725.221 of the Revised Code and certify the name of the taxpayer 68864  
and the amount to be refunded to the director of budget and 68865  
management for payment to the taxpayer. If the taxpayer has a 68866  
deficiency for one tax year and an excess for another tax year, or 68867  
any combination thereof for more than two tax years, the treasurer 68868  
of state may determine the net result after adding interest, if 68869  
applicable, and, depending on such result, proceed to mail a tax 68870  
bill or certify a refund. 68871

(C)(E)(1) Except as provided in division (E)(2) of this 68872  
section, within twenty days after certifying to the treasurer of 68873  
state an amended or final assessment, or a preliminary assessment 68874  
of a dealer in intangibles that has failed to file a report or 68875  
disclose taxable property, the tax commissioner shall ascertain 68876  
the difference between the total taxes computed on such assessment 68877  
and the total taxes computed on the most recent assessment 68878  
certified for the same tax year, if any. If the difference is a 68879  
deficiency, the commissioner shall add interest as provided in 68880  
division (B)(1) of section 5725.221 of the Revised Code and issue 68881  
a tax bill. If the difference is an excess, the commissioner shall 68882  
add interest as provided in division (B)(2) of section 5725.221 of 68883  
the Revised Code and certify the name of the taxpayer and the 68884  
amount to be refunded to the director of budget and management for 68885  
payment to the taxpayer. If the taxpayer has a deficiency for one 68886  
tax year and excess for another tax year, or any combination 68887  
thereof for more than two tax years, the commissioner may 68888  
determine the net result after adding interest, if applicable, 68889  
and, depending on such result, proceed to mail a tax bill or 68890  
certify a refund. 68891

(2) The tax commissioner may issue a tax bill for any 68892

deficiency resulting from an assessment at the time the 68893  
commissioner issues the assessment. 68894

(F) If a taxpayer fails to pay all taxes and interest, if 68895  
any, on or before the due date shown on the tax bill but makes 68896  
payment within ten calendar days of such date, the treasurer of 68897  
state or tax commissioner, as appropriate, shall add a penalty 68898  
equal to five per cent of the taxes due. If payment is not made 68899  
within ten days of such date, the treasurer ~~of state or~~ 68900  
commissioner shall add a penalty equal to ten per cent of the 68901  
taxes due. The treasurer ~~of state or commissioner~~ shall prepare a 68902  
delinquent claim for each tax bill on which penalties were added 68903  
and certify such claims to the attorney general for collection. 68904  
The attorney general shall transmit a copy of each claim certified 68905  
by the treasurer to the ~~tax commissioner or the~~ superintendent of 68906  
insurance ~~and~~. For each claim certified by the treasurer or 68907  
commissioner, the attorney general shall proceed to collect the 68908  
delinquent taxes, penalties, and interest thereon in the manner 68909  
prescribed by law. 68910

**Sec. 5725.221.** For the purposes of this section, interest 68911  
shall be computed at a rate per calendar month, rounded to the 68912  
nearest one-hundredth of one per cent, equal to one-twelfth of the 68913  
rate per annum prescribed by section 5703.47 of the Revised Code 68914  
for the calendar year that includes the month for which the 68915  
interest accrues. 68916

(A) When taxes levied by section 3737.71, 5707.03, or 5725.18 68917  
of the Revised Code are assessed as the result of a tax return 68918  
being filed late, the treasurer of state or tax commissioner, as 68919  
appropriate, shall add interest to the taxes due. The interest 68920  
shall accrue from the first day of the month following the last 68921  
day on which such taxes were required to be paid, had the 68922  
assessment been certified by the date prescribed, to the last day 68923

of the month preceding the date on which the assessment was 68924  
certified, and shall be computed on the taxes due. 68925

(B) If an assessment has been certified pursuant to section 68926  
5711.13, 5725.08, 5725.16, 5725.20, or 5725.222 of the Revised 68927  
Code and an amended or final assessment is certified for the same 68928  
taxpayer and the same tax year, the treasurer of state or tax 68929  
commissioner, as appropriate, shall add interest to the deficiency 68930  
or excess. The interest shall be computed on the excess or 68931  
deficiency, and shall be accrued in the following manner: 68932

(1) On a deficiency, interest shall accrue from the first day 68933  
of the month following the last day on which the previous 68934  
assessment was required to be paid, to the last day of the month 68935  
preceding the date on which the amended or final assessment is 68936  
certified; 68937

(2) On an excess, interest shall be allowed from the first 68938  
day of the month following the date of payment of the previous 68939  
assessment, to the last day of the month preceding the date on 68940  
which the amended or final assessment is certified. 68941

**Sec. 5731.39.** (A) No corporation organized or existing under 68942  
the laws of this state shall transfer on its books or issue a new 68943  
certificate for any share of its capital stock registered in the 68944  
name of a decedent, or in trust for a decedent, or in the name of 68945  
a decedent and another person or persons, without the written 68946  
consent of the tax commissioner. 68947

(B) No safe deposit company, trust company, financial 68948  
institution as defined in division (A) of section 5725.01 of the 68949  
Revised Code or other corporation or person, having in possession, 68950  
control, or custody a deposit standing in the name of a decedent, 68951  
or in trust for a decedent, or in the name of a decedent and 68952  
another person or persons, shall deliver or transfer an amount in 68953  
excess of three-fourths of the total value of such deposit, 68954

including accrued interest and dividends, as of the date of 68955  
decedent's death, without the written consent of the tax 68956  
commissioner. The written consent of the tax commissioner need not 68957  
be obtained prior to the delivery or transfer of amounts having a 68958  
value of three-fourths or less of said total value. 68959

(C) No life insurance company shall pay the proceeds of an 68960  
annuity or matured endowment contract, or of a life insurance 68961  
contract payable to the estate of a decedent, or of any other 68962  
insurance contract taxable under Chapter 5731. of the Revised 68963  
Code, without the written consent of the tax commissioner. Any 68964  
life insurance company may pay the proceeds of any insurance 68965  
contract not specified in this division (C) without the written 68966  
consent of the tax commissioner. 68967

(D) No trust company or other corporation or person shall pay 68968  
the proceeds of any death benefit, retirement, pension or profit 68969  
sharing plan in excess of two thousand dollars, without the 68970  
written consent of the tax commissioner. Such trust company or 68971  
other corporation or person, however, may pay the proceeds of any 68972  
death benefit, retirement, pension, or profit-sharing plan which 68973  
consists of insurance on the life of the decedent payable to a 68974  
beneficiary other than the estate of the insured without the 68975  
written consent of the tax commissioner. 68976

(E) No safe deposit company, trust company, financial 68977  
institution as defined in division (A) of section 5725.01 of the 68978  
Revised Code, or other corporation or person, having in 68979  
possession, control, or custody securities, assets, or other 68980  
property (including the shares of the capital stock of, or other 68981  
interest in, such safe deposit company, trust company, financial 68982  
institution as defined in division (A) of section 5725.01 of the 68983  
Revised Code, or other corporation), standing in the name of a 68984  
decedent, or in trust for a decedent, or in the name of a decedent 68985  
and another person or persons, and the transfer of which is 68986

taxable under Chapter 5731. of the Revised Code, shall deliver or 68987  
transfer any such securities, assets, or other property which have 68988  
a value as of the date of decedent's death in excess of 68989  
three-fourths of the total value thereof, without the written 68990  
consent of the tax commissioner. The written consent of the tax 68991  
commissioner need not be obtained prior to the delivery or 68992  
transfer of any such securities, assets, or other property having 68993  
a value of three-fourths or less of said total value. 68994

(F) No safe deposit company, financial institution as defined 68995  
in division (A) of section 5725.01 of the Revised Code, or other 68996  
corporation or person having possession or control of a safe 68997  
deposit box or similar receptacle standing in the name of a 68998  
decedent or in the name of the decedent and another person or 68999  
persons, or to which the decedent had a right of access, except 69000  
when such safe deposit box or other receptacle stands in the name 69001  
of a corporation or partnership, or in the name of the decedent as 69002  
guardian or executor, shall deliver any of the contents thereof 69003  
unless the safe deposit box or similar receptacle has been opened 69004  
and inventoried in the presence of the tax commissioner or the 69005  
commissioner's agent, and a written consent to transfer issued; 69006  
provided, however, that a safe deposit company, financial 69007  
institution, or other corporation or person having possession or 69008  
control of a safe deposit box may deliver wills, deeds to burial 69009  
lots, and insurance policies to a representative of the decedent, 69010  
but that a representative of the safe deposit company, financial 69011  
institution, or other corporation or person must supervise the 69012  
opening of the box and make a written record of the wills, deeds, 69013  
and policies removed. Such written record shall be included in the 69014  
tax commissioner's inventory records. 69015

(G) Notwithstanding any provision of this section: 69016

(1) The tax commissioner may authorize any delivery or 69017  
transfer or waive any of the foregoing requirements under such 69018

terms and conditions as the commissioner may prescribe; 69019

(2) ~~An adult care facility, as defined in section 5119.70 of~~ 69020  
~~the Revised Code, or a A home, as defined in section 3721.10 of~~ 69021  
the Revised Code, or a residential facility licensed under section 69022  
5119.22 of the Revised Code that provides accommodations, 69023  
supervision, and personal care services for three to sixteen 69024  
unrelated adults, may transfer or use the money in a personal 69025  
needs allowance account in accordance with section 5111.113 of the 69026  
Revised Code without the written consent of the tax commissioner, 69027  
and without the account having been opened and inventoried in the 69028  
presence of the commissioner or the commissioner's agent. 69029

Failure to comply with this section shall render such safe 69030  
deposit company, trust company, life insurance company, financial 69031  
institution as defined in division (A) of section 5725.01 of the 69032  
Revised Code, or other corporation or person liable for the amount 69033  
of the taxes and interest due under the provisions of Chapter 69034  
5731. of the Revised Code on the transfer of such stock, deposit, 69035  
proceeds of an annuity or matured endowment contract or of a life 69036  
insurance contract payable to the estate of a decedent, or other 69037  
insurance contract taxable under Chapter 5731. of the Revised 69038  
Code, proceeds of any death benefit, retirement, pension, or 69039  
profit sharing plan in excess of two thousand dollars, or 69040  
securities, assets, or other property of any resident decedent, 69041  
and in addition thereto, to a penalty of not less than five 69042  
hundred or more than five thousand dollars. 69043

**Sec. 5733.064.** There is hereby allowed a credit against the 69044  
tax imposed under sections 5733.06, 5733.065, and 5733.066 of the 69045  
Revised Code. The credit shall equal the lesser of fifty per cent 69046  
of any cash donations made during the taxable year by the taxpayer 69047  
to an Ohio corporation organized prior to January 1, 1987, whose 69048  
sole purpose is to promote and encourage recycling and that has 69049

been determined by the internal revenue service to be a nonprofit 69050  
corporation regardless of whether the nonprofit corporation 69051  
received a grant under section ~~1502.05~~ 3736.05 of the Revised 69052  
Code, or to municipal corporations, counties, townships, park 69053  
districts, and boards of education that received grants pursuant 69054  
to that section, or one-half of the amount of the taxpayer's 69055  
additional tax liability for the tax year resulting from the 69056  
additional rates imposed by sections 5733.065 and 5733.066 of the 69057  
Revised Code to provide funding for ~~the division of~~ recycling and 69058  
litter prevention under Chapter ~~1502-~~ 3736. of the Revised Code. 69059  
The taxpayer shall claim the nonrefundable credit in the order 69060  
required under section 5733.98 of the Revised Code. 69061

The tax commissioner may require the taxpayer to furnish such 69062  
information as is necessary to support a claim for a credit under 69063  
this section, and no credit shall be allowed unless the 69064  
information is provided. 69065

**Sec. 5739.01.** As used in this chapter: 69066

(A) "Person" includes individuals, receivers, assignees, 69067  
trustees in bankruptcy, estates, firms, partnerships, 69068  
associations, joint-stock companies, joint ventures, clubs, 69069  
societies, corporations, the state and its political subdivisions, 69070  
and combinations of individuals of any form. 69071

(B) "Sale" and "selling" include all of the following 69072  
transactions for a consideration in any manner, whether absolutely 69073  
or conditionally, whether for a price or rental, in money or by 69074  
exchange, and by any means whatsoever: 69075

(1) All transactions by which title or possession, or both, 69076  
of tangible personal property, is or is to be transferred, or a 69077  
license to use or consume tangible personal property is or is to 69078  
be granted; 69079

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests; 69080  
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(3) All transactions by which: 69082

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 69083  
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(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 69086  
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(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 69092  
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(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided; 69094  
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(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty 69097  
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|--------------------------------------------------------------------|-------|
| per cent of the other corporation's common stock with voting       | 69111 |
| rights.                                                            | 69112 |
| (f) Telecommunications service, including prepaid calling          | 69113 |
| service, prepaid wireless calling service, or ancillary service,   | 69114 |
| is or is to be provided, but not including coin-operated telephone | 69115 |
| service;                                                           | 69116 |
| (g) Landscaping and lawn care service is or is to be               | 69117 |
| provided;                                                          | 69118 |
| (h) Private investigation and security service is or is to be      | 69119 |
| provided;                                                          | 69120 |
| (i) Information services or tangible personal property is          | 69121 |
| provided or ordered by means of a nine hundred telephone call;     | 69122 |
| (j) Building maintenance and janitorial service is or is to        | 69123 |
| be provided;                                                       | 69124 |
| (k) Employment service is or is to be provided;                    | 69125 |
| (l) Employment placement service is or is to be provided;          | 69126 |
| (m) Exterminating service is or is to be provided;                 | 69127 |
| (n) Physical fitness facility service is or is to be               | 69128 |
| provided;                                                          | 69129 |
| (o) Recreation and sports club service is or is to be              | 69130 |
| provided;                                                          | 69131 |
| (p) On and after August 1, 2003, satellite broadcasting            | 69132 |
| service is or is to be provided;                                   | 69133 |
| (q) On and after August 1, 2003, personal care service is or       | 69134 |
| is to be provided to an individual. As used in this division,      | 69135 |
| "personal care service" includes skin care, the application of     | 69136 |
| cosmetics, manicuring, pedicuring, hair removal, tattooing, body   | 69137 |
| piercing, tanning, massage, and other similar services. "Personal  | 69138 |
| care service" does not include a service provided by or on the     | 69139 |

order of a licensed physician or licensed chiropractor, or the 69140  
cutting, coloring, or styling of an individual's hair. 69141

(r) On and after August 1, 2003, the transportation of 69142  
persons by motor vehicle or aircraft is or is to be provided, when 69143  
the transportation is entirely within this state, except for 69144  
transportation provided by an ambulance service, by a transit bus, 69145  
as defined in section 5735.01 of the Revised Code, and 69146  
transportation provided by a citizen of the United States holding 69147  
a certificate of public convenience and necessity issued under 49 69148  
U.S.C. 41102; 69149

(s) On and after August 1, 2003, motor vehicle towing service 69150  
is or is to be provided. As used in this division, "motor vehicle 69151  
towing service" means the towing or conveyance of a wrecked, 69152  
disabled, or illegally parked motor vehicle. 69153

(t) On and after August 1, 2003, snow removal service is or 69154  
is to be provided. As used in this division, "snow removal 69155  
service" means the removal of snow by any mechanized means, but 69156  
does not include the providing of such service by a person that 69157  
has less than five thousand dollars in sales of such service 69158  
during the calendar year. 69159

(u) Electronic publishing service is or is to be provided to 69160  
a consumer for use in business, except that such transactions 69161  
occurring between members of an affiliated group, as defined in 69162  
division (B)(3)(e) of this section, are not sales. 69163

(4) All transactions by which printed, imprinted, 69164  
overprinted, lithographic, multilithic, blueprinted, photostatic, 69165  
or other productions or reproductions of written or graphic matter 69166  
are or are to be furnished or transferred; 69167

(5) The production or fabrication of tangible personal 69168  
property for a consideration for consumers who furnish either 69169  
directly or indirectly the materials used in the production of 69170

fabrication work; and include the furnishing, preparing, or 69171  
serving for a consideration of any tangible personal property 69172  
consumed on the premises of the person furnishing, preparing, or 69173  
serving such tangible personal property. Except as provided in 69174  
section 5739.03 of the Revised Code, a construction contract 69175  
pursuant to which tangible personal property is or is to be 69176  
incorporated into a structure or improvement on and becoming a 69177  
part of real property is not a sale of such tangible personal 69178  
property. The construction contractor is the consumer of such 69179  
tangible personal property, provided that the sale and 69180  
installation of carpeting, the sale and installation of 69181  
agricultural land tile, the sale and erection or installation of 69182  
portable grain bins, or the provision of landscaping and lawn care 69183  
service and the transfer of property as part of such service is 69184  
never a construction contract. 69185

As used in division (B)(5) of this section: 69186

(a) "Agricultural land tile" means fired clay or concrete 69187  
tile, or flexible or rigid perforated plastic pipe or tubing, 69188  
incorporated or to be incorporated into a subsurface drainage 69189  
system appurtenant to land used or to be used primarily in 69190  
production by farming, agriculture, horticulture, or floriculture. 69191  
The term does not include such materials when they are or are to 69192  
be incorporated into a drainage system appurtenant to a building 69193  
or structure even if the building or structure is used or to be 69194  
used in such production. 69195

(b) "Portable grain bin" means a structure that is used or to 69196  
be used by a person engaged in farming or agriculture to shelter 69197  
the person's grain and that is designed to be disassembled without 69198  
significant damage to its component parts. 69199

(6) All transactions in which all of the shares of stock of a 69200  
closely held corporation are transferred, if the corporation is 69201  
not engaging in business and its entire assets consist of boats, 69202

planes, motor vehicles, or other tangible personal property 69203  
operated primarily for the use and enjoyment of the shareholders; 69204

(7) All transactions in which a warranty, maintenance or 69205  
service contract, or similar agreement by which the vendor of the 69206  
warranty, contract, or agreement agrees to repair or maintain the 69207  
tangible personal property of the consumer is or is to be 69208  
provided; 69209

(8) The transfer of copyrighted motion picture films used 69210  
solely for advertising purposes, except that the transfer of such 69211  
films for exhibition purposes is not a sale; 69212

(9) On and after August 1, 2003, all transactions by which 69213  
tangible personal property is or is to be stored, except such 69214  
property that the consumer of the storage holds for sale in the 69215  
regular course of business; 69216

(10) All transactions in which "guaranteed auto protection" 69217  
is provided whereby a person promises to pay to the consumer the 69218  
difference between the amount the consumer receives from motor 69219  
vehicle insurance and the amount the consumer owes to a person 69220  
holding title to or a lien on the consumer's motor vehicle in the 69221  
event the consumer's motor vehicle suffers a total loss under the 69222  
terms of the motor vehicle insurance policy or is stolen and not 69223  
recovered, if the protection and its price are included in the 69224  
purchase or lease agreement; 69225

(11)(a) Except as provided in division (B)(11)(b) of this 69226  
section, on and after October 1, 2009, all transactions by which 69227  
health care services are paid for, reimbursed, provided, 69228  
delivered, arranged for, or otherwise made available by a medicaid 69229  
health insuring corporation pursuant to the corporation's contract 69230  
with the state. 69231

(b) If the centers for medicare and medicaid services of the 69232  
United States department of health and human services determines 69233

that the taxation of transactions described in division (B)(11)(a) 69234  
of this section constitutes an impermissible health care-related 69235  
tax under section 1903(w) of the "Social Security Act," 49 Stat. 69236  
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 69237  
adopted thereunder, the director of job and family services shall 69238  
notify the tax commissioner of that determination. Beginning with 69239  
the first day of the month following that notification, the 69240  
transactions described in division (B)(11)(a) of this section are 69241  
not sales for the purposes of this chapter or Chapter 5741. of the 69242  
Revised Code. The tax commissioner shall order that the collection 69243  
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 69244  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 69245  
shall cease for transactions occurring on or after that date. 69246

Except as provided in this section, "sale" and "selling" do 69247  
not include transfers of interest in leased property where the 69248  
original lessee and the terms of the original lease agreement 69249  
remain unchanged, or professional, insurance, or personal service 69250  
transactions that involve the transfer of tangible personal 69251  
property as an inconsequential element, for which no separate 69252  
charges are made. 69253

(C) "Vendor" means the person providing the service or by 69254  
whom the transfer effected or license given by a sale is or is to 69255  
be made or given and, for sales described in division (B)(3)(i) of 69256  
this section, the telecommunications service vendor that provides 69257  
the nine hundred telephone service; if two or more persons are 69258  
engaged in business at the same place of business under a single 69259  
trade name in which all collections on account of sales by each 69260  
are made, such persons shall constitute a single vendor. 69261

Physicians, dentists, hospitals, and veterinarians who are 69262  
engaged in selling tangible personal property as received from 69263  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 69264  
articles, are vendors. Veterinarians who are engaged in 69265

transferring to others for a consideration drugs, the dispensing 69266  
of which does not require an order of a licensed veterinarian or 69267  
physician under federal law, are vendors. 69268

(D)(1) "Consumer" means the person for whom the service is 69269  
provided, to whom the transfer effected or license given by a sale 69270  
is or is to be made or given, to whom the service described in 69271  
division (B)(3)(f) or (i) of this section is charged, or to whom 69272  
the admission is granted. 69273

(2) Physicians, dentists, hospitals, and blood banks operated 69274  
by nonprofit institutions and persons licensed to practice 69275  
veterinary medicine, surgery, and dentistry are consumers of all 69276  
tangible personal property and services purchased by them in 69277  
connection with the practice of medicine, dentistry, the rendition 69278  
of hospital or blood bank service, or the practice of veterinary 69279  
medicine, surgery, and dentistry. In addition to being consumers 69280  
of drugs administered by them or by their assistants according to 69281  
their direction, veterinarians also are consumers of drugs that 69282  
under federal law may be dispensed only by or upon the order of a 69283  
licensed veterinarian or physician, when transferred by them to 69284  
others for a consideration to provide treatment to animals as 69285  
directed by the veterinarian. 69286

(3) A person who performs a facility management, or similar 69287  
service contract for a contractee is a consumer of all tangible 69288  
personal property and services purchased for use in connection 69289  
with the performance of such contract, regardless of whether title 69290  
to any such property vests in the contractee. The purchase of such 69291  
property and services is not subject to the exception for resale 69292  
under division (E)(1) of this section. 69293

(4)(a) In the case of a person who purchases printed matter 69294  
for the purpose of distributing it or having it distributed to the 69295  
public or to a designated segment of the public, free of charge, 69296  
that person is the consumer of that printed matter, and the 69297

purchase of that printed matter for that purpose is a sale. 69298

(b) In the case of a person who produces, rather than 69299  
purchases, printed matter for the purpose of distributing it or 69300  
having it distributed to the public or to a designated segment of 69301  
the public, free of charge, that person is the consumer of all 69302  
tangible personal property and services purchased for use or 69303  
consumption in the production of that printed matter. That person 69304  
is not entitled to claim exemption under division (B)(42)(f) of 69305  
section 5739.02 of the Revised Code for any material incorporated 69306  
into the printed matter or any equipment, supplies, or services 69307  
primarily used to produce the printed matter. 69308

(c) The distribution of printed matter to the public or to a 69309  
designated segment of the public, free of charge, is not a sale to 69310  
the members of the public to whom the printed matter is 69311  
distributed or to any persons who purchase space in the printed 69312  
matter for advertising or other purposes. 69313

(5) A person who makes sales of any of the services listed in 69314  
division (B)(3) of this section is the consumer of any tangible 69315  
personal property used in performing the service. The purchase of 69316  
that property is not subject to the resale exception under 69317  
division (E)(1) of this section. 69318

(6) A person who engages in highway transportation for hire 69319  
is the consumer of all packaging materials purchased by that 69320  
person and used in performing the service, except for packaging 69321  
materials sold by such person in a transaction separate from the 69322  
service. 69323

(7) In the case of a transaction for health care services 69324  
under division (B)(11) of this section, a medicaid health insuring 69325  
corporation is the consumer of such services. The purchase of such 69326  
services by a medicaid health insuring corporation is not subject 69327  
to the exception for resale under division (E)(1) of this section 69328

or to the exemptions provided under divisions (B)(12), (18), (19), 69329  
and (22) of section 5739.02 of the Revised Code. 69330

(E) "Retail sale" and "sales at retail" include all sales, 69331  
except those in which the purpose of the consumer is to resell the 69332  
thing transferred or benefit of the service provided, by a person 69333  
engaging in business, in the form in which the same is, or is to 69334  
be, received by the person. 69335

(F) "Business" includes any activity engaged in by any person 69336  
with the object of gain, benefit, or advantage, either direct or 69337  
indirect. "Business" does not include the activity of a person in 69338  
managing and investing the person's own funds. 69339

(G) "Engaging in business" means commencing, conducting, or 69340  
continuing in business, and liquidating a business when the 69341  
liquidator thereof holds itself out to the public as conducting 69342  
such business. Making a casual sale is not engaging in business. 69343

(H)(1)(a) "Price," except as provided in divisions (H)(2), 69344  
(3), and (4) of this section, means the total amount of 69345  
consideration, including cash, credit, property, and services, for 69346  
which tangible personal property or services are sold, leased, or 69347  
rented, valued in money, whether received in money or otherwise, 69348  
without any deduction for any of the following: 69349

(i) The vendor's cost of the property sold; 69350

(ii) The cost of materials used, labor or service costs, 69351  
interest, losses, all costs of transportation to the vendor, all 69352  
taxes imposed on the vendor, including the tax imposed under 69353  
Chapter 5751. of the Revised Code, and any other expense of the 69354  
vendor; 69355

(iii) Charges by the vendor for any services necessary to 69356  
complete the sale; 69357

(iv) On and after August 1, 2003, delivery charges. As used 69358



in this division, "delivery charges" means charges by the vendor 69359  
for preparation and delivery to a location designated by the 69360  
consumer of tangible personal property or a service, including 69361  
transportation, shipping, postage, handling, crating, and packing. 69362

(v) Installation charges; 69363

(vi) Credit for any trade-in. 69364

(b) "Price" includes consideration received by the vendor 69365  
from a third party, if the vendor actually receives the 69366  
consideration from a party other than the consumer, and the 69367  
consideration is directly related to a price reduction or discount 69368  
on the sale; the vendor has an obligation to pass the price 69369  
reduction or discount through to the consumer; the amount of the 69370  
consideration attributable to the sale is fixed and determinable 69371  
by the vendor at the time of the sale of the item to the consumer; 69372  
and one of the following criteria is met: 69373

(i) The consumer presents a coupon, certificate, or other 69374  
document to the vendor to claim a price reduction or discount 69375  
where the coupon, certificate, or document is authorized, 69376  
distributed, or granted by a third party with the understanding 69377  
that the third party will reimburse any vendor to whom the coupon, 69378  
certificate, or document is presented; 69379

(ii) The consumer identifies the consumer's self to the 69380  
seller as a member of a group or organization entitled to a price 69381  
reduction or discount. A preferred customer card that is available 69382  
to any patron does not constitute membership in such a group or 69383  
organization. 69384

(iii) The price reduction or discount is identified as a 69385  
third party price reduction or discount on the invoice received by 69386  
the consumer, or on a coupon, certificate, or other document 69387  
presented by the consumer. 69388

(c) "Price" does not include any of the following: 69389

(i) Discounts, including cash, term, or coupons that are not 69390  
reimbursed by a third party that are allowed by a vendor and taken 69391  
by a consumer on a sale; 69392

(ii) Interest, financing, and carrying charges from credit 69393  
extended on the sale of tangible personal property or services, if 69394  
the amount is separately stated on the invoice, bill of sale, or 69395  
similar document given to the purchaser; 69396

(iii) Any taxes legally imposed directly on the consumer that 69397  
are separately stated on the invoice, bill of sale, or similar 69398  
document given to the consumer. For the purpose of this division, 69399  
the tax imposed under Chapter 5751. of the Revised Code is not a 69400  
tax directly on the consumer, even if the tax or a portion thereof 69401  
is separately stated. 69402

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 69403  
section, any discount allowed by an automobile manufacturer to its 69404  
employee, or to the employee of a supplier, on the purchase of a 69405  
new motor vehicle from a new motor vehicle dealer in this state. 69406

(v) The dollar value of a gift card that is not sold by a 69407  
vendor or purchased by a consumer and that is redeemed by the 69408  
consumer in purchasing tangible personal property or services if 69409  
the vendor is not reimbursed and does not receive compensation 69410  
from a third party to cover all or part of the gift card value. 69411  
For the purposes of this division, a gift card is not sold by a 69412  
vendor or purchased by a consumer if it is distributed pursuant to 69413  
an awards, loyalty, or promotional program. Past and present 69414  
purchases of tangible personal property or services by the 69415  
consumer shall not be treated as consideration exchanged for a 69416  
gift card. 69417

(2) In the case of a sale of any new motor vehicle by a new 69418  
motor vehicle dealer, as defined in section 4517.01 of the Revised 69419  
Code, in which another motor vehicle is accepted by the dealer as 69420

part of the consideration received, "price" has the same meaning 69421  
as in division (H)(1) of this section, reduced by the credit 69422  
afforded the consumer by the dealer for the motor vehicle received 69423  
in trade. 69424

(3) In the case of a sale of any watercraft or outboard motor 69425  
by a watercraft dealer licensed in accordance with section 69426  
1547.543 of the Revised Code, in which another watercraft, 69427  
watercraft and trailer, or outboard motor is accepted by the 69428  
dealer as part of the consideration received, "price" has the same 69429  
meaning as in division (H)(1) of this section, reduced by the 69430  
credit afforded the consumer by the dealer for the watercraft, 69431  
watercraft and trailer, or outboard motor received in trade. As 69432  
used in this division, "watercraft" includes an outdrive unit 69433  
attached to the watercraft. 69434

(4) In the case of transactions for health care services 69435  
under division (B)(11) of this section, "price" means the amount 69436  
of managed care premiums received each month by a medicaid health 69437  
insuring corporation. 69438

(I) "Receipts" means the total amount of the prices of the 69439  
sales of vendors, provided that the dollar value of gift cards 69440  
distributed pursuant to an awards, loyalty, or promotional 69441  
program, and cash discounts allowed and taken on sales at the time 69442  
they are consummated are not included, minus any amount deducted 69443  
as a bad debt pursuant to section 5739.121 of the Revised Code. 69444  
"Receipts" does not include the sale price of property returned or 69445  
services rejected by consumers when the full sale price and tax 69446  
are refunded either in cash or by credit. 69447

(J) "Place of business" means any location at which a person 69448  
engages in business. 69449

(K) "Premises" includes any real property or portion thereof 69450  
upon which any person engages in selling tangible personal 69451

property at retail or making retail sales and also includes any 69452  
real property or portion thereof designated for, or devoted to, 69453  
use in conjunction with the business engaged in by such person. 69454

(L) "Casual sale" means a sale of an item of tangible 69455  
personal property that was obtained by the person making the sale, 69456  
through purchase or otherwise, for the person's own use and was 69457  
previously subject to any state's taxing jurisdiction on its sale 69458  
or use, and includes such items acquired for the seller's use that 69459  
are sold by an auctioneer employed directly by the person for such 69460  
purpose, provided the location of such sales is not the 69461  
auctioneer's permanent place of business. As used in this 69462  
division, "permanent place of business" includes any location 69463  
where such auctioneer has conducted more than two auctions during 69464  
the year. 69465

(M) "Hotel" means every establishment kept, used, maintained, 69466  
advertised, or held out to the public to be a place where sleeping 69467  
accommodations are offered to guests, in which five or more rooms 69468  
are used for the accommodation of such guests, whether the rooms 69469  
are in one or several structures, except as otherwise provided in 69470  
division (G) of section 5739.09 of the Revised Code. 69471

(N) "Transient guests" means persons occupying a room or 69472  
rooms for sleeping accommodations for less than thirty consecutive 69473  
days. 69474

(O) "Making retail sales" means the effecting of transactions 69475  
wherein one party is obligated to pay the price and the other 69476  
party is obligated to provide a service or to transfer title to or 69477  
possession of the item sold. "Making retail sales" does not 69478  
include the preliminary acts of promoting or soliciting the retail 69479  
sales, other than the distribution of printed matter which 69480  
displays or describes and prices the item offered for sale, nor 69481  
does it include delivery of a predetermined quantity of tangible 69482  
personal property or transportation of property or personnel to or 69483

from a place where a service is performed, regardless of whether 69484  
the vendor is a delivery vendor. 69485

(P) "Used directly in the rendition of a public utility 69486  
service" means that property that is to be incorporated into and 69487  
will become a part of the consumer's production, transmission, 69488  
transportation, or distribution system and that retains its 69489  
classification as tangible personal property after such 69490  
incorporation; fuel or power used in the production, transmission, 69491  
transportation, or distribution system; and tangible personal 69492  
property used in the repair and maintenance of the production, 69493  
transmission, transportation, or distribution system, including 69494  
only such motor vehicles as are specially designed and equipped 69495  
for such use. Tangible personal property and services used 69496  
primarily in providing highway transportation for hire are not 69497  
used directly in the rendition of a public utility service. In 69498  
this definition, "public utility" includes a citizen of the United 69499  
States holding, and required to hold, a certificate of public 69500  
convenience and necessity issued under 49 U.S.C. 41102. 69501

(Q) "Refining" means removing or separating a desirable 69502  
product from raw or contaminated materials by distillation or 69503  
physical, mechanical, or chemical processes. 69504

(R) "Assembly" and "assembling" mean attaching or fitting 69505  
together parts to form a product, but do not include packaging a 69506  
product. 69507

(S) "Manufacturing operation" means a process in which 69508  
materials are changed, converted, or transformed into a different 69509  
state or form from which they previously existed and includes 69510  
refining materials, assembling parts, and preparing raw materials 69511  
and parts by mixing, measuring, blending, or otherwise committing 69512  
such materials or parts to the manufacturing process. 69513  
"Manufacturing operation" does not include packaging. 69514

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 69546  
together with verification thereof, or providing access to 69547  
computer equipment for the purpose of processing data. 69548

(b) "Computer services" means providing services consisting 69549  
of specifying computer hardware configurations and evaluating 69550  
technical processing characteristics, computer programming, and 69551  
training of computer programmers and operators, provided in 69552  
conjunction with and to support the sale, lease, or operation of 69553  
taxable computer equipment or systems. 69554

(c) "Electronic information services" means providing access 69555  
to computer equipment by means of telecommunications equipment for 69556  
the purpose of either of the following: 69557

(i) Examining or acquiring data stored in or accessible to 69558  
the computer equipment; 69559

(ii) Placing data into the computer equipment to be retrieved 69560  
by designated recipients with access to the computer equipment. 69561

For transactions occurring on or after the effective date of 69562  
the amendment of this section by H.B. 157 of the 127th general 69563  
assembly, December 21, 2007, "electronic information services" 69564  
does not include electronic publishing as defined in division 69565  
(LLL) of this section. 69566

(d) "Automatic data processing, computer services, or 69567  
electronic information services" shall not include personal or 69568  
professional services. 69569

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 69570  
section, "personal and professional services" means all services 69571  
other than automatic data processing, computer services, or 69572  
electronic information services, including but not limited to: 69573

(a) Accounting and legal services such as advice on tax 69574  
matters, asset management, budgetary matters, quality control, 69575

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| information security, and auditing and any other situation where   | 69576 |
| the service provider receives data or information and studies,     | 69577 |
| alters, analyzes, interprets, or adjusts such material;            | 69578 |
| (b) Analyzing business policies and procedures;                    | 69579 |
| (c) Identifying management information needs;                      | 69580 |
| (d) Feasibility studies, including economic and technical          | 69581 |
| analysis of existing or potential computer hardware or software    | 69582 |
| needs and alternatives;                                            | 69583 |
| (e) Designing policies, procedures, and custom software for        | 69584 |
| collecting business information, and determining how data should   | 69585 |
| be summarized, sequenced, formatted, processed, controlled, and    | 69586 |
| reported so that it will be meaningful to management;              | 69587 |
| (f) Developing policies and procedures that document how           | 69588 |
| business events and transactions are to be authorized, executed,   | 69589 |
| and controlled;                                                    | 69590 |
| (g) Testing of business procedures;                                | 69591 |
| (h) Training personnel in business procedure applications;         | 69592 |
| (i) Providing credit information to users of such information      | 69593 |
| by a consumer reporting agency, as defined in the "Fair Credit     | 69594 |
| Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or | 69595 |
| as hereafter amended, including but not limited to gathering,      | 69596 |
| organizing, analyzing, recording, and furnishing such information  | 69597 |
| by any oral, written, graphic, or electronic medium;               | 69598 |
| (j) Providing debt collection services by any oral, written,       | 69599 |
| graphic, or electronic means.                                      | 69600 |
| The services listed in divisions (Y)(2)(a) to (j) of this          | 69601 |
| section are not automatic data processing or computer services.    | 69602 |
| (Z) "Highway transportation for hire" means the                    | 69603 |
| transportation of personal property belonging to others for        | 69604 |
| consideration by any of the following:                             | 69605 |



(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (b) Installation or maintenance of wiring or equipment on a customer's premises;                                                                                                                                                                                                                                                                                                                                                                                                          | 69637<br>69638                                                       |
| (c) Tangible personal property;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 69639                                                                |
| (d) Advertising, including directory advertising;                                                                                                                                                                                                                                                                                                                                                                                                                                         | 69640                                                                |
| (e) Billing and collection services provided to third parties;                                                                                                                                                                                                                                                                                                                                                                                                                            | 69641<br>69642                                                       |
| (f) Internet access service;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 69643                                                                |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 69644<br>69645<br>69646<br>69647<br>69648<br>69649<br>69650<br>69651 |
| (h) Ancillary service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 69652                                                                |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.                                                                                                                                                                                                                                                                                                                                                                        | 69653<br>69654                                                       |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:                                                                                                                                                                               | 69655<br>69656<br>69657<br>69658<br>69659                            |
| (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.                                                                                                                                                                                            | 69660<br>69661<br>69662<br>69663<br>69664                            |
| (b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to                                                                                                                                                                                                                                                                                                                                                              | 69665<br>69666                                                       |

individual calls on a customer's billing statement. 69667

(c) "Directory assistance" means an ancillary service of 69668  
providing telephone number or address information. 69669

(d) "Vertical service" means an ancillary service that is 69670  
offered in connection with one or more telecommunications 69671  
services, which offers advanced calling features that allow 69672  
customers to identify callers and manage multiple calls and call 69673  
connections, including conference bridging service. 69674

(e) "Voice mail service" means an ancillary service that 69675  
enables the customer to store, send, or receive recorded messages. 69676  
"Voice mail service" does not include any vertical services that 69677  
the customer may be required to have in order to utilize the voice 69678  
mail service. 69679

(3) "900 service" means an inbound toll telecommunications 69680  
service purchased by a subscriber that allows the subscriber's 69681  
customers to call in to the subscriber's prerecorded announcement 69682  
or live service, and which is typically marketed under the name 69683  
"900" service and any subsequent numbers designated by the federal 69684  
communications commission. "900 service" does not include the 69685  
charge for collection services provided by the seller of the 69686  
telecommunications service to the subscriber, or services or 69687  
products sold by the subscriber to the subscriber's customer. 69688

(4) "Prepaid calling service" means the right to access 69689  
exclusively telecommunications services, which must be paid for in 69690  
advance and which enables the origination of calls using an access 69691  
number or authorization code, whether manually or electronically 69692  
dialed, and that is sold in predetermined units of ~~of~~ or dollars of 69693  
which the number declines with use in a known amount. 69694

(5) "Prepaid wireless calling service" means a 69695  
telecommunications service that provides the right to utilize 69696  
mobile telecommunications service as well as other 69697

non-telecommunications services, including the download of digital 69698  
products delivered electronically, and content and ancillary 69699  
services, that must be paid for in advance and that is sold in 69700  
predetermined units ~~of~~ or dollars of which the number declines 69701  
with use in a known amount. 69702

(6) "Value-added non-voice data service" means a 69703  
telecommunications service in which computer processing 69704  
applications are used to act on the form, content, code, or 69705  
protocol of the information or data primarily for a purpose other 69706  
than transmission, conveyance, or routing. 69707

(7) "Coin-operated telephone service" means a 69708  
telecommunications service paid for by inserting money into a 69709  
telephone accepting direct deposits of money to operate. 69710

(8) "Customer" has the same meaning as in section 5739.034 of 69711  
the Revised Code. 69712

(BB) "Laundry and dry cleaning services" means removing soil 69713  
or dirt from towels, linens, articles of clothing, or other fabric 69714  
items that belong to others and supplying towels, linens, articles 69715  
of clothing, or other fabric items. "Laundry and dry cleaning 69716  
services" does not include the provision of self-service 69717  
facilities for use by consumers to remove soil or dirt from 69718  
towels, linens, articles of clothing, or other fabric items. 69719

(CC) "Magazines distributed as controlled circulation 69720  
publications" means magazines containing at least twenty-four 69721  
pages, at least twenty-five per cent editorial content, issued at 69722  
regular intervals four or more times a year, and circulated 69723  
without charge to the recipient, provided that such magazines are 69724  
not owned or controlled by individuals or business concerns which 69725  
conduct such publications as an auxiliary to, and essentially for 69726  
the advancement of the main business or calling of, those who own 69727  
or control them. 69728

(DD) "Landscaping and lawn care service" means the services 69729  
of planting, seeding, sodding, removing, cutting, trimming, 69730  
pruning, mulching, aerating, applying chemicals, watering, 69731  
fertilizing, and providing similar services to establish, promote, 69732  
or control the growth of trees, shrubs, flowers, grass, ground 69733  
cover, and other flora, or otherwise maintaining a lawn or 69734  
landscape grown or maintained by the owner for ornamentation or 69735  
other nonagricultural purpose. However, "landscaping and lawn care 69736  
service" does not include the providing of such services by a 69737  
person who has less than five thousand dollars in sales of such 69738  
services during the calendar year. 69739

(EE) "Private investigation and security service" means the 69740  
performance of any activity for which the provider of such service 69741  
is required to be licensed pursuant to Chapter 4749. of the 69742  
Revised Code, or would be required to be so licensed in performing 69743  
such services in this state, and also includes the services of 69744  
conducting polygraph examinations and of monitoring or overseeing 69745  
the activities on or in, or the condition of, the consumer's home, 69746  
business, or other facility by means of electronic or similar 69747  
monitoring devices. "Private investigation and security service" 69748  
does not include special duty services provided by off-duty police 69749  
officers, deputy sheriffs, and other peace officers regularly 69750  
employed by the state or a political subdivision. 69751

(FF) "Information services" means providing conversation, 69752  
giving consultation or advice, playing or making a voice or other 69753  
recording, making or keeping a record of the number of callers, 69754  
and any other service provided to a consumer by means of a nine 69755  
hundred telephone call, except when the nine hundred telephone 69756  
call is the means by which the consumer makes a contribution to a 69757  
recognized charity. 69758

(GG) "Research and development" means designing, creating, or 69759  
formulating new or enhanced products, equipment, or manufacturing 69760

processes, and also means conducting scientific or technological 69761  
inquiry and experimentation in the physical sciences with the goal 69762  
of increasing scientific knowledge which may reveal the bases for 69763  
new or enhanced products, equipment, or manufacturing processes. 69764

(HH) "Qualified research and development equipment" means 69765  
capitalized tangible personal property, and leased personal 69766  
property that would be capitalized if purchased, used by a person 69767  
primarily to perform research and development. Tangible personal 69768  
property primarily used in testing, as defined in division (A)(4) 69769  
of section 5739.011 of the Revised Code, or used for recording or 69770  
storing test results, is not qualified research and development 69771  
equipment unless such property is primarily used by the consumer 69772  
in testing the product, equipment, or manufacturing process being 69773  
created, designed, or formulated by the consumer in the research 69774  
and development activity or in recording or storing such test 69775  
results. 69776

(II) "Building maintenance and janitorial service" means 69777  
cleaning the interior or exterior of a building and any tangible 69778  
personal property located therein or thereon, including any 69779  
services incidental to such cleaning for which no separate charge 69780  
is made. However, "building maintenance and janitorial service" 69781  
does not include the providing of such service by a person who has 69782  
less than five thousand dollars in sales of such service during 69783  
the calendar year. 69784

(JJ) "Employment service" means providing or supplying 69785  
personnel, on a temporary or long-term basis, to perform work or 69786  
labor under the supervision or control of another, when the 69787  
personnel so provided or supplied receive their wages, salary, or 69788  
other compensation from the provider or supplier of the employment 69789  
service or from a third party that provided or supplied the 69790  
personnel to the provider or supplier. "Employment service" does 69791  
not include: 69792

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.                                                                                                                                                                                                                                                            | 69793<br>69794<br>69795                                     |
| (2) Medical and health care services.                                                                                                                                                                                                                                                                                                                                                              | 69796                                                       |
| (3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.                                                                                                                                                  | 69797<br>69798<br>69799<br>69800                            |
| (4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.                                                                                                                                                                                                                                                                                         | 69801<br>69802                                              |
| (5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.                                                                     | 69803<br>69804<br>69805<br>69806<br>69807                   |
| (KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.                                                                                                                                                                                                                                            | 69808<br>69809<br>69810                                     |
| (LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.                                                                                                                 | 69811<br>69812<br>69813<br>69814<br>69815                   |
| (MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. | 69816<br>69817<br>69818<br>69819<br>69820<br>69821<br>69822 |

(NN) "Recreation and sports club service" means all 69823  
transactions by which a membership is granted, maintained, or 69824  
renewed, including initiation fees, membership dues, renewal fees, 69825  
monthly minimum fees, and other similar fees and dues, by a 69826  
recreation and sports club, which entitles the member to use the 69827  
facilities of the organization. "Recreation and sports club" means 69828  
an organization that has ownership of, or controls or leases on a 69829  
continuing, long-term basis, the facilities used by its members 69830  
and includes an aviation club, gun or shooting club, yacht club, 69831  
card club, swimming club, tennis club, golf club, country club, 69832  
riding club, amateur sports club, or similar organization. 69833

(OO) "Livestock" means farm animals commonly raised for food, 69834  
food production, or other agricultural purposes, including, but 69835  
not limited to, cattle, sheep, goats, swine, poultry, and captive 69836  
deer. "Livestock" does not include invertebrates, amphibians, 69837  
reptiles, domestic pets, animals for use in laboratories or for 69838  
exhibition, or other animals not commonly raised for food or food 69839  
production. 69840

(PP) "Livestock structure" means a building or structure used 69841  
exclusively for the housing, raising, feeding, or sheltering of 69842  
livestock, and includes feed storage or handling structures and 69843  
structures for livestock waste handling. 69844

(QQ) "Horticulture" means the growing, cultivation, and 69845  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 69846  
and nursery stock. As used in this division, "nursery stock" has 69847  
the same meaning as in section 927.51 of the Revised Code. 69848

(RR) "Horticulture structure" means a building or structure 69849  
used exclusively for the commercial growing, raising, or 69850  
overwintering of horticultural products, and includes the area 69851  
used for stocking, storing, and packing horticultural products 69852  
when done in conjunction with the production of those products. 69853



(SS) "Newspaper" means an unbound publication bearing a title 69854  
or name that is regularly published, at least as frequently as 69855  
biweekly, and distributed from a fixed place of business to the 69856  
public in a specific geographic area, and that contains a 69857  
substantial amount of news matter of international, national, or 69858  
local events of interest to the general public. 69859

(TT) "Professional racing team" means a person that employs 69860  
at least twenty full-time employees for the purpose of conducting 69861  
a motor vehicle racing business for profit. The person must 69862  
conduct the business with the purpose of racing one or more motor 69863  
racing vehicles in at least ten competitive professional racing 69864  
events each year that comprise all or part of a motor racing 69865  
series sanctioned by one or more motor racing sanctioning 69866  
organizations. A "motor racing vehicle" means a vehicle for which 69867  
the chassis, engine, and parts are designed exclusively for motor 69868  
racing, and does not include a stock or production model vehicle 69869  
that may be modified for use in racing. For the purposes of this 69870  
division: 69871

(1) A "competitive professional racing event" is a motor 69872  
vehicle racing event sanctioned by one or more motor racing 69873  
sanctioning organizations, at which aggregate cash prizes in 69874  
excess of eight hundred thousand dollars are awarded to the 69875  
competitors. 69876

(2) "Full-time employee" means an individual who is employed 69877  
for consideration for thirty-five or more hours a week, or who 69878  
renders any other standard of service generally accepted by custom 69879  
or specified by contract as full-time employment. 69880

(UU)(1) "Lease" or "rental" means any transfer of the 69881  
possession or control of tangible personal property for a fixed or 69882  
indefinite term, for consideration. "Lease" or "rental" includes 69883  
future options to purchase or extend, and agreements described in 69884  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 69885

the amount of consideration may be increased or decreased by 69886  
reference to the amount realized upon the sale or disposition of 69887  
the property. "Lease" or "rental" does not include: 69888

(a) A transfer of possession or control of tangible personal 69889  
property under a security agreement or a deferred payment plan 69890  
that requires the transfer of title upon completion of the 69891  
required payments; 69892

(b) A transfer of possession or control of tangible personal 69893  
property under an agreement that requires the transfer of title 69894  
upon completion of required payments and payment of an option 69895  
price that does not exceed the greater of one hundred dollars or 69896  
one per cent of the total required payments; 69897

(c) Providing tangible personal property along with an 69898  
operator for a fixed or indefinite period of time, if the operator 69899  
is necessary for the property to perform as designed. For purposes 69900  
of this division, the operator must do more than maintain, 69901  
inspect, or set-up the tangible personal property. 69902

(2) "Lease" and "rental," as defined in division (UU) of this 69903  
section, shall not apply to leases or rentals that exist before 69904  
June 26, 2003. 69905

(3) "Lease" and "rental" have the same meaning as in division 69906  
(UU)(1) of this section regardless of whether a transaction is 69907  
characterized as a lease or rental under generally accepted 69908  
accounting principles, the Internal Revenue Code, Title XIII of 69909  
the Revised Code, or other federal, state, or local laws. 69910

(VV) "Mobile telecommunications service" has the same meaning 69911  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 69912  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 69913  
on and after August 1, 2003, includes related fees and ancillary 69914  
services, including universal service fees, detailed billing 69915  
service, directory assistance, service initiation, voice mail 69916

service, and vertical services, such as caller ID and three-way calling. 69917  
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(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 69919  
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 69921  
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 69930  
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(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. 69936  
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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a 69946  
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result based on a sequence of instructions. 69948

(BBB) "Computer software" means a set of coded instructions 69949  
designed to cause a computer or automatic data processing 69950  
equipment to perform a task. 69951

(CCC) "Delivered electronically" means delivery of computer 69952  
software from the seller to the purchaser by means other than 69953  
tangible storage media. 69954

(DDD) "Prewritten computer software" means computer software, 69955  
including prewritten upgrades, that is not designed and developed 69956  
by the author or other creator to the specifications of a specific 69957  
purchaser. The combining of two or more prewritten computer 69958  
software programs or prewritten portions thereof does not cause 69959  
the combination to be other than prewritten computer software. 69960  
"Prewritten computer software" includes software designed and 69961  
developed by the author or other creator to the specifications of 69962  
a specific purchaser when it is sold to a person other than the 69963  
purchaser. If a person modifies or enhances computer software of 69964  
which the person is not the author or creator, the person shall be 69965  
deemed to be the author or creator only of such person's 69966  
modifications or enhancements. Prewritten computer software or a 69967  
prewritten portion thereof that is modified or enhanced to any 69968  
degree, where such modification or enhancement is designed and 69969  
developed to the specifications of a specific purchaser, remains 69970  
prewritten computer software; provided, however, that where there 69971  
is a reasonable, separately stated charge or an invoice or other 69972  
statement of the price given to the purchaser for the modification 69973  
or enhancement, the modification or enhancement shall not 69974  
constitute prewritten computer software. 69975

(EEE)(1) "Food" means substances, whether in liquid, 69976  
concentrated, solid, frozen, dried, or dehydrated form, that are 69977  
sold for ingestion or chewing by humans and are consumed for their 69978  
taste or nutritional value. "Food" does not include alcoholic 69979

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| beverages, dietary supplements, soft drinks, or tobacco.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 69980                                                                         |
| (2) As used in division (EEE)(1) of this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 69981                                                                         |
| (a) "Alcoholic beverages" means beverages that are suitable<br>for human consumption and contain one-half of one per cent or more<br>of alcohol by volume.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 69982<br>69983<br>69984                                                       |
| (b) "Dietary supplements" means any product, other than<br>tobacco, that is intended to supplement the diet and that is<br>intended for ingestion in tablet, capsule, powder, softgel,<br>gelcap, or liquid form, or, if not intended for ingestion in such<br>a form, is not represented as conventional food for use as a sole<br>item of a meal or of the diet; that is required to be labeled as a<br>dietary supplement, identifiable by the "supplement facts" box<br>found on the label, as required by 21 C.F.R. 101.36; and that<br>contains one or more of the following dietary ingredients: | 69985<br>69986<br>69987<br>69988<br>69989<br>69990<br>69991<br>69992<br>69993 |
| (i) A vitamin;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 69994                                                                         |
| (ii) A mineral;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 69995                                                                         |
| (iii) An herb or other botanical;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 69996                                                                         |
| (iv) An amino acid;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 69997                                                                         |
| (v) A dietary substance for use by humans to supplement the<br>diet by increasing the total dietary intake;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 69998<br>69999                                                                |
| (vi) A concentrate, metabolite, constituent, extract, or<br>combination of any ingredient described in divisions<br>(EEE)(2)(b)(i) to (v) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 70000<br>70001<br>70002                                                       |
| (c) "Soft drinks" means nonalcoholic beverages that contain<br>natural or artificial sweeteners. "Soft drinks" does not include<br>beverages that contain milk or milk products, soy, rice, or<br>similar milk substitutes, or that contains greater than fifty per<br>cent vegetable or fruit juice by volume.                                                                                                                                                                                                                                                                                         | 70003<br>70004<br>70005<br>70006<br>70007                                     |
| (d) "Tobacco" means cigarettes, cigars, chewing or pipe<br>tobacco, or any other item that contains tobacco.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 70008<br>70009                                                                |

(FFF) "Drug" means a compound, substance, or preparation, and 70010  
any component of a compound, substance, or preparation, other than 70011  
food, dietary supplements, or alcoholic beverages that is 70012  
recognized in the official United States pharmacopoeia, official 70013  
homeopathic pharmacopoeia of the United States, or official 70014  
national formulary, and supplements to them; is intended for use 70015  
in the diagnosis, cure, mitigation, treatment, or prevention of 70016  
disease; or is intended to affect the structure or any function of 70017  
the body. 70018

(GGG) "Prescription" means an order, formula, or recipe 70019  
issued in any form of oral, written, electronic, or other means of 70020  
transmission by a duly licensed practitioner authorized by the 70021  
laws of this state to issue a prescription. 70022

(HHH) "Durable medical equipment" means equipment, including 70023  
repair and replacement parts for such equipment, that can 70024  
withstand repeated use, is primarily and customarily used to serve 70025  
a medical purpose, generally is not useful to a person in the 70026  
absence of illness or injury, and is not worn in or on the body. 70027  
"Durable medical equipment" does not include mobility enhancing 70028  
equipment. 70029

(III) "Mobility enhancing equipment" means equipment, 70030  
including repair and replacement parts for such equipment, that is 70031  
primarily and customarily used to provide or increase the ability 70032  
to move from one place to another and is appropriate for use 70033  
either in a home or a motor vehicle, that is not generally used by 70034  
persons with normal mobility, and that does not include any motor 70035  
vehicle or equipment on a motor vehicle normally provided by a 70036  
motor vehicle manufacturer. "Mobility enhancing equipment" does 70037  
not include durable medical equipment. 70038

(JJJ) "Prosthetic device" means a replacement, corrective, or 70039  
supportive device, including repair and replacement parts for the 70040  
device, worn on or in the human body to artificially replace a 70041

missing portion of the body, prevent or correct physical deformity 70042  
or malfunction, or support a weak or deformed portion of the body. 70043  
As used in this division, "prosthetic device" does not include 70044  
corrective eyeglasses, contact lenses, or dental prosthesis. 70045

(KKK)(1) "Fractional aircraft ownership program" means a 70046  
program in which persons within an affiliated group sell and 70047  
manage fractional ownership program aircraft, provided that at 70048  
least one hundred airworthy aircraft are operated in the program 70049  
and the program meets all of the following criteria: 70050

(a) Management services are provided by at least one program 70051  
manager within an affiliated group on behalf of the fractional 70052  
owners. 70053

(b) Each program aircraft is owned or possessed by at least 70054  
one fractional owner. 70055

(c) Each fractional owner owns or possesses at least a 70056  
one-sixteenth interest in at least one fixed-wing program 70057  
aircraft. 70058

(d) A dry-lease aircraft interchange arrangement is in effect 70059  
among all of the fractional owners. 70060

(e) Multi-year program agreements are in effect regarding the 70061  
fractional ownership, management services, and dry-lease aircraft 70062  
interchange arrangement aspects of the program. 70063

(2) As used in division (KKK)(1) of this section: 70064

(a) "Affiliated group" has the same meaning as in division 70065  
(B)(3)(e) of this section. 70066

(b) "Fractional owner" means a person that owns or possesses 70067  
at least a one-sixteenth interest in a program aircraft and has 70068  
entered into the agreements described in division (KKK)(1)(e) of 70069  
this section. 70070

(c) "Fractional ownership program aircraft" or "program 70071

aircraft" means a turbojet aircraft that is owned or possessed by 70072  
a fractional owner and that has been included in a dry-lease 70073  
aircraft interchange arrangement and agreement under divisions 70074  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 70075  
manager owns or possesses primarily for use in a fractional 70076  
aircraft ownership program. 70077

(d) "Management services" means administrative and aviation 70078  
support services furnished under a fractional aircraft ownership 70079  
program in accordance with a management services agreement under 70080  
division (KKK)(1)(e) of this section, and offered by the program 70081  
manager to the fractional owners, including, at a minimum, the 70082  
establishment and implementation of safety guidelines; the 70083  
coordination of the scheduling of the program aircraft and crews; 70084  
program aircraft maintenance; program aircraft insurance; crew 70085  
training for crews employed, furnished, or contracted by the 70086  
program manager or the fractional owner; the satisfaction of 70087  
record-keeping requirements; and the development and use of an 70088  
operations manual and a maintenance manual for the fractional 70089  
aircraft ownership program. 70090

(e) "Program manager" means the person that offers management 70091  
services to fractional owners pursuant to a management services 70092  
agreement under division (KKK)(1)(e) of this section. 70093

(LLL) "Electronic publishing" means providing access to one 70094  
or more of the following primarily for business customers, 70095  
including the federal government or a state government or a 70096  
political subdivision thereof, to conduct research: news; 70097  
business, financial, legal, consumer, or credit materials; 70098  
editorials, columns, reader commentary, or features; photos or 70099  
images; archival or research material; legal notices, identity 70100  
verification, or public records; scientific, educational, 70101  
instructional, technical, professional, trade, or other literary 70102  
materials; or other similar information which has been gathered 70103



and made available by the provider to the consumer in an 70104  
electronic format. Providing electronic publishing includes the 70105  
functions necessary for the acquisition, formatting, editing, 70106  
storage, and dissemination of data or information that is the 70107  
subject of a sale. 70108

(MMM) "Medicaid health insuring corporation" means a health 70109  
insuring corporation that holds a certificate of authority under 70110  
Chapter 1751. of the Revised Code and is under contract with the 70111  
department of job and family services pursuant to section 5111.17 70112  
of the Revised Code. 70113

(NNN) "Managed care premium" means any premium, capitation, 70114  
or other payment a medicaid health insuring corporation receives 70115  
for providing or arranging for the provision of health care 70116  
services to its members or enrollees residing in this state. 70117

(OOO) "Captive deer" means deer and other cervidae that have 70118  
been legally acquired, or their offspring, that are privately 70119  
owned for agricultural or farming purposes. 70120

(PPP) "Gift card" means a document, card, certificate, or 70121  
other record, whether tangible or intangible, that may be redeemed 70122  
by a consumer for a dollar value when making a purchase of 70123  
tangible personal property or services. 70124

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 70125  
the Revised Code, the taxes imposed under sections 5743.02, 70126  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 70127  
by the purchase of stamps. A stamp shall be affixed to each 70128  
package of an aggregate denomination not less than the amount of 70129  
the tax upon the contents thereof. The stamp, so affixed, shall be 70130  
prima-facie evidence of payment of the tax. 70131

Except as is provided in the rules prescribed by the tax 70132  
commissioner under authority of sections 5743.01 to 5743.20 of the 70133

Revised Code, and unless tax stamps have been previously affixed, 70134  
they shall be so affixed by each wholesale dealer, and canceled by 70135  
writing or stamping across the face thereof the number assigned to 70136  
such wholesale dealer by the tax commissioner for that purpose, 70137  
prior to the delivery of any cigarettes to any person in this 70138  
state, or in the case of a tax levied pursuant to section 70139  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 70140  
delivery of cigarettes to any person in the county in which the 70141  
tax is levied. 70142

(B) Except as provided in the rules prescribed by the 70143  
commissioner under authority of sections 5743.01 to 5743.20 of the 70144  
Revised Code, each retail dealer, within twenty-four hours after 70145  
the receipt of any cigarettes at the retail dealer's place of 70146  
business, shall inspect the cigarettes to ensure that tax stamps 70147  
are affixed. The inspection shall be completed before the 70148  
cigarettes are delivered to any person in this state, or, in the 70149  
case of a tax levied pursuant to section 5743.021, 5743.024, or 70150  
5743.026 of the Revised Code, before the cigarettes are delivered 70151  
to any person in the county in which the tax is levied. 70152

(C) Whenever any cigarettes are found in the place of 70153  
business of any retail dealer without proper tax stamps affixed 70154  
thereto and canceled, it is presumed that such cigarettes are kept 70155  
therein in violation of sections 5743.01 to 5743.20 of the Revised 70156  
Code. 70157

(D) Each wholesale dealer who purchases cigarettes without 70158  
proper tax stamps affixed thereto shall, on or before the 70159  
thirty-first day of the month following the close of each 70160  
semiannual period, which period shall end on the thirtieth day of 70161  
June and the thirty-first day of December of each year, make and 70162  
file a return of the preceding semiannual period, on such form as 70163  
is prescribed by the tax commissioner, showing the dealer's entire 70164  
purchases and sales of cigarettes and stamps or impressions for 70165

such semiannual period and accurate inventories as of the 70166  
beginning and end of each semiannual period of cigarettes, stamped 70167  
or unstamped; cigarette tax stamps affixed or unaffixed and unused 70168  
meter impressions; and such other information as the commissioner 70169  
finds necessary to the proper administration of sections 5743.01 70170  
to 5743.20 of the Revised Code. The commissioner may extend the 70171  
time for making and filing returns and may remit all or any part 70172  
of amounts of penalties that may become due under sections 5743.01 70173  
to 5743.20 of the Revised Code. The wholesale dealer shall deliver 70174  
the return together with a remittance of the tax deficiency 70175  
reported thereon to the treasurer of state. The treasurer of state 70176  
shall stamp or otherwise mark on the return the date it was 70177  
received and shall also show thereon by stamp or otherwise a 70178  
payment or nonpayment of the deficiency shown by the return. 70179  
Thereafter, the treasurer of state shall immediately transmit all 70180  
returns filed under this section to the commissioner. 70181

(E) Any wholesale dealer who fails to file a return under 70182  
this section and the rules of the commissioner, other than a 70183  
report required pursuant to division (F) of this section, may be 70184  
required, for each day the dealer so fails, to forfeit and pay 70185  
into the state treasury the sum of one dollar as revenue arising 70186  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 70187  
Code and such sum may be collected by assessment in the manner 70188  
provided in section 5743.081 of the Revised Code. If the 70189  
commissioner finds it necessary in order to insure the payment of 70190  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 70191  
Code, the commissioner may require returns and payments to be made 70192  
other than semiannually. The returns shall be signed by the 70193  
wholesale dealer or an authorized agent thereof. 70194

(F) Each person required to file a tax return under section 70195  
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 70196  
the commissioner the quantity of all cigarettes and roll-your-own 70197

cigarette tobacco sold in Ohio for each brand not covered by the 70198  
tobacco master settlement agreement for which the person is liable 70199  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 70200  
the Revised Code. 70201

As used in this division, "tobacco master settlement 70202  
agreement" has the same meaning as in section 183.01 of the 70203  
Revised Code. 70204

(G) The report required by division (F) of this section shall 70205  
be made on a form prescribed by the commissioner and shall be 70206  
filed not later than the last day of each month for the previous 70207  
month, except that if the commissioner determines that the 70208  
quantity reported by a person does not warrant monthly reporting, 70209  
the commissioner may authorize reporting at less frequent 70210  
intervals. The commissioner may assess a penalty of not more than 70211  
two hundred fifty dollars for each month or portion thereof that a 70212  
person fails to timely file a required report, and such sum may be 70213  
collected by assessment in the manner provided in section 5743.081 70214  
of the Revised Code. All money collected under this division shall 70215  
be considered as revenue arising from the taxes imposed by 70216  
sections 5743.01 to 5743.20 of the Revised Code. 70217

(H) The treasurer of state or an agent of the treasurer may 70218  
sell cigarette tax stamps only to licensed wholesale or retail 70219  
cigarette dealers, except as otherwise authorized by the tax 70220  
commissioner, and may charge costs related to the sale of 70221  
cigarette stamps to a purchasing dealer. Money collected from such 70222  
charges shall be credited to the treasurer of state's 70223  
administrative fund created under section 113.20 of the Revised 70224  
Code. 70225

**Sec. 5743.031.** (A) A wholesale dealer may affix stamps only 70226  
to packages of cigarettes that the dealer received directly from a 70227  
manufacturer or importer of cigarettes that possesses a valid and 70228

current license under section 5743.15 of the Revised Code, or to 70229  
packages of cigarettes that the dealer received from another 70230  
wholesale dealer that possesses a valid and current license under 70231  
section 5743.15 of the Revised Code, provided that the tax 70232  
commissioner has authorized the sale of the cigarettes between 70233  
those wholesale dealers and that the wholesale dealer that sells 70234  
the cigarettes received them directly from a manufacturer or 70235  
importer of cigarettes that possesses a valid and current license 70236  
under section 5743.15 of the Revised Code. 70237

(B) Only a wholesale dealer that possesses a valid and 70238  
current license under section 5743.15 of the Revised Code may 70239  
purchase or obtain tax stamps. A wholesale dealer may not sell or 70240  
provide such stamps to any other wholesale dealer or any other 70241  
person. 70242

(C) Any person shipping unstamped packages of cigarettes into 70243  
this state to a person other than a wholesale dealer licensed 70244  
under section 5743.15 of the Revised Code shall, before such 70245  
shipment, file notice of the shipment with the tax commissioner. 70246  
Any person that transports unstamped packages of cigarettes into 70247  
or within this state shall carry in the vehicle used to convey the 70248  
shipment invoices or equivalent documentation of the shipment for 70249  
all cigarettes in the shipment. The invoices or other 70250  
documentation shall show the true name and address of the 70251  
consignor or seller, the true name and address of the consignee or 70252  
purchaser, and the quantity of the cigarettes being transported. 70253  
This division does not apply to any ~~common or contract~~ for-hire 70254  
motor carrier transporting cigarettes through this state to 70255  
another location under a proper bill of lading or freight bill 70256  
that states the quantity, source, and destination of the 70257  
cigarettes. 70258

**Sec. 5751.033.** For the purposes of this chapter, gross 70259

receipts shall be sitused to this state as follows: 70260

(A) Gross rents and royalties from real property located in 70261  
this state shall be sitused to this state. 70262

(B) Gross rents and royalties from tangible personal property 70263  
shall be sitused to this state to the extent the tangible personal 70264  
property is located or used in this state. 70265

(C) Gross receipts from the sale of electricity and electric 70266  
transmission and distribution services shall be sitused to this 70267  
state in the manner provided under section 5733.059 of the Revised 70268  
Code. 70269

(D) Gross receipts from the sale of real property located in 70270  
this state shall be sitused to this state. 70271

(E) Gross receipts from the sale of tangible personal 70272  
property shall be sitused to this state if the property is 70273  
received in this state by the purchaser. In the case of delivery 70274  
of tangible personal property by ~~common~~ motor carrier or by other 70275  
means of transportation, the place at which such property is 70276  
ultimately received after all transportation has been completed 70277  
shall be considered the place where the purchaser receives the 70278  
property. For purposes of this section, the phrase "delivery of 70279  
tangible personal property by ~~common~~ motor carrier or by other 70280  
means of transportation" includes the situation in which a 70281  
purchaser accepts the property in this state and then transports 70282  
the property directly or by other means to a location outside this 70283  
state. Direct delivery in this state, other than for purposes of 70284  
transportation, to a person or firm designated by a purchaser 70285  
constitutes delivery to the purchaser in this state, and direct 70286  
delivery outside this state to a person or firm designated by a 70287  
purchaser does not constitute delivery to the purchaser in this 70288  
state, regardless of where title passes or other conditions of 70289  
sale. 70290

(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sitused to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sitused to this state to the extent the receipts are based on the right to use the property in this state.

(G) Gross receipts from the sale of transportation services by a ~~common or contract~~ motor carrier shall be sitused to this state in proportion to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways in this state to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways everywhere. With prior written approval of the tax commissioner, a ~~common or contract~~ motor carrier may use an alternative situsing procedure for transportation services.

(H) Gross receipts from dividends, interest, and other sources of income from financial instruments described in divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of section 5733.056 of the Revised Code shall be sitused to this state in accordance with the situsing provisions set forth in those divisions. When applying the provisions of divisions (F)(6), (8), and (13) of section 5733.056 of the Revised Code, "gross receipts" shall be substituted for "net gains" wherever "net gains" appears in those divisions. Nothing in this division limits or modifies the exclusions enumerated in divisions (E) and (F)(2) of section 5751.01 of the Revised Code. The tax commissioner may promulgate rules to further specify the manner in which to situs

gross receipts subject to this division. 70323

(I) Gross receipts from the sale of all other services, and 70324  
all other gross receipts not otherwise situated under this section, 70325  
shall be situated to this state in the proportion that the 70326  
purchaser's benefit in this state with respect to what was 70327  
purchased bears to the purchaser's benefit everywhere with respect 70328  
to what was purchased. The physical location where the purchaser 70329  
ultimately uses or receives the benefit of what was purchased 70330  
shall be paramount in determining the proportion of the benefit in 70331  
this state to the benefit everywhere. If a taxpayer's records do 70332  
not allow the taxpayer to determine that location, the taxpayer 70333  
may use an alternative method to situs gross receipts under this 70334  
division if the alternative method is reasonable, is consistently 70335  
and uniformly applied, and is supported by the taxpayer's records 70336  
as the records exist when the service is provided or within a 70337  
reasonable period of time thereafter. 70338

(J) If the situsing provisions of divisions (A) to (H) of 70339  
this section do not fairly represent the extent of a person's 70340  
activity in this state, the person may request, or the tax 70341  
commissioner may require or permit, an alternative method. Such 70342  
request by a person must be made within the applicable statute of 70343  
limitations set forth in this chapter. 70344

(K) The tax commissioner may adopt rules to provide 70345  
additional guidance to the application of this section, and 70346  
provide alternative methods of situsing gross receipts that apply 70347  
to all persons, or subset of persons, that are engaged in similar 70348  
business or trade activities. 70349

(L) As used in this section, "motor carrier" has the same 70350  
meaning as in section 4923.01 of the Revised Code. 70351

**Sec. 5751.12.** The tax commissioner may prescribe requirements 70352  
for the keeping of records and other pertinent documents, the 70353



filing of copies of federal income tax returns and determinations, 70354  
and computations reconciling federal income tax returns with the 70355  
returns and reports required by section 5751.05 of the Revised 70356  
Code. The commissioner may require any person, by rule or notice 70357  
served on that person, to keep those records that the commissioner 70358  
considers necessary to show whether, and the extent to which, a 70359  
person is subject to this chapter. Those records and other 70360  
documents shall be open during business hours to the inspection of 70361  
the commissioner, and shall be preserved for a period of four 70362  
years unless the commissioner, in writing, consents to their 70363  
destruction within that period, or by order requires that they be 70364  
kept longer. If such records are normally kept by the person 70365  
electronically, the person shall provide such records to the 70366  
commissioner electronically at the commissioner's request. 70367

Any information required by the ~~tax~~ commissioner under this 70368  
chapter is confidential as provided for in section 5703.21 of the 70369  
Revised Code. However, the commissioner shall make public an 70370  
electronic list of all actively registered persons required to 70371  
remit the tax under this chapter, including legal names, trade 70372  
names, addresses, and account numbers. In addition, such list 70373  
shall include all persons that cancelled their registration at any 70374  
time during the preceding four calendar years, including the date 70375  
the registration was cancelled. 70376

**Sec. 6109.21.** (A) Except as provided in divisions ~~(D)~~(I) and 70377  
~~(E)~~(J) of this section, ~~on and after January 1, 1994,~~ no person 70378  
shall operate ~~or maintain~~ a public water system in this state 70379  
without a license issued by the director of environmental 70380  
protection. ~~A person who operates or maintains a public water~~ 70381  
~~system on January 1, 1994, shall obtain an initial license under~~ 70382  
~~this section in accordance with the following schedule:~~ 70383

~~(1) If the public water system is a community water system,~~ 70384

~~not later than January 31, 1994;~~ 70385

~~(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;~~ 70386  
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~~(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.~~ 70389  
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~~A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.~~ 70392  
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~~A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.~~ 70398  
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~~The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section.~~ 70405  
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Through (B)(1) A person who proposes to operate a new public water system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system. 70409  
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(C) A license shall expire on the thirtieth day of January in 70415

the year following its issuance. 70416

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license. 70417  
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(E) Through June 30, 2014, each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, ~~provided that. However,~~ an applicant for an initial license who is proposing to operate ~~or maintain~~ a new public water system ~~after January 1, 1994,~~ shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year. 70421  
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~~(B)~~(F) Not later than thirty days after receiving a completed application and the appropriate license fee for ~~an initial a license under division (A) of this section,~~ the director shall issue the or license renewal for the a public water system. ~~Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section,~~ the director shall do one of the following: 70429  
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(1) Issue the license or license renewal for the public water system; 70436  
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(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it; 70438  
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(3) Deny the license or license renewal if the director finds that the public water system ~~was not~~ cannot be operated in substantial compliance with this chapter and rules adopted under it. 70441  
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~~(C)~~(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time 70445  
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if the director finds that the public water system was not or will 70447  
not be operated in substantial compliance with this chapter and 70448  
rules adopted under it. ~~The director shall adopt, and may amend~~ 70449  
~~and rescind, rules in accordance with Chapter 119. of the Revised~~ 70450  
~~Code governing such suspensions and revocations.~~ 70451

(D)(H) The director shall adopt rules in accordance with 70452  
Chapter 119. of the Revised Code establishing procedures and 70453  
requirements governing both of the following: 70454

(1) Information to be included on applications for licenses 70455  
and license renewals issued under this section; 70456

(2) The issuance, conditioning, suspension, revocation, and 70457  
denial of licenses and license renewals under this section. 70458

(I)(1) As used in division ~~(D)~~(I) of this section, "church" 70459  
means a fellowship of believers, congregation, society, 70460  
corporation, convention, or association that is formed primarily 70461  
or exclusively for religious purposes and that is not formed or 70462  
operated for the private profit of any person. 70463

(2) This section does not apply to a church that operates or 70464  
maintains a public water system solely to provide water for that 70465  
church or for a campground that is owned by the church and 70466  
operated primarily or exclusively for members of the church and 70467  
their families. ~~A church that, on or before March 5, 1996, has~~ 70468  
~~obtained a license under this section for such a public water~~ 70469  
~~system need not obtain a license renewal under this section.~~ 70470

~~(E)~~(J) This section does not apply to any public or nonpublic 70471  
school that meets minimum standards of the state board of 70472  
education that operates or maintains a public water system solely 70473  
to provide water for that school. 70474

~~(F)~~(K) The environmental protection agency shall collect well 70475  
log filing fees on behalf of the division of soil and water 70476  
resources in the department of natural resources in accordance 70477

with section 1521.05 of the Revised Code and rules adopted under 70478  
it. The fees shall be submitted to the division quarterly as 70479  
provided in those rules. 70480

**Sec. 6111.46.** (A) The environmental protection agency shall 70481  
exercise general supervision of the treatment and disposal of 70482  
sewage and industrial wastes and the operation and maintenance of 70483  
works or means installed for the collection, treatment, and 70484  
disposal of sewage and industrial wastes. Such general supervision 70485  
shall apply to all features of construction, operation, and 70486  
maintenance of the works or means that do or may affect the proper 70487  
treatment and disposal of sewage and industrial wastes. 70488

(B)(1) The agency shall investigate the works or means 70489  
employed in the collection, treatment, and disposal of sewage and 70490  
industrial wastes whenever considered necessary or whenever 70491  
requested to do so by local health officials and may issue and 70492  
enforce orders and shall adopt rules governing the operation and 70493  
maintenance of the works or means of treatment and disposal of 70494  
such sewage and industrial wastes. In adopting rules under this 70495  
section, the agency shall establish standards governing the 70496  
construction, operation, and maintenance of the works or means of 70497  
collection, treatment, and disposal of sewage that is generated at 70498  
recreational vehicle parks, recreation camps, combined park-camps, 70499  
and temporary park-camps that are separate from such standards 70500  
relative to manufactured home parks. 70501

(2) As used in division (B)(1) of this section: 70502

(a) "Manufactured home parks" has the same meaning as in 70503  
section ~~3733.01~~ 4781.01 of the Revised Code. 70504

(b) "Recreational vehicle parks," "recreation camps," 70505  
"combined park-camps," and "temporary park-camps" have the same 70506  
meanings as in section 3729.01 of the Revised Code. 70507

(C) The agency may require the submission of records and data 70508  
of construction, operation, and maintenance, including plans and 70509  
descriptions of existing works or means of treatment and disposal 70510  
of such sewage and industrial wastes. When the agency requires the 70511  
submission of such records or information, the public officials or 70512  
person, firm, or corporation having the works in charge shall 70513  
comply promptly with that order. 70514

**Section 101.02.** That existing sections 7.10, 7.16, 9.34, 70515  
9.90, 9.91, 102.02, 103.51, 105.41, 109.57, 109.572, 121.04, 70516  
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5743.03, 5743.031, 5751.033, 5751.12, 6109.21, and 6111.46 of the Revised Code are hereby repealed.

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**Section 105.01.** That sections 103.144, 103.145, 103.146, 183.28, 185.04, 185.08, 185.10, 185.11, 340.05, 2301.19, 2909.32, 2909.33, 2909.34, 3301.68, 3333.049, 3333.0411, 3333.33, 3333.70, 3333.80, 3334.111, 3353.02, 3353.03, 3353.04, 3353.09, 3353.15, 3353.20, 3354.23, 3701.02, 3701.032, 3701.12, 3701.33, 3701.34, 3701.35, 3702.521, 3702.5210, 3702.5211, 3702.5212, 3702.5213, 3702.58, 3702.591, 3733.01, 3733.031, 3745.111, 3781.183, 3791.043, 4113.11, 4121.18, 4730.401, 4766.02, 4766.20, 4905.80, 4905.801, 4905.81, 4905.82, 4905.83, 4919.75, 4919.76, 4919.77, 4919.78, 4919.79, 4919.99, 4921.01, 4921.02, 4921.03, 4921.04, 4921.05, 4921.06, 4921.07, 4921.08, 4921.09, 4921.10, 4921.101, 4921.11, 4921.12, 4921.13, 4921.14, 4921.15, 4921.16, 4921.17, 4921.18, 4921.19, 4921.20, 4921.23, 4921.24, 4921.25, 4921.26, 4921.27, 4921.28, 4921.30, 4921.31, 4921.32, 4921.35, 4921.36, 4921.37, 4921.38, 4921.39, 4921.40, 4921.99, 4923.01, 4923.02, 4923.03, 4923.04, 4923.05, 4923.06, 4923.07, 4923.08, 4923.09, 4923.10, 4923.11, 4923.12, 4923.13, 4923.14, 4923.17, 4923.20, 4923.26, 4923.99, 5101.97, 5111.651, 5119.614, 5119.70, 5119.701, 5119.71, 5119.711, 5119.712, 5119.72, 5119.73, 5119.731, 5119.74, 5119.75, 5119.76, 5119.77, 5119.78, 5119.79, 5119.80, 5119.81, 5119.82, 5119.83, 5119.84, 5119.85, 5119.86, 5119.87, 5119.88, 5123.082, 5123.083, 5123.192, 5126.0222, 5126.252, 5126.26, 5126.27, 5126.28, 5126.281, 5126.29, and 5501.09 of the Revised Code are hereby repealed.

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**Section 110.10.** That the version of section 5122.31 of the Revised Code that is scheduled to take effect on October 1, 2012, be amended to read as follows:

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**Sec. 5122.31.** (A) All certificates, applications, records,

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and reports made for the purpose of this chapter and sections 70666  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 70667  
Code, other than court journal entries or court docket entries, 70668  
and directly or indirectly identifying a patient or former patient 70669  
or person whose hospitalization has been sought under this 70670  
chapter, shall be kept confidential and shall not be disclosed by 70671  
any person except: 70672

(1) If the person identified, or the person's legal guardian, 70673  
if any, or if the person is a minor, the person's parent or legal 70674  
guardian, consents, and if the disclosure is in the best interests 70675  
of the person, as may be determined by the court for judicial 70676  
records and by the chief clinical officer for medical records; 70677

(2) When disclosure is provided for in this chapter or 70678  
section 5123.601 of the Revised Code; 70679

(3) That hospitals, boards of alcohol, drug addiction, and 70680  
mental health services, and community mental health agencies may 70681  
release necessary medical information to insurers and other 70682  
third-party payers, including government entities responsible for 70683  
processing and authorizing payment, to obtain payment for goods 70684  
and services furnished to the patient; 70685

(4) Pursuant to a court order signed by a judge; 70686

(5) That a patient shall be granted access to the patient's 70687  
own psychiatric and medical records, unless access specifically is 70688  
restricted in a patient's treatment plan for clear treatment 70689  
reasons; 70690

(6) That hospitals and other institutions and facilities 70691  
within the department of mental health may exchange psychiatric 70692  
records and other pertinent information with other hospitals, 70693  
institutions, and facilities of the department, and with community 70694  
mental health agencies and boards of alcohol, drug addiction, and 70695

mental health services with which the department has a current 70696  
agreement for patient care or services. Records and information 70697  
that may be released pursuant to this division shall be limited to 70698  
medication history, physical health status and history, financial 70699  
status, summary of course of treatment in the hospital, summary of 70700  
treatment needs, and a discharge summary, if any. 70701

(7) That hospitals within the department, other institutions 70702  
and facilities within the department, hospitals licensed by the 70703  
department under section 5119.20 of the Revised Code, and 70704  
community mental health agencies may exchange psychiatric records 70705  
and other pertinent information with payers and other providers of 70706  
treatment and health services if the purpose of the exchange is to 70707  
facilitate continuity of care for a patient; 70708

(8) That a patient's family member who is involved in the 70709  
provision, planning, and monitoring of services to the patient may 70710  
receive medication information, a summary of the patient's 70711  
diagnosis and prognosis, and a list of the services and personnel 70712  
available to assist the patient and the patient's family, if the 70713  
patient's treating physician determines that the disclosure would 70714  
be in the best interests of the patient. No such disclosure shall 70715  
be made unless the patient is notified first and receives the 70716  
information and does not object to the disclosure. 70717

(9) That community mental health agencies may exchange 70718  
psychiatric records and certain other information with the board 70719  
of alcohol, drug addiction, and mental health services and other 70720  
agencies in order to provide services to a person involuntarily 70721  
committed to a board. Release of records under this division shall 70722  
be limited to medication history, physical health status and 70723  
history, financial status, summary of course of treatment, summary 70724  
of treatment needs, and discharge summary, if any. 70725

(10) That information may be disclosed to the executor or the 70726  
administrator of an estate of a deceased patient when the 70727

information is necessary to administer the estate; 70728

(11) That records in the possession of the Ohio historical 70729  
society may be released to the closest living relative of a 70730  
deceased patient upon request of that relative; 70731

(12) That information may be disclosed to staff members of 70732  
the appropriate board or to staff members designated by the 70733  
director of mental health for the purpose of evaluating the 70734  
quality, effectiveness, and efficiency of services and determining 70735  
if the services meet minimum standards. Information obtained 70736  
during such evaluations shall not be retained with the name of any 70737  
patient. 70738

(13) That records pertaining to the patient's diagnosis, 70739  
course of treatment, treatment needs, and prognosis shall be 70740  
disclosed and released to the appropriate prosecuting attorney if 70741  
the patient was committed pursuant to section 2945.38, 2945.39, 70742  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 70743  
attorney designated by the board for proceedings pursuant to 70744  
involuntary commitment under this chapter. 70745

(14) That the department of mental health may exchange 70746  
psychiatric hospitalization records, other mental health treatment 70747  
records, and other pertinent information with the department of 70748  
rehabilitation and correction to ensure continuity of care for 70749  
inmates who are receiving mental health services in an institution 70750  
of the department of rehabilitation and correction. The department 70751  
shall not disclose those records unless the inmate is notified, 70752  
receives the information, and does not object to the disclosure. 70753  
The release of records under this division is limited to records 70754  
regarding an inmate's medication history, physical health status 70755  
and history, summary of course of treatment, summary of treatment 70756  
needs, and a discharge summary, if any. 70757

(15) That a community mental health agency that ceases to 70758

operate may transfer to either a community mental health agency 70759  
that assumes its caseload or to the board of alcohol, drug 70760  
addiction, and mental health services of the service district in 70761  
which the patient resided at the time services were most recently 70762  
provided any treatment records that have not been transferred 70763  
elsewhere at the patient's request. 70764

(B) Before records are disclosed pursuant to divisions 70765  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 70766  
records shall attempt to obtain the patient's consent for the 70767  
disclosure. No person shall reveal the contents of a medical 70768  
record of a patient except as authorized by law. 70769

(C) The managing officer of a hospital who releases necessary 70770  
medical information under division (A)(3) of this section to allow 70771  
an insurance carrier or other third party payor to comply with 70772  
section 5121.43 of the Revised Code shall neither be subject to 70773  
criminal nor civil liability. 70774

**Section 110.11.** That the existing version of section 5122.31 70775  
of the Revised Code that is scheduled to take effect on October 1, 70776  
2012, is hereby repealed. 70777

**Section 110.12.** Sections 110.10 and 110.11 of this act take 70778  
effect October 1, 2012. 70779

**Section 110.20.** That the version of section 5123.19 of the 70780  
Revised Code that is scheduled to take effect on October 1, 2012, 70781  
be amended to read as follows: 70782

**Sec. 5123.19.** (A) As used in ~~this section and in~~ sections 70783  
~~5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and~~ 5123.19 to 70784  
5123.20 of the Revised Code: 70785

~~(1)(a) "Residential facility" means a home or facility in~~ 70786

~~which a mentally retarded or developmentally disabled person 70787  
resides, except the home of a relative or legal guardian in which 70788  
a mentally retarded or developmentally disabled person resides, a 70789  
respite care home certified under section 5126.05 of the Revised 70790  
Code, a county home or district home operated pursuant to Chapter 70791  
5155. of the Revised Code, or a dwelling in which the only 70792  
mentally retarded or developmentally disabled residents are in an 70793  
independent living arrangement or are being provided supported 70794  
living. 70795~~

~~(b) "Intermediate care facility for the mentally retarded" 70796  
means a residential facility that is considered an intermediate 70797  
care facility for the mentally retarded for the purposes of 70798  
Chapter 5111. of the Revised Code. 70799~~

~~(2) "Political subdivision" means a municipal corporation, 70800  
county, or township. 70801~~

~~(3) "Independent living arrangement" means an arrangement in 70802  
which a mentally retarded or developmentally disabled person 70803  
resides in an individualized setting chosen by the person or the 70804  
person's guardian, which is not dedicated principally to the 70805  
provision of residential services for mentally retarded or 70806  
developmentally disabled persons, and for which no financial 70807  
support is received for rendering such service from any 70808  
governmental agency by a provider of residential services. 70809~~

~~(4)(2) "Intermediate care facility for the mentally retarded" 70810  
has the same meaning as in section 1905(d) of the "Social Security 70811  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 70812~~

~~(3) "Licensee" means the person or government agency that has 70813  
applied for a license to operate a residential facility and to 70814  
which the license was issued under this section. 70815~~

~~(4) "Political subdivision" means a municipal corporation, 70816  
county, or township. 70817~~

(5) "Related party" has the same meaning as in section 70818  
5123.16 of the Revised Code except that "provider" as used in the 70819  
definition of "related party" means a person or government entity 70820  
that held or applied for a license to operate a residential 70821  
facility, rather than a person or government entity certified to 70822  
provide supported living. 70823

(6)(a) Except as provided in division (A)(6)(b) of this 70824  
section, "residential facility" means a home or facility, 70825  
including a facility certified as an intermediate care facility 70826  
for the mentally retarded, in which an individual with mental 70827  
retardation or a developmental disability resides. 70828

(b) "Residential facility" does not mean any of the 70829  
following: 70830

(i) The home of a relative or legal guardian in which an 70831  
individual with mental retardation or a developmental disability 70832  
resides; 70833

(ii) A respite care home certified under section 5126.05 of 70834  
the Revised Code; 70835

(iii) A county home or district home operated pursuant to 70836  
Chapter 5155. of the Revised Code; 70837

(iv) A dwelling in which the only residents with mental 70838  
retardation or developmental disabilities are in independent 70839  
living arrangements or are being provided supported living. 70840

(B) Every person or government agency desiring to operate a 70841  
residential facility shall apply for licensure of the facility to 70842  
the director of developmental disabilities unless the residential 70843  
facility is subject to section 3721.02, ~~5119.73~~, 5103.03, ~~or~~ 70844  
~~5119.20, or division (A)(9)(b) of section 5119.22~~ of the Revised 70845  
Code. ~~Notwithstanding Chapter 3721. of the Revised Code, a nursing~~ 70846  
~~home that is certified as an intermediate care facility for the~~ 70847  
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 70848



~~Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for~~ 70849  
~~licensure of the portion of the home that is certified as an~~ 70850  
~~intermediate care facility for the mentally retarded.~~ 70851

(C) Subject to section 5123.196 of the Revised Code, the 70852  
director of developmental disabilities shall license the operation 70853  
of residential facilities. An initial license shall be issued for 70854  
a period that does not exceed one year, unless the director denies 70855  
the license under division (D) of this section. A license shall be 70856  
renewed for a period that does not exceed three years, unless the 70857  
director refuses to renew the license under division (D) of this 70858  
section. The director, when issuing or renewing a license, shall 70859  
specify the period for which the license is being issued or 70860  
renewed. A license remains valid for the length of the licensing 70861  
period specified by the director, unless the license is 70862  
terminated, revoked, or voluntarily surrendered. 70863

(D) If it is determined that an applicant or licensee is not 70864  
in compliance with a provision of this chapter that applies to 70865  
residential facilities or the rules adopted under such a 70866  
provision, the director may deny issuance of a license, refuse to 70867  
renew a license, terminate a license, revoke a license, issue an 70868  
order for the suspension of admissions to a facility, issue an 70869  
order for the placement of a monitor at a facility, issue an order 70870  
for the immediate removal of residents, or take any other action 70871  
the director considers necessary consistent with the director's 70872  
authority under this chapter regarding residential facilities. In 70873  
the director's selection and administration of the sanction to be 70874  
imposed, all of the following apply: 70875

(1) The director may deny, refuse to renew, or revoke a 70876  
license, if the director determines that the applicant or licensee 70877  
has demonstrated a pattern of serious noncompliance or that a 70878  
violation creates a substantial risk to the health and safety of 70879  
residents of a residential facility. 70880

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this

chapter that applies to residential facilities or the rules 70913  
adopted under such a provision. 70914

(6) When the director initiates license revocation 70915  
proceedings, no opportunity for submitting a plan of correction 70916  
shall be given. The director shall notify the licensee by letter 70917  
of the initiation of the proceedings. The letter shall list the 70918  
deficiencies of the residential facility and inform the licensee 70919  
that no plan of correction will be accepted. The director shall 70920  
also send a copy of the letter to the county board of 70921  
developmental disabilities. The county board shall send a copy of 70922  
the letter to each of the following: 70923

(a) Each resident who receives services from the licensee; 70924

(b) The guardian of each resident who receives services from 70925  
the licensee if the resident has a guardian; 70926

(c) The parent or guardian of each resident who receives 70927  
services from the licensee if the resident is a minor. 70928

(7) Pursuant to rules which shall be adopted in accordance 70929  
with Chapter 119. of the Revised Code, the director may order the 70930  
immediate removal of residents from a residential facility 70931  
whenever conditions at the facility present an immediate danger of 70932  
physical or psychological harm to the residents. 70933

(8) In determining whether a residential facility is being 70934  
operated in compliance with a provision of this chapter that 70935  
applies to residential facilities or the rules adopted under such 70936  
a provision, or whether conditions at a residential facility 70937  
present an immediate danger of physical or psychological harm to 70938  
the residents, the director may rely on information obtained by a 70939  
county board of developmental disabilities or other governmental 70940  
agencies. 70941

(9) In proceedings initiated to deny, refuse to renew, or 70942  
revoke licenses, the director may deny, refuse to renew, or revoke 70943

a license regardless of whether some or all of the deficiencies 70944  
that prompted the proceedings have been corrected at the time of 70945  
the hearing. 70946

(E) The director shall establish a program under which public 70947  
notification may be made when the director has initiated license 70948  
revocation proceedings or has issued an order for the suspension 70949  
of admissions, placement of a monitor, or removal of residents. 70950  
The director shall adopt rules in accordance with Chapter 119. of 70951  
the Revised Code to implement this division. The rules shall 70952  
establish the procedures by which the public notification will be 70953  
made and specify the circumstances for which the notification must 70954  
be made. The rules shall require that public notification be made 70955  
if the director has taken action against the facility in the 70956  
eighteen-month period immediately preceding the director's latest 70957  
action against the facility and the latest action is being taken 70958  
for the same or a substantially similar violation of a provision 70959  
of this chapter that applies to residential facilities or the 70960  
rules adopted under such a provision. The rules shall specify a 70961  
method for removing or amending the public notification if the 70962  
director's action is found to have been unjustified or the 70963  
violation at the residential facility has been corrected. 70964

(F)(1) Except as provided in division (F)(2) of this section, 70965  
appeals from proceedings initiated to impose a sanction under 70966  
division (D) of this section shall be conducted in accordance with 70967  
Chapter 119. of the Revised Code. 70968

(2) Appeals from proceedings initiated to order the 70969  
suspension of admissions to a facility shall be conducted in 70970  
accordance with Chapter 119. of the Revised Code, unless the order 70971  
was issued before providing an opportunity for an adjudication, in 70972  
which case all of the following apply: 70973

(a) The licensee may request a hearing not later than ten 70974  
days after receiving the notice specified in section 119.07 of the 70975

Revised Code. 70976

(b) If a timely request for a hearing that includes the 70977  
licensee's current address is made, the hearing shall commence not 70978  
later than thirty days after the department receives the request. 70979

(c) After commencing, the hearing shall continue 70980  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 70981  
unless other interruptions are agreed to by the licensee and the 70982  
director. 70983

(d) If the hearing is conducted by a hearing examiner, the 70984  
hearing examiner shall file a report and recommendations not later 70985  
than ten days after the last of the following: 70986

(i) The close of the hearing; 70987

(ii) If a transcript of the proceedings is ordered, the 70988  
hearing examiner receives the transcript; 70989

(iii) If post-hearing briefs are timely filed, the hearing 70990  
examiner receives the briefs. 70991

(e) A copy of the written report and recommendation of the 70992  
hearing examiner shall be sent, by certified mail, to the licensee 70993  
and the licensee's attorney, if applicable, not later than five 70994  
days after the report is filed. 70995

(f) Not later than five days after the hearing examiner files 70996  
the report and recommendations, the licensee may file objections 70997  
to the report and recommendations. 70998

(g) Not later than fifteen days after the hearing examiner 70999  
files the report and recommendations, the director shall issue an 71000  
order approving, modifying, or disapproving the report and 71001  
recommendations. 71002

(h) Notwithstanding the pendency of the hearing, the director 71003  
shall lift the order for the suspension of admissions when the 71004  
director determines that the violation that formed the basis for 71005

the order has been corrected. 71006

(G) Neither a person or government agency whose application 71007  
for a license to operate a residential facility is denied nor a 71008  
related party of the person or government agency may apply for a 71009  
license to operate a residential facility before the date that is 71010  
one year after the date of the denial. Neither a licensee whose 71011  
residential facility license is revoked nor a related party of the 71012  
licensee may apply for a residential facility license before the 71013  
date that is five years after the date of the revocation. 71014

(H) In accordance with Chapter 119. of the Revised Code, the 71015  
director shall adopt and may amend and rescind rules for licensing 71016  
and regulating the operation of residential facilities, ~~including~~ 71017  
~~intermediate care facilities for the mentally retarded~~. The rules 71018  
for residential facilities that are intermediate care facilities 71019  
for the mentally retarded may differ from those for other 71020  
residential facilities. The rules shall establish and specify the 71021  
following: 71022

(1) Procedures and criteria for issuing and renewing 71023  
licenses, including procedures and criteria for determining the 71024  
length of the licensing period that the director must specify for 71025  
each license when it is issued or renewed; 71026

(2) Procedures and criteria for denying, refusing to renew, 71027  
terminating, and revoking licenses and for ordering the suspension 71028  
of admissions to a facility, placement of a monitor at a facility, 71029  
and the immediate removal of residents from a facility; 71030

(3) Fees for issuing and renewing licenses, which shall be 71031  
deposited into the program fee fund created under section 5123.033 71032  
of the Revised Code; 71033

(4) Procedures for surveying residential facilities; 71034

(5) Requirements for the training of residential facility 71035  
personnel; 71036

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (6) Classifications for the various types of residential facilities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 71037<br>71038                                                                |
| (7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;                                                                                                                                                                                                                                                                                                                    | 71039<br>71040<br>71041<br>71042                                              |
| (8) The maximum number of persons who may be served in a particular type of residential facility;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 71043<br>71044                                                                |
| (9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;                                                                                                                                                                                                                                                                                                                                                                                                                          | 71045<br>71046                                                                |
| (10) Other standards for the operation of residential facilities and the services provided at residential facilities;                                                                                                                                                                                                                                                                                                                                                                                                                            | 71047<br>71048                                                                |
| (11) Procedures for waiving any provision of any rule adopted under this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 71049<br>71050                                                                |
| (I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. | 71051<br>71052<br>71053<br>71054<br>71055<br>71056<br>71057<br>71058<br>71059 |
| In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's                                   | 71060<br>71061<br>71062<br>71063<br>71064<br>71065<br>71066<br>71067          |

designee in conducting the survey. 71068

Following each survey, unless the director initiates a 71069  
license revocation proceeding, the director or the director's 71070  
designee shall provide the licensee with a report listing any 71071  
deficiencies, specifying a timetable within which the licensee 71072  
shall submit a plan of correction describing how the deficiencies 71073  
will be corrected, and, when appropriate, specifying a timetable 71074  
within which the licensee must correct the deficiencies. After a 71075  
plan of correction is submitted, the director or the director's 71076  
designee shall approve or disapprove the plan. A copy of the 71077  
report and any approved plan of correction shall be provided to 71078  
any person who requests it. 71079

The director shall initiate disciplinary action against any 71080  
department employee who notifies or causes the notification to any 71081  
unauthorized person of an unannounced survey of a residential 71082  
facility by an authorized representative of the department. 71083

(J) In addition to any other information which may be 71084  
required of applicants for a license pursuant to this section, the 71085  
director shall require each applicant to provide a copy of an 71086  
approved plan for a proposed residential facility pursuant to 71087  
section 5123.042 of the Revised Code. This division does not apply 71088  
to renewal of a license or to an applicant for an initial or 71089  
modified license who meets the requirements of section ~~5123.193~~ or 71090  
5123.197 of the Revised Code. 71091

(K) A licensee shall notify the owner of the building in 71092  
which the licensee's residential facility is located of any 71093  
significant change in the identity of the licensee or management 71094  
contractor before the effective date of the change if the licensee 71095  
is not the owner of the building. 71096

Pursuant to rules which shall be adopted in accordance with 71097  
Chapter 119. of the Revised Code, the director may require 71098



notification to the department of any significant change in the 71099  
ownership of a residential facility or in the identity of the 71100  
licensee or management contractor. If the director determines that 71101  
a significant change of ownership is proposed, the director shall 71102  
consider the proposed change to be an application for development 71103  
by a new operator pursuant to section 5123.042 of the Revised Code 71104  
and shall advise the applicant within sixty days of the 71105  
notification that the current license shall continue in effect or 71106  
a new license will be required pursuant to this section. If the 71107  
director requires a new license, the director shall permit the 71108  
facility to continue to operate under the current license until 71109  
the new license is issued, unless the current license is revoked, 71110  
refused to be renewed, or terminated in accordance with Chapter 71111  
119. of the Revised Code. 71112

(L) A county board of developmental disabilities and any 71113  
interested person may file complaints alleging violations of 71114  
statute or department rule relating to residential facilities with 71115  
the department. All complaints shall be in writing and shall state 71116  
the facts constituting the basis of the allegation. The department 71117  
shall not reveal the source of any complaint unless the 71118  
complainant agrees in writing to waive the right to 71119  
confidentiality or until so ordered by a court of competent 71120  
jurisdiction. 71121

The department shall adopt rules in accordance with Chapter 71122  
119. of the Revised Code establishing procedures for the receipt, 71123  
referral, investigation, and disposition of complaints filed with 71124  
the department under this division. 71125

(M) The department shall establish procedures for the 71126  
notification of interested parties of the transfer or interim care 71127  
of residents from residential facilities that are closing or are 71128  
losing their license. 71129

(N) Before issuing a license under this section to a 71130

residential facility that will accommodate at any time more than 71131  
one mentally retarded or developmentally disabled individual, the 71132  
director shall, by first class mail, notify the following: 71133

(1) If the facility will be located in a municipal 71134  
corporation, the clerk of the legislative authority of the 71135  
municipal corporation; 71136

(2) If the facility will be located in unincorporated 71137  
territory, the clerk of the appropriate board of county 71138  
commissioners and the fiscal officer of the appropriate board of 71139  
township trustees. 71140

The director shall not issue the license for ten days after 71141  
mailing the notice, excluding Saturdays, Sundays, and legal 71142  
holidays, in order to give the notified local officials time in 71143  
which to comment on the proposed issuance. 71144

Any legislative authority of a municipal corporation, board 71145  
of county commissioners, or board of township trustees that 71146  
receives notice under this division of the proposed issuance of a 71147  
license for a residential facility may comment on it in writing to 71148  
the director within ten days after the director mailed the notice, 71149  
excluding Saturdays, Sundays, and legal holidays. If the director 71150  
receives written comments from any notified officials within the 71151  
specified time, the director shall make written findings 71152  
concerning the comments and the director's decision on the 71153  
issuance of the license. If the director does not receive written 71154  
comments from any notified local officials within the specified 71155  
time, the director shall continue the process for issuance of the 71156  
license. 71157

(O) Any person may operate a licensed residential facility 71158  
that provides room and board, personal care, habilitation 71159  
services, and supervision in a family setting for at least six but 71160  
not more than eight persons with mental retardation or a 71161

developmental disability as a permitted use in any residential 71162  
district or zone, including any single-family residential district 71163  
or zone, of any political subdivision. These residential 71164  
facilities may be required to comply with area, height, yard, and 71165  
architectural compatibility requirements that are uniformly 71166  
imposed upon all single-family residences within the district or 71167  
zone. 71168

(P) Any person may operate a licensed residential facility 71169  
that provides room and board, personal care, habilitation 71170  
services, and supervision in a family setting for at least nine 71171  
but not more than sixteen persons with mental retardation or a 71172  
developmental disability as a permitted use in any multiple-family 71173  
residential district or zone of any political subdivision, except 71174  
that a political subdivision that has enacted a zoning ordinance 71175  
or resolution establishing planned unit development districts may 71176  
exclude these residential facilities from those districts, and a 71177  
political subdivision that has enacted a zoning ordinance or 71178  
resolution may regulate these residential facilities in 71179  
multiple-family residential districts or zones as a conditionally 71180  
permitted use or special exception, in either case, under 71181  
reasonable and specific standards and conditions set out in the 71182  
zoning ordinance or resolution to: 71183

(1) Require the architectural design and site layout of the 71184  
residential facility and the location, nature, and height of any 71185  
walls, screens, and fences to be compatible with adjoining land 71186  
uses and the residential character of the neighborhood; 71187

(2) Require compliance with yard, parking, and sign 71188  
regulation; 71189

(3) Limit excessive concentration of these residential 71190  
facilities. 71191

(Q) This section does not prohibit a political subdivision 71192

from applying to residential facilities nondiscriminatory 71193  
regulations requiring compliance with health, fire, and safety 71194  
regulations and building standards and regulations. 71195

(R) Divisions (O) and (P) of this section are not applicable 71196  
to municipal corporations that had in effect on June 15, 1977, an 71197  
ordinance specifically permitting in residential zones licensed 71198  
residential facilities by means of permitted uses, conditional 71199  
uses, or special exception, so long as such ordinance remains in 71200  
effect without any substantive modification. 71201

(S)(1) The director may issue an interim license to operate a 71202  
residential facility to an applicant for a license under this 71203  
section if either of the following is the case: 71204

(a) The director determines that an emergency exists 71205  
requiring immediate placement of persons in a residential 71206  
facility, that insufficient licensed beds are available, and that 71207  
the residential facility is likely to receive a permanent license 71208  
under this section within thirty days after issuance of the 71209  
interim license. 71210

(b) The director determines that the issuance of an interim 71211  
license is necessary to meet a temporary need for a residential 71212  
facility. 71213

(2) To be eligible to receive an interim license, an 71214  
applicant must meet the same criteria that must be met to receive 71215  
a permanent license under this section, except for any differing 71216  
procedures and time frames that may apply to issuance of a 71217  
permanent license. 71218

(3) An interim license shall be valid for thirty days and may 71219  
be renewed by the director for a period not to exceed one hundred 71220  
fifty days. 71221

(4) The director shall adopt rules in accordance with Chapter 71222  
119. of the Revised Code as the director considers necessary to 71223

administer the issuance of interim licenses. 71224

(T) Notwithstanding rules adopted pursuant to this section 71225  
establishing the maximum number of persons who may be served in a 71226  
particular type of residential facility, a residential facility 71227  
shall be permitted to serve the same number of persons being 71228  
served by the facility on the effective date of the rules or the 71229  
number of persons for which the facility is authorized pursuant to 71230  
a current application for a certificate of need with a letter of 71231  
support from the department of developmental disabilities and 71232  
which is in the review process prior to April 4, 1986. 71233

(U) The director or the director's designee may enter at any 71234  
time, for purposes of investigation, any home, facility, or other 71235  
structure that has been reported to the director or that the 71236  
director has reasonable cause to believe is being operated as a 71237  
residential facility without a license issued under this section. 71238

The director may petition the court of common pleas of the 71239  
county in which an unlicensed residential facility is located for 71240  
an order enjoining the person or governmental agency operating the 71241  
facility from continuing to operate without a license. The court 71242  
may grant the injunction on a showing that the person or 71243  
governmental agency named in the petition is operating a 71244  
residential facility without a license. The court may grant the 71245  
injunction, regardless of whether the residential facility meets 71246  
the requirements for receiving a license under this section. 71247

**Section 110.21.** That the existing version of section 5123.19 71248  
of the Revised Code that is scheduled to take effect on October 1, 71249  
2012, is hereby repealed. 71250

**Section 110.22.** Sections 110.20 and 110.21 of this act take 71251  
effect October 1, 2012. 71252

**Section 110.30.** That the version of section 5123.61 of the Revised Code that is scheduled to take effect on October 1, 2012, be amended to read as follows:

**Sec. 5123.61.** (A) As used in this section:

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff.

(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.

(B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents.

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that person, shall immediately report or cause reports to be made of such information to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or to the county board of developmental disabilities. If the report concerns a resident

of a facility operated by the department of developmental 71283  
disabilities the report shall be made either to a law enforcement 71284  
agency or to the department. If the report concerns any act or 71285  
omission of an employee of a county board of developmental 71286  
disabilities, the report immediately shall be made to the 71287  
department and to the county board. 71288

(2) All of the following persons are required to make a 71289  
report under division (C)(1) of this section: 71290

(a) Any physician, including a hospital intern or resident, 71291  
any dentist, podiatrist, chiropractor, practitioner of a limited 71292  
branch of medicine as specified in section 4731.15 of the Revised 71293  
Code, hospital administrator or employee of a hospital, nurse 71294  
licensed under Chapter 4723. of the Revised Code, employee of an 71295  
ambulatory health facility as defined in section 5101.61 of the 71296  
Revised Code, employee of a home health agency, employee of ~~an~~ 71297  
~~adult care~~ a residential facility licensed under ~~Chapter 3722.~~ 71298  
section 5119.22 of the Revised Code that provides accommodations, 71299  
supervision, and person care services for three to sixteen 71300  
unrelated adults, or employee of a community mental health 71301  
facility; 71302

(b) Any school teacher or school authority, social worker, 71303  
psychologist, attorney, peace officer, coroner, or residents' 71304  
rights advocate as defined in section 3721.10 of the Revised Code; 71305

(c) A superintendent, board member, or employee of a county 71306  
board of developmental disabilities; an administrator, board 71307  
member, or employee of a residential facility licensed under 71308  
section 5123.19 of the Revised Code; an administrator, board 71309  
member, or employee of any other public or private provider of 71310  
services to a person with mental retardation or a developmental 71311  
disability, or any MR/DD employee, as defined in section 5123.50 71312  
of the Revised Code; 71313

(d) A member of a citizen's advisory council established at 71314  
an institution or branch institution of the department of 71315  
developmental disabilities under section 5123.092 of the Revised 71316  
Code; 71317

(e) A ~~clergyman~~ member of the clergy who is employed in a 71318  
position that includes providing specialized services to an 71319  
individual with mental retardation or another developmental 71320  
disability, while acting in an official or professional capacity 71321  
in that position, or a person who is employed in a position that 71322  
includes providing specialized services to an individual with 71323  
mental retardation or another developmental disability and who, 71324  
while acting in an official or professional capacity, renders 71325  
spiritual treatment through prayer in accordance with the tenets 71326  
of an organized religion. 71327

(3)(a) The reporting requirements of this division do not 71328  
apply to employees of the Ohio protection and advocacy system. 71329

(b) An attorney or physician is not required to make a report 71330  
pursuant to division (C)(1) of this section concerning any 71331  
communication the attorney or physician receives from a client or 71332  
patient in an attorney-client or physician-patient relationship, 71333  
if, in accordance with division (A) or (B) of section 2317.02 of 71334  
the Revised Code, the attorney or physician could not testify with 71335  
respect to that communication in a civil or criminal proceeding, 71336  
except that the client or patient is deemed to have waived any 71337  
testimonial privilege under division (A) or (B) of section 2317.02 71338  
of the Revised Code with respect to that communication and the 71339  
attorney or physician shall make a report pursuant to division 71340  
(C)(1) of this section, if both of the following apply: 71341

(i) The client or patient, at the time of the communication, 71342  
is a person with mental retardation or a developmental disability. 71343

(ii) The attorney or physician knows or suspects, as a result 71344



of the communication or any observations made during that 71345  
communication, that the client or patient has suffered or faces a 71346  
substantial risk of suffering any wound, injury, disability, or 71347  
condition of a nature that reasonably indicates abuse or neglect 71348  
of the client or patient. 71349

(4) Any person who fails to make a report required under 71350  
division (C) of this section and who is an MR/DD employee, as 71351  
defined in section 5123.50 of the Revised Code, shall be eligible 71352  
to be included in the registry regarding misappropriation, abuse, 71353  
neglect, or other specified misconduct by MR/DD employees 71354  
established under section 5123.52 of the Revised Code. 71355

(D) The reports required under division (C) of this section 71356  
shall be made forthwith by telephone or in person and shall be 71357  
followed by a written report. The reports shall contain the 71358  
following: 71359

(1) The names and addresses of the person with mental 71360  
retardation or a developmental disability and the person's 71361  
custodian, if known; 71362

(2) The age of the person with mental retardation or a 71363  
developmental disability; 71364

(3) Any other information that would assist in the 71365  
investigation of the report. 71366

(E) When a physician performing services as a member of the 71367  
staff of a hospital or similar institution has reason to believe 71368  
that a person with mental retardation or a developmental 71369  
disability has suffered injury, abuse, or physical neglect, the 71370  
physician shall notify the person in charge of the institution or 71371  
that person's designated delegate, who shall make the necessary 71372  
reports. 71373

(F) Any person having reasonable cause to believe that a 71374  
person with mental retardation or a developmental disability has 71375

suffered or faces a substantial risk of suffering abuse or neglect 71376  
may report or cause a report to be made of that belief to the 71377  
entity specified in this division. Except as provided in section 71378  
5120.173 of the Revised Code or as otherwise provided in this 71379  
division, the person making the report shall make it to a law 71380  
enforcement agency or the county board of developmental 71381  
disabilities. If the person is a resident of a facility operated 71382  
by the department of developmental disabilities, the report shall 71383  
be made to a law enforcement agency or to the department. If the 71384  
report concerns any act or omission of an employee of a county 71385  
board of developmental disabilities, the report immediately shall 71386  
be made to the department and to the county board. 71387

(G)(1) Upon the receipt of a report concerning the possible 71388  
abuse or neglect of a person with mental retardation or a 71389  
developmental disability, the law enforcement agency shall inform 71390  
the county board of developmental disabilities or, if the person 71391  
is a resident of a facility operated by the department of 71392  
developmental disabilities, the director of the department or the 71393  
director's designee. 71394

(2) On receipt of a report under this section that includes 71395  
an allegation of action or inaction that may constitute a crime 71396  
under federal law or the law of this state, the department of 71397  
developmental disabilities shall notify the law enforcement 71398  
agency. 71399

(3) When a county board of developmental disabilities 71400  
receives a report under this section that includes an allegation 71401  
of action or inaction that may constitute a crime under federal 71402  
law or the law of this state, the superintendent of the board or 71403  
an individual the superintendent designates under division (H) of 71404  
this section shall notify the law enforcement agency. The 71405  
superintendent or individual shall notify the department of 71406  
developmental disabilities when it receives any report under this 71407

section. 71408

(4) When a county board of developmental disabilities 71409  
receives a report under this section and believes that the degree 71410  
of risk to the person is such that the report is an emergency, the 71411  
superintendent of the board or an employee of the board the 71412  
superintendent designates shall attempt a face-to-face contact 71413  
with the person with mental retardation or a developmental 71414  
disability who allegedly is the victim within one hour of the 71415  
board's receipt of the report. 71416

(H) The superintendent of the board may designate an 71417  
individual to be responsible for notifying the law enforcement 71418  
agency and the department when the county board receives a report 71419  
under this section. 71420

(I) An adult with mental retardation or a developmental 71421  
disability about whom a report is made may be removed from the 71422  
adult's place of residence only by law enforcement officers who 71423  
consider that the adult's immediate removal is essential to 71424  
protect the adult from further injury or abuse or in accordance 71425  
with the order of a court made pursuant to section 5126.33 of the 71426  
Revised Code. 71427

(J) A law enforcement agency shall investigate each report of 71428  
abuse or neglect it receives under this section. In addition, the 71429  
department, in cooperation with law enforcement officials, shall 71430  
investigate each report regarding a resident of a facility 71431  
operated by the department to determine the circumstances 71432  
surrounding the injury, the cause of the injury, and the person 71433  
responsible. The investigation shall be in accordance with the 71434  
memorandum of understanding prepared under section 5126.058 of the 71435  
Revised Code. The department shall determine, with the registry 71436  
office which shall be maintained by the department, whether prior 71437  
reports have been made concerning an adult with mental retardation 71438  
or a developmental disability or other principals in the case. If 71439

the department finds that the report involves action or inaction 71440  
that may constitute a crime under federal law or the law of this 71441  
state, it shall submit a report of its investigation, in writing, 71442  
to the law enforcement agency. If the person with mental 71443  
retardation or a developmental disability is an adult, with the 71444  
consent of the adult, the department shall provide such protective 71445  
services as are necessary to protect the adult. The law 71446  
enforcement agency shall make a written report of its findings to 71447  
the department. 71448

If the person is an adult and is not a resident of a facility 71449  
operated by the department, the county board of developmental 71450  
disabilities shall review the report of abuse or neglect in 71451  
accordance with sections 5126.30 to 5126.33 of the Revised Code 71452  
and the law enforcement agency shall make the written report of 71453  
its findings to the county board. 71454

(K) Any person or any hospital, institution, school, health 71455  
department, or agency participating in the making of reports 71456  
pursuant to this section, any person participating as a witness in 71457  
an administrative or judicial proceeding resulting from the 71458  
reports, or any person or governmental entity that discharges 71459  
responsibilities under sections 5126.31 to 5126.33 of the Revised 71460  
Code shall be immune from any civil or criminal liability that 71461  
might otherwise be incurred or imposed as a result of such actions 71462  
except liability for perjury, unless the person or governmental 71463  
entity has acted in bad faith or with malicious purpose. 71464

(L) No employer or any person with the authority to do so 71465  
shall discharge, demote, transfer, prepare a negative work 71466  
performance evaluation, reduce pay or benefits, terminate work 71467  
privileges, or take any other action detrimental to an employee or 71468  
retaliate against an employee as a result of the employee's having 71469  
made a report under this section. This division does not preclude 71470  
an employer or person with authority from taking action with 71471

regard to an employee who has made a report under this section if 71472  
there is another reasonable basis for the action. 71473

(M) Reports made under this section are not public records as 71474  
defined in section 149.43 of the Revised Code. Information 71475  
contained in the reports on request shall be made available to the 71476  
person who is the subject of the report, to the person's legal 71477  
counsel, and to agencies authorized to receive information in the 71478  
report by the department or by a county board of developmental 71479  
disabilities. 71480

(N) Notwithstanding section 4731.22 of the Revised Code, the 71481  
physician-patient privilege shall not be a ground for excluding 71482  
evidence regarding the injuries or physical neglect of a person 71483  
with mental retardation or a developmental disability or the cause 71484  
thereof in any judicial proceeding resulting from a report 71485  
submitted pursuant to this section. 71486

**Section 110.31.** That the existing version of section 5123.61 71487  
of the Revised Code that is scheduled to take effect on October 1, 71488  
2012, is hereby repealed. 71489

**Section 110.32.** Sections 110.30 and 110.31 of this act take 71490  
effect October 1, 2012. 71491

**Section 503.10.** FISCAL YEAR 2012 GENERAL REVENUE FUND ENDING 71492  
BALANCE 71493

Notwithstanding divisions (B) and (C) of section 131.44 of 71494  
the Revised Code, the Director of Budget and Management shall 71495  
determine the surplus General Revenue Fund revenue that existed on 71496  
June 30, 2012, in excess of the amount required under division 71497  
(A)(3) of section 131.44 of the Revised Code, and transfer from 71498  
the General Revenue Fund, to the extent of the amount so 71499  
determined, to the Statewide Treatment and Prevention Fund (Fund 71500

4750), a cash amount of \$1,000,000 and to the Long-Term Care 71501  
Ombudsman Program Fund (Fund 4C40), a cash amount of \$1,500,000. 71502

**Section 506.10. OHP HEALTH CARE GRANTS FUND** 71503

For fiscal year 2012 and fiscal year 2013, the Department of 71504  
Job and Family Services may deposit into the OHP Health Care 71505  
Grants Fund (Fund 3FA0) federal grants for the administration of 71506  
health care programs that the Department receives under the 71507  
"Patient Protection and Affordable Care Act," Public Law 111-148, 71508  
and the "Health Care and Education Reconciliation Act of 2010," 71509  
Public Law 111-152. The Department shall use the money in the fund 71510  
to pay for expenses incurred in carrying out duties the Department 71511  
assumes by accepting such federal grants, including expenses for 71512  
the administration of health care programs. 71513

**Section 512.10. TRANSFER OF FUNDS FOR CASINO CONTROL** 71514  
**COMMISSION OPERATIONS** 71515

During fiscal year 2013, the Director of Budget and 71516  
Management may, in consultation with the Executive Director of the 71517  
Casino Control Commission, transfer cash as necessary for 71518  
operating expenses and casino investigations. The transfer shall 71519  
be made from the General Revenue Fund to the Casino Control 71520  
Commission Operating Fund (Fund 5HS0). Once funds from upfront 71521  
license application fees and gross casino revenue taxes have been 71522  
accumulated to sustain operations, the Director of Budget and 71523  
Management, in consultation with the Executive Director of the 71524  
Casino Control Commission, shall establish a repayment schedule 71525  
for transfers to the General Revenue Fund from the Casino Control 71526  
Commission Operating Fund (Fund 5HS0). 71527

**Section 512.20. PRE-SECURITIZATION TOBACCO PAYMENTS** 71528

The Pre-Securitization Tobacco Payments Fund (Fund 5LS0) is 71529

hereby created in the state treasury. All moneys received by the 71530  
state in connection with releases from disputed payment accounts 71531  
or amounts previously withheld under the Tobacco Master Settlement 71532  
Agreement that do not constitute pledged receipts for the Buckeye 71533  
Tobacco Settlement Financing Authority Tobacco Settlement Bonds, 71534  
Series 2007, shall be credited to the fund and used by the 71535  
Director of Budget and Management as authorized in this section. 71536

On July 1 of each fiscal year, or as soon as possible 71537  
thereafter, the Director of Budget and Management shall determine, 71538  
in consultation with the Attorney General, the amounts needed to 71539  
fund tobacco enforcement-related activities and may transfer cash 71540  
in those amounts from Fund 5LS0 to the Tobacco Oversight 71541  
Administration and Enforcement Fund (Fund U087). The Director of 71542  
Budget and Management may transfer remaining cash determined to be 71543  
in excess of the tobacco enforcement needs of the Attorney General 71544  
from Fund 5LS0 to the General Revenue Fund. 71545

Upon receipt of all pre-securitization Tobacco Master 71546  
Settlement Agreement payments and the transfer of all cash 71547  
credited to Fund 5LS0 as authorized in this section, Fund 5LS0 is 71548  
abolished. 71549

On July 1, 2012, or as soon as possible thereafter, and upon 71550  
the request of the Attorney General, the Director of Budget and 71551  
Management may transfer up to \$3,000,000 cash from the General 71552  
Reimbursement Fund (Fund 1060) to the Tobacco Oversight 71553  
Administration and Enforcement Fund (Fund U087). 71554

**Section 512.30. CASH TRANSFER FROM TRAUMA AND EMERGENCY 71555**  
MEDICAL SERVICES GRANTS FUND 71556

On the effective date of this section, or as soon as possible 71557  
thereafter, the Director of Budget and Management shall transfer 71558  
the cash balance in the Trauma and Emergency Medical Services 71559  
Grants Fund (Fund 83P0) to the Trauma and Emergency Medical 71560

Services Fund (Fund 83M0). The Director shall cancel any existing 71561  
encumbrances against appropriation item 765637, EMS Grants, and 71562  
reestablish them against appropriation item 765640, EMS - Grants. 71563  
The reestablished encumbrance amounts are hereby appropriated. 71564

**Section 512.40.** CASH TRANSFER FROM ELEMENTARY SCHOOL SEAT 71565  
BELT FUND 71566

On the effective date of this section, or as soon as possible 71567  
thereafter, the Director of Budget and Management shall transfer 71568  
the cash balance in the Elementary School Seat Belt Fund (Fund 71569  
83N0) to the Trauma and Emergency Medical Services Fund (Fund 71570  
83M0). The Director shall cancel any existing encumbrances against 71571  
appropriation item 761611, Elementary School Seat Belt Program, 71572  
and reestablish them against appropriation item 765624, Operating 71573  
Expense - Trauma and EMS. The reestablished encumbrance amounts 71574  
are hereby appropriated. 71575

**Section 512.50.** MEDICAID PROGRAM SUPPORT STATE FUND ABOLISHED 71576  
The Director of Budget and Management shall transfer any 71577  
remaining cash balance in the Medicaid Program Support State Fund 71578  
(Fund 5C90) to the Health Care/Medicaid Support and Recoveries 71579  
Fund (Fund 5DL0) created under section 5111.941 of the Revised 71580  
Code. The Medicaid Program Support State Fund (Fund 5C90) shall 71581  
cease to exist once the transfer is complete. 71582

**Section 512.60.** On the effective date of this section, or as 71583  
soon as possible thereafter, the Director of Budget and Management 71584  
shall transfer the unencumbered cash balance in the Education 71585  
Technology Trust Fund (Fund S087) to the General Revenue Fund. 71586

**Section 515.10.** On and after July 1, 2012, the eTech Ohio 71587  
Commission is hereby abolished and its duties, personnel, assets, 71588  
and liabilities are transferred as provided in Sections 515.11 and 71589



515.13 of this act. 71590

**Section 515.11.** (A) On July 1, 2012, responsibility for 71591  
administration of the state's educational telecommunications 71592  
activities under sections 3333.89, 3333.91, and 3333.92 and new 71593  
section 3333.90 of the Revised Code and teacher professional 71594  
development for implementing educational technology under section 71595  
3319.235 of the Revised Code are transferred from the former eTech 71596  
Ohio Commission to the Chancellor of the Ohio Board of Regents. 71597  
The Chancellor is thereupon and thereafter successor to, assumes 71598  
the obligations of, and otherwise constitutes the continuation of 71599  
the eTech Ohio Commission relating to the functions, assets, 71600  
records, and obligations of the state regarding those matters. 71601

(B) Any business related to the matters described in division 71602  
(A) of this section commenced but not completed by the former 71603  
eTech Ohio Commission shall be completed by the Chancellor in the 71604  
same manner, and with the same effect, as if completed by the 71605  
eTech Ohio Commission. No validation, cure, right, privilege, 71606  
remedy, obligation, or liability is lost or impaired by reason of 71607  
the transfer, and shall be recognized, administered, performed, or 71608  
enforced by the Chancellor. 71609

(C) All of the rules of the former eTech Ohio Commission 71610  
related to the matters described in division (A) of this section 71611  
continue in effect as rules of the Chancellor, until amended or 71612  
rescinded by the Chancellor. 71613

(D) No judicial or administrative action or proceeding 71614  
related to the matters described in division (A) of this section 71615  
in which the former eTech Ohio Commission is a party, that is 71616  
pending on the effective date of this section, is affected by the 71617  
transfer. Such action or proceeding shall be prosecuted or 71618  
defended in the name of the Chancellor. On application to the 71619

court or other tribunal, the Chancellor of the Ohio Board of Regents shall be substituted for the eTech Ohio Commission as a party to such action or proceeding.

(E) Subject to the lay-off provisions of sections 124.321 to 124.328 and division (C) of new section 3333.90 of the Revised Code, all employees of the former eTech Ohio Commission assigned by the Commission to the matters described in division (A) of this section continue with the Chancellor and retain their positions and all benefits accruing thereto.

(F) All books, records, documents, files, transcripts, equipment, furniture, supplies, and other materials related to the matters described in division (A) of this section assigned to or in the possession of the former eTech Ohio Commission shall be transferred to the Chancellor.

**Section 515.12.** As of July 1, 2012, the Chancellor of the Board of Regents shall succeed to and have and perform all fiduciary duties and responsibilities previously held by the Director of eTech Ohio for all outstanding capital appropriations designated for use by eTech Ohio.

**Section 515.13.** (A) On July 1, 2012, responsibility for administration of the state's educational technology assistance activities, provided by the former eTech Ohio Commission, is transferred to the Department of Education. The Department shall execute the duties described in section 3301.75 of the Revised Code. The Department is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the eTech Ohio Commission, in the matters as described in that section.

(B) Any business described in section 3301.75 of the Revised Code but not completed by the former eTech Ohio Commission shall

be completed by the Department of Education in the same manner, 71650  
and with the same effect, as if completed by the eTech Ohio 71651  
Commission. No validation, cure, right, privilege, remedy, 71652  
obligation, or liability is lost or impaired by reason of the 71653  
renaming, and shall be recognized, administered, performed, or 71654  
enforced by the Department. 71655

(C) All of the rules of the former eTech Ohio Commission 71656  
related to activities described in section 3301.75 of the Revised 71657  
Code continue in effect as rules of the State Board of Education, 71658  
until amended or rescinded by the State Board. 71659

(D) No judicial or administrative action or proceeding 71660  
related to activities described in section 3301.75 of the Revised 71661  
Code, in which the former eTech Ohio Commission is a party, that 71662  
is pending on the effective date of this section is affected by 71663  
the renaming. Such action or proceeding shall be prosecuted or 71664  
defended in the name of the Superintendent of Public Instruction 71665  
for the Department. On application to the court or other tribunal, 71666  
the Superintendent of Public Instruction shall be substituted for 71667  
the eTech Ohio Commission as a party to such action or proceeding. 71668

(E) Subject to the lay-off provisions of sections 124.321 to 71669  
124.328 of the Revised Code, all employees of the former eTech 71670  
Ohio Commission assigned to the administration of the state's 71671  
educational technology assistance activities, as described in 71672  
section 3301.75 of the Revised Code, continue with the Department 71673  
of Education and retain their positions and all benefits accruing 71674  
thereto. 71675

(F) All books, records, documents, files, transcripts, 71676  
equipment, furniture, supplies, and other materials related to 71677  
activities described in section 3301.75 of the Revised Code 71678  
assigned to or in the possession of the former eTech Ohio 71679  
Commission shall be transferred to the Department of Education. 71680

Section 601.10. That Section 205.10 of Am. Sub. H.B. 114 of 71681  
 the 129th General Assembly, as amended by Am. Sub. H.B. 153 of the 71682  
 129th General Assembly, be amended to read as follows: 71683

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 71684

State Highway Safety Fund Group 71685

4W40 762321 Operating Expense - \$ 80,003,146 \$ ~~82,403,240~~ 71686  
 BMV 82,003,240

4W40 762410 Registrations \$ 28,945,176 \$ 29,813,532 71687  
 Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 71688  
 Contributions

7036 761321 Operating Expense - \$ 7,124,366 \$ ~~7,338,097~~ 71689  
 Information and 6,988,097  
 Education

7036 761401 Lease Rental Payments \$ 9,978,300 \$ 2,315,700 71690

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 71691

7036 764321 Operating Expense - \$ 260,744,934 \$ 258,365,903 71692  
 Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 71693  
 Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 19,469 \$ 20,053 71694  
 Administration

8310 761610 Information and \$ 422,084 \$ ~~434,746~~ 71695  
 Education - Federal 409,746

8310 764610 Patrol - Federal \$ 2,209,936 \$ 2,276,234 71696

8310 764659 Transportation \$ 5,519,333 \$ 5,684,913 71697  
 Enforcement - Federal

8310 765610 EMS - Federal \$ 532,007 \$ 532,007 71698

8310 769610 ~~Food Stamp Trafficking~~ \$ 1,546,319 \$ 1,546,319 71699  
~~Enforcement - Federal~~  
Investigative Unit

|             |               | <u>Federal Reimbursement</u>              |               |                                             |       |
|-------------|---------------|-------------------------------------------|---------------|---------------------------------------------|-------|
| 8310        | 769631        | Homeland Security -<br>Federal            | \$ 2,184,000  | \$ 2,184,000                                | 71700 |
| 8320        | 761612        | Traffic Safety -<br>Federal               | \$ 16,577,565 | \$ 16,577,565                               | 71701 |
| 8350        | 762616        | Financial<br>Responsibility<br>Compliance | \$ 5,457,240  | \$ <del>5,549,068</del><br><u>5,274,068</u> | 71702 |
| 8370        | 764602        | Turnpike Policing                         | \$ 11,553,959 | \$ 11,553,959                               | 71703 |
| 8380        | 764606        | Patrol Reimbursement                      | \$ 50,000     | \$ 50,000                                   | 71704 |
| 83C0        | 764630        | Contraband,<br>Forfeiture, Other          | \$ 622,894    | \$ 622,894                                  | 71705 |
| 83F0        | 764657        | Law Enforcement<br>Automated Data System  | \$ 9,053,266  | \$ 9,053,266                                | 71706 |
| 83G0        | 764633        | OMVI<br>Enforcement/Education             | \$ 623,230    | \$ 641,927                                  | 71707 |
| 83J0        | 764693        | Highway Patrol Justice<br>Contraband      | \$ 2,100,000  | \$ 2,100,000                                | 71708 |
| 83M0        | 765624        | Operating Expense -<br>Trauma and EMS     | \$ 2,632,106  | \$ <del>2,711,069</del><br><u>3,204,925</u> | 71709 |
| <u>83M0</u> | <u>765640</u> | <u>EMS - Grants</u>                       | <u>\$ 0</u>   | <u>\$ 4,229,819</u>                         | 71710 |
| 83N0        | 761611        | Elementary School Seat<br>Belt Program    | \$ 305,600    | \$ <del>305,600</del> <u>0</u>              | 71711 |
| 83P0        | 765637        | EMS Grants                                | \$ 4,106,621  | \$ <del>4,229,819</del> <u>0</u>            | 71712 |
| 83R0        | 762639        | Local Immobilization<br>Reimbursement     | \$ 450,000    | \$ 450,000                                  | 71713 |
| 83T0        | 764694        | Highway Patrol<br>Treasury Contraband     | \$ 21,000     | \$ 21,000                                   | 71714 |
| 8400        | 764607        | State Fair Security                       | \$ 1,256,655  | \$ 1,294,354                                | 71715 |
| 8400        | 764617        | Security and<br>Investigations            | \$ 6,432,686  | \$ 6,432,686                                | 71716 |
| 8400        | 764626        | State Fairgrounds<br>Police Force         | \$ 849,883    | \$ 849,883                                  | 71717 |

|                                    |        |                                                           |    |             |    |                                              |       |
|------------------------------------|--------|-----------------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 8400                               | 769632 | Homeland Security -<br>Operating                          | \$ | 737,791     | \$ | 737,791                                      | 71718 |
| 8410                               | 764603 | Salvage and Exchange -<br>Highway Patrol                  | \$ | 1,339,399   | \$ | 1,339,399                                    | 71719 |
| 8460                               | 761625 | Motorcycle Safety<br>Education                            | \$ | 3,185,013   | \$ | 3,280,563                                    | 71720 |
| 8490                               | 762627 | Automated Title<br>Processing Board                       | \$ | 17,316,755  | \$ | 14,335,513                                   | 71721 |
| TOTAL                              | HSF    | State Highway Safety Fund<br>Group                        | \$ | 490,110,733 | \$ | <del>481,261,100</del><br><u>480,399,356</u> | 71722 |
| General Services Fund Group        |        |                                                           |    |             |    |                                              | 71723 |
| 4P60                               | 768601 | Justice Program<br>Services                               | \$ | 998,104     | \$ | 1,028,047                                    | 71724 |
| 4S30                               | 766661 | Hilltop Utility<br>Reimbursement                          | \$ | 540,800     | \$ | 540,800                                      | 71725 |
| 5ET0                               | 768625 | Drug Law Enforcement                                      | \$ | 3,780,000   | \$ | 3,893,400                                    | 71726 |
| 5Y10                               | 764695 | Highway Patrol<br>Continuing<br>Professional Training     | \$ | 170,000     | \$ | 170,000                                      | 71727 |
| 5Y10                               | 767696 | Investigative Unit<br>Continuing<br>Professional Training | \$ | 15,000      | \$ | 15,000                                       | 71728 |
| TOTAL                              | GSF    | General Services Fund<br>Group                            | \$ | 5,503,904   | \$ | 5,647,247                                    | 71729 |
| Federal Special Revenue Fund Group |        |                                                           |    |             |    |                                              | 71730 |
| 3290                               | 763645 | Federal Mitigation<br>Program                             | \$ | 10,110,332  | \$ | 10,413,642                                   | 71731 |
| 3370                               | 763609 | Federal Disaster<br>Relief                                | \$ | 27,707,636  | \$ | 27,707,636                                   | 71732 |
| 3390                               | 763647 | Emergency Management<br>Assistance and<br>Training        | \$ | 75,664,821  | \$ | 77,934,765                                   | 71733 |

## As Reported by the House Finance and Appropriations Committee

|           |                                       |                                                        |    |             |    |                                              |       |
|-----------|---------------------------------------|--------------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 3CB0      | 768691                                | Federal Justice<br>Grants - FFY06                      | \$ | 200,000     | \$ | 50,000                                       | 71734 |
| 3CC0      | 768609                                | Justice Assistance<br>Grants - FFY07                   | \$ | 583,222     | \$ | 310,000                                      | 71735 |
| 3CD0      | 768610                                | Justice Assistance<br>Grants - FFY08                   | \$ | 310,000     | \$ | 150,000                                      | 71736 |
| 3CE0      | 768611                                | Justice Assistance<br>Grants - FFY09                   | \$ | 865,000     | \$ | 1,200,000                                    | 71737 |
| 3CV0      | 768697                                | Justice Assistance<br>Grants Supplement -<br>FFY08     | \$ | 2,000       | \$ | 0                                            | 71738 |
| 3DE0      | 768612                                | Federal Stimulus -<br>Justice Assistance<br>Grants     | \$ | 1,015,000   | \$ | 1,015,000                                    | 71739 |
| 3DH0      | 768613                                | Federal Stimulus -<br>Justice Programs                 | \$ | 150,000     | \$ | 150,000                                      | 71740 |
| 3DU0      | 762628                                | BMV Grants                                             | \$ | 1,525,000   | \$ | <del>1,580,000</del><br><u>1,480,000</u>     | 71741 |
| 3EU0      | 768614                                | Justice Assistance<br>Grants - FFY10                   | \$ | 650,000     | \$ | 920,000                                      | 71742 |
| 3L50      | 768604                                | Justice Program                                        | \$ | 11,400,000  | \$ | 11,400,000                                   | 71743 |
| 3N50      | 763644                                | U.S. Department of<br>Energy Agreement                 | \$ | 31,672      | \$ | 31,672                                       | 71744 |
| TOTAL FED | Federal Special Revenue<br>Fund Group |                                                        | \$ | 130,214,683 | \$ | <del>132,862,715</del><br><u>132,762,715</u> | 71745 |
|           | State Special Revenue Fund Group      |                                                        |    |             |    |                                              | 71746 |
| 4V30      | 763662                                | EMA Service and<br>Reimbursement                       | \$ | 4,368,369   | \$ | 4,499,420                                    | 71747 |
| 5390      | 762614                                | Motor Vehicle Dealers<br>Board                         | \$ | 180,000     | \$ | 185,400                                      | 71748 |
| 5B90      | 766632                                | Private Investigator<br>and Security Guard<br>Provider | \$ | 1,562,637   | \$ | 1,562,637                                    | 71749 |

|                |                           |                                                                                                                                          |           |                       |           |                       |       |
|----------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------|-----------|-----------------------|-------|
| 5BK0           | 768687                    | Criminal Justice<br>Services - Operating                                                                                                 | \$        | 400,000               | \$        | 400,000               | 71750 |
| 5BK0           | 768689                    | Family Violence<br>Shelter Programs                                                                                                      | \$        | 750,000               | \$        | 750,000               | 71751 |
| 5CM0           | 767691                    | <del>Federal Investigative</del><br><u>Seizure Investigative</u><br><u>Unit Federal</u><br><u>Equitable Sharing -</u><br><u>Treasury</u> | \$        | 300,000               | \$        | 300,000               | 71752 |
| 5DS0           | 769630                    | Homeland Security                                                                                                                        | \$        | 1,414,384             | \$        | 1,414,384             | 71753 |
| 5FF0           | 762621                    | Indigent Interlock<br>and Alcohol<br>Monitoring                                                                                          | \$        | 2,000,000             | \$        | 2,000,000             | 71754 |
| 5FL0           | 769634                    | Investigations                                                                                                                           | \$        | 899,300               | \$        | 899,300               | 71755 |
| <u>5LM0</u>    | <u>768698</u>             | <u>Criminal Justice</u><br><u>Services Law</u><br><u>Enforcement Support</u>                                                             | <u>\$</u> | <u>33,991</u>         | <u>\$</u> | <u>816,955</u>        | 71756 |
| 6220           | 767615                    | Investigative<br>Contraband and<br>Forfeiture                                                                                            | \$        | 375,000               | \$        | 375,000               | 71757 |
| 6570           | 763652                    | Utility Radiological<br>Safety                                                                                                           | \$        | 1,415,945             | \$        | 1,415,945             | 71758 |
| 6810           | 763653                    | SARA Title III HAZMAT<br>Planning                                                                                                        | \$        | 262,438               | \$        | 262,438               | 71759 |
| 8500           | 767628                    | Investigative Unit<br>Salvage                                                                                                            | \$        | 90,000                | \$        | 92,700                | 71760 |
| TOTAL SSR      | State Special Revenue     |                                                                                                                                          | \$        | <del>14,018,073</del> | \$        | <del>14,157,224</del> | 71761 |
| Fund Group     |                           |                                                                                                                                          |           | <u>14,052,064</u>     |           | <u>14,974,179</u>     |       |
| Liquor Control | Fund Group                |                                                                                                                                          |           |                       |           |                       | 71762 |
| 7043           | 767321                    | Liquor Enforcement -<br>Operating                                                                                                        | \$        | 11,000,000            | \$        | 11,000,000            | 71763 |
| TOTAL LCF      | Liquor Control Fund Group |                                                                                                                                          | \$        | 11,000,000            | \$        | 11,000,000            | 71764 |
| Agency         | Fund Group                |                                                                                                                                          |           |                       |           |                       | 71765 |



|                                           |                     |    |                        |    |                        |       |
|-------------------------------------------|---------------------|----|------------------------|----|------------------------|-------|
| 5J90 761678                               | Federal Salvage/GSA | \$ | 1,500,000              | \$ | 1,500,000              | 71766 |
| TOTAL AGY                                 | Agency Fund Group   | \$ | 1,500,000              | \$ | 1,500,000              | 71767 |
| Holding Account Redistribution Fund Group |                     |    |                        |    |                        | 71768 |
| R024 762619                               | Unidentified Motor  | \$ | 1,885,000              | \$ | 1,885,000              | 71769 |
| Vehicle Receipts                          |                     |    |                        |    |                        |       |
| R052 762623                               | Security Deposits   | \$ | 350,000                | \$ | 350,000                | 71770 |
| TOTAL 090                                 | Holding Account     | \$ | 2,235,000              | \$ | 2,235,000              | 71771 |
| Redistribution Fund Group                 |                     |    |                        |    |                        |       |
| TOTAL ALL BUDGET FUND GROUPS              |                     | \$ | <del>654,582,393</del> | \$ | <del>648,663,286</del> | 71772 |
|                                           |                     |    | <u>654,616,384</u>     |    | <u>648,518,497</u>     |       |

MOTOR VEHICLE REGISTRATION 71773

The Registrar of Motor Vehicles may deposit revenues to meet 71774  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 71775  
4W40) established in section 4501.25 of the Revised Code, obtained 71776  
under sections 4503.02 and 4504.02 of the Revised Code, less all 71777  
other available cash. Revenue deposited pursuant to this paragraph 71778  
shall support, in part, appropriations for operating expenses and 71779  
defray the cost of manufacturing and distributing license plates 71780  
and license plate stickers and enforcing the law relative to the 71781  
operation and registration of motor vehicles. Notwithstanding 71782  
section 4501.03 of the Revised Code, the revenues shall be paid 71783  
into Fund 4W40 before any revenues obtained pursuant to sections 71784  
4503.02 and 4504.02 of the Revised Code are paid into any other 71785  
fund. The deposit of revenues to meet the aforementioned cash 71786  
needs shall be in approximately equal amounts on a monthly basis 71787  
or as otherwise determined by the Director of Budget and 71788  
Management pursuant to a plan submitted by the Registrar of Motor 71789  
Vehicles. 71790

CAPITAL PROJECTS 71791

The Registrar of Motor Vehicles may transfer cash from the 71792  
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 71793  
Highway Safety Fund (Fund 7036) to meet its obligations for 71794

capital projects CIR-047, Department of Public Safety Office 71795  
Building and CIR-049, Warehouse Facility. 71796

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 71797

The foregoing appropriation item 761401, Lease Rental 71798  
Payments, shall be used for payments to the Ohio Building 71799  
Authority for the period July 1, 2011, to June 30, 2013, under the 71800  
primary leases and agreements for public safety related buildings 71801  
financed by obligations issued under Chapter 152. of the Revised 71802  
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 71803  
Building Authority may, with approval of the Director of Budget 71804  
and Management, lease capital facilities to the Department of 71805  
Public Safety. 71806

HILLTOP TRANSFER 71807

The Director of Public Safety shall determine, per an 71808  
agreement with the Director of Transportation, the share of each 71809  
debt service payment made out of appropriation item 761401, Lease 71810  
Rental Payments, that relates to the Department of 71811  
Transportation's portion of the Hilltop Building Project, and 71812  
shall certify to the Director of Budget and Management the amounts 71813  
of this share. The Director of Budget and Management shall 71814  
transfer the amounts of such shares from the Highway Operating 71815  
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 71816

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 71817

On July 1, 2011, or as soon as possible thereafter, the 71818  
Director of Budget and Management shall transfer the unexpended 71819  
and unencumbered cash balance in the Seat Belt Education Fund 71820  
(Fund 8440) to the Trauma and Emergency Medical Services Fund 71821  
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 71822  
abolished. The Director shall cancel any existing encumbrances 71823  
against appropriation item 761613, Seat Belt Education Program, 71824  
and reestablish them against appropriation item 765624, Operating 71825

Expense - Trauma and EMS. The reestablished encumbrance amounts 71826  
are hereby appropriated. 71827

CASH TRANSFERS BETWEEN FUNDS 71828

Notwithstanding any provision of law to the contrary, the 71829  
Director of Budget and Management, upon the written request of the 71830  
Director of Public Safety, may approve the transfer of cash 71831  
between the following six funds: the Trauma and Emergency Medical 71832  
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 71833  
the Investigations Fund (Fund 5FL0), the Emergency Management 71834  
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 71835  
Program Services Fund (Fund 4P60), and the State Bureau of Motor 71836  
Vehicles Fund (Fund 4W40). 71837

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 71838

Notwithstanding any provision of law to the contrary, the 71839  
Director of Budget and Management, upon the written request of the 71840  
Director of Public Safety, may approve the transfer of cash from 71841  
the Continuing Professional Training Fund (Fund 5Y10), the State 71842  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 71843  
the Trauma and Emergency Medical Services Fund (Fund 83M0), and 71844  
the Highway Safety Salvage and Exchange Highway Patrol Fund (Fund 71845  
8410) to the Security, Investigations, and Policing Fund (Fund 71846  
8400). 71847

CASH TRANSFERS OF SEAT BELT FINE REVENUES 71848

Notwithstanding any provision of law to the contrary, the 71849  
Controlling Board, upon request of the Director of Public Safety, 71850  
may approve the transfer of cash between the following ~~four~~ three 71851  
funds that receive fine revenues from enforcement of the mandatory 71852  
seat belt law: the Trauma and Emergency Medical Services Fund 71853  
(Fund 83M0), the Elementary School Program Fund (Fund 83N0), and 71854  
the Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 71855

STATE DISASTER RELIEF 71856

The State Disaster Relief Fund (Fund 5330) may accept 71857  
transfers of cash and appropriations from Controlling Board 71858  
appropriation items for Ohio Emergency Management Agency disaster 71859  
response costs and disaster program management costs, and may also 71860  
be used for the following purposes: 71861

(A) To accept transfers of cash and appropriations from 71862  
Controlling Board appropriation items for Ohio Emergency 71863  
Management Agency public assistance and mitigation program match 71864  
costs to reimburse eligible local governments and private 71865  
nonprofit organizations for costs related to disasters; 71866

(B) To accept and transfer cash to reimburse the costs 71867  
associated with Emergency Management Assistance Compact (EMAC) 71868  
deployments; 71869

(C) To accept disaster related reimbursement from federal, 71870  
state, and local governments. The Director of Budget and 71871  
Management may transfer cash from reimbursements received by this 71872  
fund to other funds of the state from which transfers were 71873  
originally approved by the Controlling Board. 71874

(D) To accept transfers of cash and appropriations from 71875  
Controlling Board appropriation items to fund the State Disaster 71876  
Relief Program, for disasters that have been declared by the 71877  
Governor, and the State Individual Assistance Program for 71878  
disasters that have been declared by the Governor and the federal 71879  
Small Business Administration. The Ohio Emergency Management 71880  
Agency shall publish and make available application packets 71881  
outlining procedures for the State Disaster Relief Program and the 71882  
State Individual Assistance Program. 71883

JUSTICE ASSISTANCE GRANT FUND 71884

The federal payments made to the state for the Byrne Justice 71885  
Assistance Grants Program under Title II of Division A of the 71886  
American Recovery and Reinvestment Act of 2009 shall be deposited 71887

to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 71888  
which is hereby created in the state treasury. All investment 71889  
earnings of the fund shall be credited to the fund. 71890

FEDERAL STIMULUS - JUSTICE PROGRAMS 71891

The federal payments made to the state for the Violence 71892  
Against Women Formula Grant under Title II of Division A of the 71893  
American Recovery and Reinvestment Act of 2009 shall be deposited 71894  
to the credit of the Federal Stimulus - Justice Programs Fund 71895  
(Fund 3DH0). 71896

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 71897  
AGENCY SERVICE AND REIMBURSEMENT FUND 71898

On July 1 of each fiscal year, or as soon as possible 71899  
thereafter, the Director of Budget and Management shall transfer 71900  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 71901  
the Emergency Management Agency Service and Reimbursement Fund 71902  
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 71903  
Search and Rescue Unit and other urban search and rescue programs 71904  
around the state. 71905

FAMILY VIOLENCE PREVENTION FUND 71906

Notwithstanding any provision of law to the contrary, in each 71907  
of fiscal years 2012 and 2013, the first \$750,000 received to the 71908  
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 71909  
appropriated to appropriation item 768689, Family Violence Shelter 71910  
Programs, and the next \$400,000 received to the credit of Fund 71911  
5BK0 in each of those fiscal years shall be appropriated to 71912  
appropriation item 768687, Criminal Justice Services - Operating. 71913  
Any moneys received to the credit of Fund 5BK0 in excess of the 71914  
aforementioned appropriated amounts in each fiscal year shall, 71915  
upon the approval of the Controlling Board, be used to provide 71916  
grants to family violence shelters in Ohio. 71917

SARA TITLE III HAZMAT PLANNING 71918

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 71919  
entitled to receive grant funds from the Emergency Response 71920  
Commission to implement the Emergency Management Agency's 71921  
responsibilities under Chapter 3750. of the Revised Code. 71922

COLLECTIVE BARGAINING INCREASES 71923

Notwithstanding division (D) of section 127.14 and division 71924  
(B) of section 131.35 of the Revised Code, except for the General 71925  
Revenue Fund, the Controlling Board may, upon the request of 71926  
either the Director of Budget and Management, or the Department of 71927  
Public Safety with the approval of the Director of Budget and 71928  
Management, increase appropriations for any fund, as necessary for 71929  
the Department of Public Safety, to assist in paying the costs of 71930  
increases in employee compensation that have occurred pursuant to 71931  
collective bargaining agreements under Chapter 4117. of the 71932  
Revised Code and, for exempt employees, under section 124.152 of 71933  
the Revised Code. 71934

CASH BALANCE FUND REVIEW 71935

Not later than the first day of April in each fiscal year of 71936  
the biennium, the Director of Budget and Management shall review 71937  
the cash balances for each fund, except the State Highway Safety 71938  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 71939  
4W40), in the State Highway Safety Fund Group, and shall recommend 71940  
to the Controlling Board an amount to be transferred to the credit 71941  
of Fund 7036 or Fund 4W40, as appropriate. 71942

**Section 601.11.** That existing Section 205.10 of Am. Sub. H.B. 71943  
114 of the 129th General Assembly, as amended by Am. Sub. H.B. 153 71944  
of the 129th General Assembly, is hereby repealed. 71945

**Section 601.20.** That Section 201 of Sub. H.B. 123 of the 71946  
129th General Assembly be amended to read as follows: 71947

Sec. 201. All items in Sections 201 and 203 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2012, and those in the second column are for fiscal year 2013.

| FND AI      | AI TITLE                                   | Appropriations |                                              |                |
|-------------|--------------------------------------------|----------------|----------------------------------------------|----------------|
|             | BWC BUREAU OF WORKERS' COMPENSATION        |                |                                              | 71954          |
|             | Workers' Compensation Fund Group           |                |                                              | 71955          |
| 7023 855401 | William Green Lease                        | \$ 18,291,365  | \$ 17,533,370                                | 71956          |
|             | Payments to OBA                            |                |                                              |                |
| 7023 855407 | Claims, Risk and Medical Management        | \$ 125,427,732 | <del>124,192,959</del><br><u>122,492,959</u> | 71957          |
| 7023 855408 | Fraud Prevention                           | \$ 11,331,154  | \$ 11,164,226                                | 71958          |
| 7023 855409 | Administrative Services                    | \$ 101,724,950 | <del>104,136,037</del><br><u>103,346,037</u> | 71959          |
| 7023 855410 | Attorney General Payments                  | \$ 4,621,850   | \$ 4,621,850                                 | 71960          |
| 8220 855606 | Coal Workers' Fund                         | \$ 150,586     | \$ 147,666                                   | 71961          |
| 8230 855608 | Marine Industry                            | \$ 76,532      | \$ 75,527                                    | 71962          |
| 8250 855605 | Disabled Workers Relief Fund               | \$ 322,266     | \$ 319,718                                   | 71963          |
| 8260 855609 | Safety and Hygiene Operating               | \$ 20,382,567  | \$ 20,161,132                                | 71964          |
| 8260 855610 | Gear Program                               | \$ 4,000,000   | \$ 4,000,000                                 | 71965          |
| 8290 855604 | Long Term Care Loan Program                | \$ 1,000,000   | <del>1,000,000</del><br><u>100,000</u>       | 71966          |
|             | TOTAL WCF Workers' Compensation Fund Group | \$ 287,329,002 | <del>287,352,485</del><br><u>283,962,485</u> | 71967<br>71968 |
|             | Federal Special Revenue Fund Group         |                |                                              | 71969          |
| 3490 855601 | OSHA Enforcement                           | \$ 1,670,998   | \$ 1,647,515                                 | 71970          |

|                                   |    |             |    |                        |       |
|-----------------------------------|----|-------------|----|------------------------|-------|
| TOTAL FED Federal Special Revenue | \$ | 1,670,998   | \$ | 1,647,515              | 71971 |
| Fund Group                        |    |             |    |                        |       |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 289,000,000 | \$ | <del>289,000,000</del> | 71972 |
|                                   |    |             |    | <u>285,610,000</u>     |       |

WILLIAM GREEN LEASE PAYMENTS 71973

The foregoing appropriation item 855401, William Green Lease 71974  
 Payments to OBA, shall be used for lease payments to the Ohio 71975  
 Building Authority, and these appropriations shall be used to meet 71976  
 all payments at the times they are required to be made during the 71977  
 period from July 1, 2011, to June 30, 2013, by the Bureau of 71978  
 Workers' Compensation to the Ohio Building Authority pursuant to 71979  
 leases and agreements made under Chapter 152. of the Revised Code 71980  
 and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 71981  
 Of the amounts received in Fund 7023, appropriation item 855401, 71982  
 William Green Lease Payments to OBA, up to \$35,824,735 shall be 71983  
 restricted for lease rental payments to the Ohio Building 71984  
 Authority. If it is determined that additional appropriations are 71985  
 necessary for such purpose, such amounts are hereby appropriated. 71986

Notwithstanding any provision of law to the contrary, all 71987  
 tenants of the William Green Building not funded by the Workers' 71988  
 Compensation Fund (Fund 7023) shall pay their fair share of the 71989  
 costs of lease payments to the Workers' Compensation Fund (Fund 71990  
 7023) by intrastate transfer voucher. 71991

WORKERS' COMPENSATION FRAUD UNIT 71992

The Workers' Compensation Section Fund (Fund 1950) 71993  
 administered by the Attorney General shall receive payments from 71994  
 the Bureau of Workers' Compensation at the beginning of each 71995  
 quarter of each fiscal year to fund expenses of the Workers' 71996  
 Compensation Fraud Unit within the Attorney General's Office. Of 71997  
 the foregoing appropriation item 855410, Attorney General 71998  
 Payments, \$828,200 in fiscal year 2012 and \$828,200 in fiscal year 71999  
 2013 shall be used to provide these payments. 72000



SAFETY AND HYGIENE 72001

Notwithstanding section 4121.37 of the Revised Code, the 72002  
Treasurer of State shall transfer \$20,382,567 cash in fiscal year 72003  
2012 and \$20,161,132 cash in fiscal year 2013 from the State 72004  
Insurance Fund to the Safety and Hygiene Fund (Fund 8260). 72005

OSHA ON-SITE CONSULTATION PROGRAM 72006

The Bureau of Workers' Compensation may designate a portion 72007  
of appropriation item 855609, Safety and Hygiene Operating, to be 72008  
used to match federal funding for the federal Occupational Safety 72009  
and Health Administration's (OSHA) on-site consultation program. 72010

VOCATIONAL REHABILITATION 72011

The Bureau of Workers' Compensation and the Rehabilitation 72012  
Services Commission shall enter into an interagency agreement for 72013  
the provision of vocational rehabilitation services and staff to 72014  
mutually eligible clients. The bureau shall provide \$605,407 in 72015  
fiscal year 2012 and \$605,407 in fiscal year 2013 from the State 72016  
Insurance Fund to fund vocational rehabilitation services and 72017  
staff in accordance with the interagency agreement. 72018

FUND BALANCE 72019

Any unencumbered cash balance in excess of \$45,000,000 in the 72020  
Workers' Compensation Fund (Fund 7023) on the thirtieth day of 72021  
June of each fiscal year shall be used to reduce the 72022  
administrative cost rate charged to employers to cover 72023  
appropriations for Bureau of Workers' Compensation operations. 72024

**Section 601.21.** That existing Section 201 of Sub. H.B. 123 of 72025  
the 129th General Assembly is hereby repealed. 72026

**Section 601.30.** That Section 1 of H.B. 124 of the 129th 72027  
General Assembly be amended to read as follows: 72028

Sec. 1. All items in this section are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this section, those in the first column are for fiscal year 2012, and those in the second column are for fiscal year 2013.

|                                            |                               | Appropriations |                                               |       |
|--------------------------------------------|-------------------------------|----------------|-----------------------------------------------|-------|
| FND AI                                     | AI TITLE                      | FY 2012        | FY 2013                                       |       |
| OIC INDUSTRIAL COMMISSION                  |                               |                |                                               | 72036 |
| Workers' Compensation Fund Group           |                               |                |                                               | 72037 |
| 5W30 845321                                | Operating Expenses            | \$ 50,100,000  | \$ <del>48,900,000</del><br><u>47,732,000</u> | 72038 |
| 5W30 845402                                | Rent - William Green Building | \$ 5,500,000   | \$ 5,500,000                                  | 72039 |
| 5W30 845410                                | Attorney General Payments     | \$ 3,900,000   | \$ 4,000,000                                  | 72040 |
| TOTAL WCF Workers' Compensation Fund Group |                               |                |                                               | 72041 |
|                                            |                               | \$ 59,500,000  | \$ <del>58,400,000</del><br><u>57,232,000</u> | 72042 |
| TOTAL ALL BUDGET FUND GROUPS               |                               |                |                                               | 72043 |
|                                            |                               | \$ 59,500,000  | \$ <del>58,400,000</del><br><u>57,232,000</u> |       |

RENT - WILLIAM GREEN BUILDING 72044

The foregoing appropriation item 845402, Rent - William Green Building, shall be used for rent and operating expenses for the space occupied by the Industrial Commission in the William Green Building. 72045  
72046  
72047  
72048

**Section 601.31.** That existing Section 1 of H.B. 124 of the 129th General Assembly is hereby repealed. 72049  
72050

**Section 601.40.** That Sections 205.10, 207.10, 207.10.80, 207.20.10, 207.20.30, 207.20.90, 209.10, 209.20, 209.30, 211.10, 215.10, 215.20, 223.10, 229.10, 243.10, 261.10.40, 261.10.70, 72051  
72052  
72053

261.20.10, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 261.20.90, 72054  
 261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 261.30.70, 72055  
 261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30, 263.10.90, 72056  
 263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 267.10.40, 72057  
 267.30.20, 267.30.40, 279.10, 283.10, 283.20, 283.30, 291.10, 72058  
 307.10, 309.10, 309.30.10, 309.30.30, 309.30.33, 309.30.53, 72059  
 309.35.73, 315.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 72060  
 367.10, 369.10, 371.10, 371.50.61, 371.60.70, 371.60.80, 373.10, 72061  
 375.10, 379.10, 387.10, 403.10, 411.10, 415.10, 503.50, 521.70, 72062  
 and 701.40 of Am. Sub. H.B. 153 of the 129th General Assembly be 72063  
 amended to read as follows: 72064

**Sec. 205.10. ADJ ADJUTANT GENERAL** 72065

General Revenue Fund 72066

|           |        |                       |    |           |    |                      |       |
|-----------|--------|-----------------------|----|-----------|----|----------------------|-------|
| GRF       | 745401 | Ohio Military Reserve | \$ | 12,308    | \$ | 12,308               | 72067 |
| GRF       | 745404 | Air National Guard    | \$ | 1,810,606 | \$ | 1,810,606            | 72068 |
| GRF       | 745407 | National Guard        | \$ | 400,000   | \$ | 400,000              | 72069 |
|           |        | Benefits              |    |           |    |                      |       |
| GRF       | 745409 | Central               | \$ | 2,692,098 | \$ | <del>2,692,098</del> | 72070 |
|           |        | Administration        |    |           |    | <u>2,682,098</u>     |       |
| GRF       | 745499 | Army National Guard   | \$ | 3,687,888 | \$ | 3,689,871            | 72071 |
| TOTAL GRF |        | General Revenue Fund  | \$ | 8,602,900 | \$ | <del>8,604,883</del> | 72072 |
|           |        |                       |    |           |    | <u>8,594,883</u>     |       |

General Services Fund Group 72073

|      |        |                     |    |           |    |         |       |
|------|--------|---------------------|----|-----------|----|---------|-------|
| 5340 | 745612 | Property Operations | \$ | 534,304   | \$ | 534,304 | 72074 |
|      |        | Management          |    |           |    |         |       |
| 5360 | 745605 | Marksmanship        | \$ | 128,600   | \$ | 128,600 | 72075 |
|      |        | Activities          |    |           |    |         |       |
| 5360 | 745620 | Camp Perry and      | \$ | 1,178,311 | \$ | 978,846 | 72076 |
|      |        | Buckeye Inn         |    |           |    |         |       |
|      |        | Operations          |    |           |    |         |       |

|                                    |                         |                     |    |            |    |                       |       |
|------------------------------------|-------------------------|---------------------|----|------------|----|-----------------------|-------|
| 5370                               | 745604                  | Ohio National Guard | \$ | 62,000     | \$ | 62,000                | 72077 |
|                                    |                         | Facilities          |    |            |    |                       |       |
|                                    |                         | Maintenance         |    |            |    |                       |       |
| TOTAL GSF                          | General Services Fund   |                     | \$ | 1,903,215  | \$ | 1,703,750             | 72078 |
| Group                              |                         |                     |    |            |    |                       |       |
| Federal Special Revenue Fund Group |                         |                     |    |            |    |                       | 72079 |
| 3410                               | 745615                  | Air National Guard  | \$ | 2,977,692  | \$ | 2,977,692             | 72080 |
|                                    |                         | Base Security       |    |            |    |                       |       |
| 3420                               | 745616                  | Army National Guard | \$ | 10,970,050 | \$ | 10,970,050            | 72081 |
|                                    |                         | Service Agreement   |    |            |    |                       |       |
| 3E80                               | 745628                  | Air National Guard  | \$ | 16,958,595 | \$ | 16,958,595            | 72082 |
|                                    |                         | Operations and      |    |            |    |                       |       |
|                                    |                         | Maintenance         |    |            |    |                       |       |
| 3R80                               | 745603                  | Counter Drug        | \$ | 25,000     | \$ | 25,000                | 72083 |
|                                    |                         | Operations          |    |            |    |                       |       |
| TOTAL FED                          | Federal Special Revenue |                     | \$ | 30,931,337 | \$ | 30,931,337            | 72084 |
| Fund Group                         |                         |                     |    |            |    |                       |       |
| State Special Revenue Fund Group   |                         |                     |    |            |    |                       | 72085 |
| 5U80                               | 745613                  | Community Match     | \$ | 250,000    | \$ | 250,000               | 72086 |
|                                    |                         | Armories            |    |            |    |                       |       |
| TOTAL SSR                          | State Special Revenue   |                     | \$ | 250,000    | \$ | 250,000               | 72087 |
| Fund Group                         |                         |                     |    |            |    |                       |       |
| TOTAL ALL BUDGET FUND GROUPS       |                         |                     | \$ | 41,687,452 | \$ | <del>41,489,970</del> | 72088 |
|                                    |                         |                     |    |            |    | <u>41,479,970</u>     |       |

NATIONAL GUARD BENEFITS 72089

The foregoing appropriation item 745407, National Guard 72090  
Benefits, shall be used for purposes of sections 5919.31 and 72091  
5919.33 of the Revised Code, and for administrative costs of the 72092  
associated programs. 72093

For active duty members of the Ohio National Guard who died 72094  
after October 7, 2001, while performing active duty, the death 72095  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 72096

|                                                                    |    |            |    |                               |       |
|--------------------------------------------------------------------|----|------------|----|-------------------------------|-------|
| paid to the beneficiary or beneficiaries designated on the         |    |            |    |                               | 72097 |
| member's Servicemembers' Group Life Insurance Policy.              |    |            |    |                               | 72098 |
| STATE ACTIVE DUTY COSTS                                            |    |            |    |                               | 72099 |
| Of the foregoing appropriation item 745409, Central                |    |            |    |                               | 72100 |
| Administration, \$50,000 in each fiscal year shall be used for the |    |            |    |                               | 72101 |
| purpose of paying expenses related to state active duty of members |    |            |    |                               | 72102 |
| of the Ohio organized militia, in accordance with a proclamation   |    |            |    |                               | 72103 |
| of the Governor. Expenses include, but are not limited to, the     |    |            |    |                               | 72104 |
| cost of equipment, supplies, and services, as determined by the    |    |            |    |                               | 72105 |
| Adjutant General's Department.                                     |    |            |    |                               | 72106 |
| <b>Sec. 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>      |    |            |    |                               | 72107 |
| General Revenue Fund                                               |    |            |    |                               | 72108 |
| GRF 100403 Public Employees                                        | \$ | 400,000    | \$ | <del>400,000</del>            | 72109 |
| Health Care Program                                                |    |            |    | <u>344,000</u>                |       |
| GRF 100415 OAKS Rental Payments                                    | \$ | 23,024,500 | \$ | 23,006,300                    | 72110 |
| GRF 100416 STARS Lease Rental                                      | \$ | 4,970,700  | \$ | 4,971,300                     | 72111 |
| Payments                                                           |    |            |    |                               |       |
| GRF 100418 Web Sites and Business                                  | \$ | 2,895,063  | \$ | <del>2,795,176</del> <u>0</u> | 72112 |
| Gateway                                                            |    |            |    |                               |       |
| GRF 100419 IT Security                                             | \$ | 742,535    | \$ | <del>742,648</del> <u>0</u>   | 72113 |
| Infrastructure                                                     |    |            |    |                               |       |
| GRF 100439 Equal Opportunity                                       | \$ | 625,000    | \$ | <del>625,000</del> <u>0</u>   | 72114 |
| Certification Programs                                             |    |            |    |                               |       |
| GRF 100447 OBA - Building Rent                                     | \$ | 53,260,000 | \$ | 83,504,200                    | 72115 |
| Payments                                                           |    |            |    |                               |       |
| GRF 100448 OBA - Building                                          | \$ | 21,000,000 | \$ | 21,000,000                    | 72116 |
| Operating Payments                                                 |    |            |    |                               |       |
| GRF 100449 DAS - Building                                          | \$ | 7,551,245  | \$ | 7,551,571                     | 72117 |
| Operating Payments                                                 |    |            |    |                               |       |
| GRF 100451 Minority Affairs                                        | \$ | 24,016     | \$ | <del>24,016</del> <u>0</u>    | 72118 |
| <u>GRF 100452 Efficiency &amp; Results</u>                         | \$ | <u>0</u>   | \$ | <u>650,000</u>                | 72119 |

|                             |                      | <u>Program</u>             |    |             |    |                             |       |
|-----------------------------|----------------------|----------------------------|----|-------------|----|-----------------------------|-------|
| GRF                         | <u>100456</u>        | <u>State IT Services</u>   | \$ | 0           | \$ | <u>3,537,824</u>            | 72120 |
| GRF                         | <u>100457</u>        | <u>Equal Opportunity</u>   | \$ | 0           | \$ | <u>1,610,516</u>            | 72121 |
|                             |                      | <u>Services</u>            |    |             |    |                             |       |
| GRF                         | <u>100458</u>        | <u>State Construction</u>  | \$ | 0           | \$ | <u>2,745,751</u>            | 72122 |
|                             |                      | <u>Management Services</u> |    |             |    |                             |       |
| GRF                         | 102321               | Construction               | \$ | 920,000     | \$ | <del>920,000</del> <u>0</u> | 72123 |
|                             |                      | Compliance                 |    |             |    |                             |       |
| GRF                         | 130321               | State Agency Support       | \$ | 2,779,457   | \$ | <del>2,780,032</del>        | 72124 |
|                             |                      | Services                   |    |             |    | <u>2,752,232</u>            |       |
| TOTAL GRF                   | General Revenue Fund |                            | \$ | 118,192,516 | \$ | <del>148,320,243</del>      | 72125 |
|                             |                      |                            |    |             |    | <u>151,673,694</u>          |       |
| General Services Fund Group |                      |                            |    |             |    |                             | 72126 |
| 1120                        | 100616               | DAS Administration         | \$ | 5,974,625   | \$ | <del>5,886,524</del>        | 72127 |
|                             |                      |                            |    |             |    | <u>5,827,659</u>            |       |
| 1150                        | 100632               | Central Service Agency     | \$ | 911,995     | \$ | <del>912,305</del>          | 72128 |
|                             |                      |                            |    |             |    | <u>903,182</u>              |       |
| 1170                        | 100644               | General Services           | \$ | 13,000,000  | \$ | 13,000,000                  | 72129 |
|                             |                      | Division - Operating       |    |             |    |                             |       |
| 1220                        | 100637               | Fleet Management           | \$ | 3,978,827   | \$ | <del>4,204,066</del>        | 72130 |
|                             |                      |                            |    |             |    | <u>4,412,025</u>            |       |
| 1250                        | 100622               | Human Resources            | \$ | 16,922,295  | \$ | <del>16,717,009</del>       | 72131 |
|                             |                      | Division - Operating       |    |             |    | <u>16,549,839</u>           |       |
| 1250                        | 100657               | Benefits Communication     | \$ | 925,586     | \$ | <del>921,531</del>          | 72132 |
|                             |                      |                            |    |             |    | <u>912,316</u>              |       |
| 1280                        | 100620               | Collective Bargaining      | \$ | 3,462,529   | \$ | <del>3,464,148</del>        | 72133 |
|                             |                      |                            |    |             |    | <u>3,429,507</u>            |       |
| 1300                        | 100606               | Risk Management            | \$ | 10,349,494  | \$ | <del>12,149,884</del>       | 72134 |
|                             |                      | Reserve                    |    |             |    | <u>12,028,385</u>           |       |
| 1310                        | 100639               | State Architect's          | \$ | 9,812,132   | \$ | <del>9,813,342</del>        | 72135 |
|                             |                      | Office                     |    |             |    | <u>9,463,342</u>            |       |
| 1320                        | 100631               | DAS Building               | \$ | 11,000,000  | \$ | 11,000,000                  | 72136 |
|                             |                      | Management                 |    |             |    |                             |       |

## As Reported by the House Finance and Appropriations Committee

|         |         |                        |    |             |    |                        |       |
|---------|---------|------------------------|----|-------------|----|------------------------|-------|
| 1330    | 100607  | IT Services Delivery   | \$ | 58,088,940  | \$ | <del>58,103,005</del>  | 72137 |
|         |         |                        |    |             |    | <u>57,521,975</u>      |       |
| 1880    | 100649  | Equal Opportunity      | \$ | 939,559     | \$ | 863,013                | 72138 |
|         |         | Division - Operating   |    |             |    |                        |       |
| 2100    | 100612  | State Printing         | \$ | 17,597,054  | \$ | 16,659,526             | 72139 |
| 2290    | 100630  | IT Governance          | \$ | 14,000,000  | \$ | 14,000,000             | 72140 |
| 2290    | 100640  | Leveraged Enterprise   | \$ | 3,000,000   | \$ | <del>3,000,000</del>   | 72141 |
|         |         | Purchases              |    |             |    | <u>2,816,535</u>       |       |
| 4270    | 100602  | Investment Recovery    | \$ | 4,100,000   | \$ | <del>4,100,000</del>   | 72142 |
|         |         |                        |    |             |    | <u>4,000,000</u>       |       |
| 4N60    | 100617  | Major IT Purchases     | \$ | 1,950,000   | \$ | 4,950,000              | 72143 |
| 4P30    | 100603  | DAS Information        | \$ | 5,047,565   | \$ | <del>4,979,392</del>   | 72144 |
|         |         | Services               |    |             |    | <u>4,929,598</u>       |       |
| 5C20    | 100605  | MARCS Administration   | \$ | 14,075,705  | \$ | 14,077,467             | 72145 |
| 5C30    | 100608  | Skilled Trades         | \$ | 404,297     | \$ | <del>404,375</del>     | 72146 |
|         |         |                        |    |             |    | <u>204,375</u>         |       |
| 5EB0    | 100635  | OAKS Support           | \$ | 19,000,539  | \$ | <del>19,003,108</del>  | 72147 |
|         |         | Organization           |    |             |    | <u>18,813,077</u>      |       |
| 5EB0    | 100656  | OAKS Updates and       | \$ | 12,265,952  | \$ | <del>8,743,462</del>   | 72148 |
|         |         | Developments           |    |             |    | <u>8,656,027</u>       |       |
| 5HU0    | 100655  | Construction Reform    | \$ | 150,000     | \$ | 150,000                | 72149 |
|         |         | Demo Compliance        |    |             |    |                        |       |
| 5L70    | 100610  | Professional           | \$ | 2,496,679   | \$ | 2,496,760              | 72150 |
|         |         | Development            |    |             |    |                        |       |
| 5V60    | 100619  | Employee Educational   | \$ | 800,000     | \$ | 850,000                | 72151 |
|         |         | Development            |    |             |    |                        |       |
| 5X30    | 100634  | Centralized Gateway    | \$ | 2,052,308   | \$ | 2,052,308              | 72152 |
|         |         | Enhancement            |    |             |    |                        |       |
| TOTAL   | GSF     | General Services Fund  |    |             |    |                        | 72153 |
| Group   |         |                        | \$ | 232,306,081 | \$ | <del>232,501,225</del> | 72154 |
|         |         |                        |    |             |    | <u>230,566,916</u>     |       |
| Federal | Special | Revenue Fund Group     |    |             |    |                        | 72155 |
| 3AJ0    | 100654  | ARRA Broadband Mapping | \$ | 270,756     | \$ | 106,347                | 72156 |

|                                    |    |                |                              |
|------------------------------------|----|----------------|------------------------------|
| Grant                              |    |                |                              |
| TOTAL FED Federal Special Revenue  |    |                | 72157                        |
| Fund Group                         | \$ | 270,756 \$     | 106,347 72158                |
| State Special Revenue Fund Group   |    |                | 72159                        |
| 5JQ0 100658 <del>Professions</del> | \$ | 2,000,000 \$   | <del>1,000,000</del> 72160   |
| <u>Professionals</u>               |    |                | <u>990,000</u>               |
| Licensing System                   |    |                |                              |
| TOTAL SSR State Special Revenue    |    |                | 72161                        |
| Fund Group                         | \$ | 2,000,000 \$   | <del>1,000,000</del> 72162   |
|                                    |    |                | <u>990,000</u>               |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 352,769,353 \$ | <del>381,927,815</del> 72163 |
|                                    |    |                | <u>383,336,957</u>           |

**Sec. 207.10.80.** DAS - BUILDING OPERATING PAYMENTS 72165

The foregoing appropriation item 100449, DAS - Building 72166  
 Operating Payments, shall be used to pay the rent expenses of 72167  
 veterans organizations pursuant to section 123.024 of the Revised 72168  
 Code in fiscal years 2012 and 2013. 72169

The foregoing appropriation item, 100449, DAS - Building 72170  
 Operating Payments, also may be used to provide funding for the 72171  
 cost of property appraisals or building studies that the 72172  
 Department of Administrative Services may be required to obtain 72173  
 for property that is being sold by the state or property under 72174  
 consideration to be renovated or purchased by the state. 72175

Notwithstanding section 125.28 of the Revised Code, the 72176  
 remaining portion of the appropriation may be used to pay the 72177  
 operating expenses of state facilities maintained by the 72178  
 Department of Administrative Services that are not billed to 72179  
building tenants, or other costs associated with the Voinovich 72180  
Center in Youngstown, Ohio. These expenses may include, but are 72181  
 not limited to, the costs for vacant space and space undergoing 72182  
 renovation, and the rent expenses of tenants that are relocated 72183



because of building renovations. These payments shall be processed 72184  
by the Department of Administrative Services through intrastate 72185  
transfer vouchers and placed in the Building Management Fund (Fund 72186  
1320). 72187

STATE IT SERVICES 72188

The foregoing appropriation item 100456, State IT Services, 72189  
shall be used to pay costs associated with the Ohio Business 72190  
Gateway, State Portal, and Shared Hosting Service that were 72191  
formerly paid from appropriation item 100418, Web Sites and 72192  
Business Gateway, and costs associated with statewide operators 72193  
and the Ohio Geographically Referenced Information Program that 72194  
were formerly paid from appropriation item 100419, IT Security 72195  
Infrastructure. The Director of Budget and Management shall cancel 72196  
any existing encumbrances against appropriation items 100418, Web 72197  
Site and Business Gateway and 100419, IT Security Infrastructure, 72198  
and reestablish them against appropriation item 100456, State IT 72199  
Services. The reestablished encumbrance amounts are hereby 72200  
appropriated. 72201

EQUAL OPPORTUNITY SERVICES 72202

The foregoing appropriation item 100457, Equal Opportunity 72203  
Services, shall be used to pay costs associated with the 72204  
certification of businesses for participation in the Minority 72205  
Business Enterprise and Encouraging Diversity, Growth and Equity 72206  
Programs that were formerly paid from appropriation item 100439, 72207  
Equal Opportunity Certification Programs; the activities of the 72208  
Ohio Dr. Martin Luther King, Jr. Holiday Commission that were 72209  
formerly paid from appropriation item 100451, Minority Affairs; 72210  
and the monitoring of equal employment opportunity (EEO) and 72211  
affirmative action requirements to ensure contractors bidding on 72212  
and receiving contracts comply with EEO laws, rules, and 72213  
regulations that were formerly paid from appropriation item 72214  
102321, Construction Compliance. The Director of Budget and 72215

Management shall cancel any existing encumbrances against 72216  
appropriation items 100439, Equal Opportunity Certification 72217  
Programs; 100451, Minority Affairs; and 102321, Construction 72218  
Compliance, and reestablish them against appropriation item 72219  
100457, Equal Opportunity Services. The reestablished encumbrance 72220  
amounts are hereby appropriated. 72221

STATE CONSTRUCTION MANAGEMENT SERVICES 72222

The foregoing appropriation item 100458, State Construction 72223  
Management Services, shall be used to pay costs of statewide 72224  
shared construction-related services and capital improvement 72225  
project management services provided through the state's 72226  
enterprise resource planning system. 72227

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 72228  
HUMAN RESOURCES SERVICES FUND 72229

Upon request of the Director of Administrative Services, in 72230  
FY 2013, the Director of Budget and Management shall transfer up 72231  
to \$975,000 from the Workforce Development Fund (Fund 5D70) to the 72232  
Human Resources Services Fund (Fund 1250) to support one-time 72233  
human resources administration activities for state agencies. 72234

**Sec. 207.20.10. GENERAL SERVICE CHARGES** 72235

The Department of Administrative Services, with the approval 72236  
of the Director of Budget and Management, shall establish charges 72237  
for recovering the costs of administering the programs funded by 72238  
the General Services Fund (Fund 1170) and the State Printing Fund 72239  
(Fund 2100). Such charges within Fund 1170 may be used to recover 72240  
the cost of paying a vendor to establish reduced pricing for 72241  
contracted supplies or services. 72242

If the Director of Administrative Services determines that 72243  
additional amounts are necessary to pay for consulting and 72244  
administrative costs related to securing lower pricing, the 72245

Director of Administrative Services may request that the Director 72246  
of Budget and Management approve additional expenditures. Such 72247  
approved additional amounts are appropriated to appropriation item 72248  
100644, General Services Division-Operating. 72249

COMPRESSED NATURAL GAS STUDY COMMITTEE 72250

Of the foregoing appropriation item 100637, Fleet Management, 72251  
up to \$250,000 in fiscal year 2013 shall be used by the Compressed 72252  
Natural Gas Study Committee, created by Section 701.80 of this 72253  
act, to examine the use of compressed natural gas in the state's 72254  
motor vehicle fleet. 72255

**Sec. 207.20.30. EQUAL OPPORTUNITY PROGRAM** 72256

The Department of Administrative Services, with the approval 72257  
of the Director of Budget and Management, shall establish charges 72258  
for recovering the costs of administering the activities supported 72259  
by the State EEO Fund (Fund 1880). These charges shall be 72260  
deposited to the credit of the State EEO Fund (Fund 1880) upon 72261  
payment made by state agencies, state-supported or state-assisted 72262  
institutions of higher education, and tax-supported agencies, 72263  
municipal corporations, and other political subdivisions of the 72264  
state, for services rendered. 72265

LEVERAGED ENTERPRISE PURCHASES 72266

The foregoing appropriation item 100640, Leveraged Enterprise 72267  
Purchases, shall be used by the Department of Administrative 72268  
Services to make information technology purchases for the benefit 72269  
of one or more government entities as authorized under division 72270  
(G) of section 125.18 of the Revised Code. If the Director of 72271  
Administrative Services determines that the existing appropriation 72272  
is insufficient to timely make such purchases, the Director of 72273  
Administrative Services shall seek the approval of the Director of 72274  
Budget and Management to make the requested purchases. Upon the 72275

approval of the Director of Budget and Management, the additional 72276  
amounts necessary to make the purchases are hereby appropriated. 72277

~~Sec. 207.20.90. CASH TRANSFERS FROM THE MAJOR IT PURCHASES~~ 72278  
~~FUND~~ 72279

~~Upon request of the Director of Administrative Services, the~~ 72280  
~~Director of Budget and Management may make the following transfers~~ 72281  
~~from the Major IT Purchases Fund (Fund 4N60):-~~ 72282

~~(1) Up to \$2,800,000 in each fiscal year of the biennium to~~ 72283  
~~the State Architect's Fund (Fund 1310) to support the OAKS Capital~~ 72284  
~~Improvements Module and other costs of the State Architect's~~ 72285  
~~Office that are not directly related to capital projects managed~~ 72286  
~~by the State Architect;~~ 72287

~~(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in~~ 72288  
~~fiscal year 2013 to the Director's Office Fund (Fund 1120) to~~ 72289  
~~support operating expenses of the Accountability and Results~~ 72290  
~~Initiative.~~ 72291

CASH TRANSFERS TO THE MAJOR IT PURCHASES FUND 72292

Upon request of the Director of Administrative Services, the 72293  
Director of Budget and Management may transfer up to \$4,000,000 72294  
from the OAKS Support Organization Fund (Fund 5EB0) to the Major 72295  
IT Purchases Fund (Fund 4N60). This amount represents cash 72296  
transferred from Fund 4N60 during fiscal year 2010 pursuant to 72297  
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 72298  
Assembly. Any portion of appropriation item 100617, Major IT 72299  
Purchases, that is unencumbered and unexpended at the end of 72300  
fiscal year 2012 is hereby reappropriated for fiscal year 2013. 72301

**Sec. 209.10. AGE DEPARTMENT OF AGING** 72302

General Revenue Fund 72303

GRF 490321 Operating Expenses \$ 1,501,616 \$ ~~1,502,442~~ 72304

|                                    |                         |                                                 |    |            |                   |                             |
|------------------------------------|-------------------------|-------------------------------------------------|----|------------|-------------------|-----------------------------|
|                                    |                         |                                                 |    |            | <u>1,487,418</u>  |                             |
| GRF                                | 490410                  | Long-Term Care<br>Ombudsman                     | \$ | 482,271    | \$                | <del>482,271</del> 72305    |
|                                    |                         |                                                 |    |            | <u>477,448</u>    |                             |
| GRF                                | 490411                  | Senior Community<br>Services                    | \$ | 7,130,952  | \$                | <del>7,131,236</del> 72306  |
|                                    |                         |                                                 |    |            | <u>7,060,844</u>  |                             |
| GRF                                | 490414                  | Alzheimer's Respite                             | \$ | 1,917,740  | \$                | <del>1,917,757</del> 72307  |
|                                    |                         |                                                 |    |            | <u>1,895,245</u>  |                             |
| GRF                                | 490423                  | Long-Term Care Budget<br>- State                | \$ | 3,419,250  | \$                | <del>3,419,250</del> 72308  |
|                                    |                         |                                                 |    |            | <u>3,385,057</u>  |                             |
| GRF                                | 490506                  | National Senior<br>Service Corps                | \$ | 241,413    | \$                | 241,413 72309               |
| TOTAL GRF                          | General Revenue Fund    |                                                 | \$ | 14,693,242 | \$                | <del>14,694,369</del> 72310 |
|                                    |                         |                                                 |    |            | <u>14,547,425</u> |                             |
| General Services Fund Group        |                         |                                                 |    |            |                   | 72311                       |
| 4800                               | 490606                  | Senior Community<br>Outreach and<br>Education   | \$ | 372,518    | \$                | 372,523 72312               |
| TOTAL GSF                          | General Services Fund   |                                                 |    |            |                   | 72313                       |
| Group                              |                         |                                                 | \$ | 372,518    | \$                | 372,523 72314               |
| Federal Special Revenue Fund Group |                         |                                                 |    |            |                   | 72315                       |
| 3220                               | 490618                  | Federal Aging Grants                            | \$ | 14,000,000 | \$                | 14,000,000 72316            |
| 3C40                               | 490623                  | Long-Term Care Budget                           | \$ | 3,525,000  | \$                | 3,525,000 72317             |
| 3M40                               | 490612                  | Federal Independence<br>Services                | \$ | 63,655,080 | \$                | 63,655,080 72318            |
| TOTAL FED                          | Federal Special Revenue |                                                 |    |            |                   | 72319                       |
| Fund Group                         |                         |                                                 | \$ | 81,180,080 | \$                | 81,180,080 72320            |
| State Special Revenue Fund Group   |                         |                                                 |    |            |                   | 72321                       |
| 4C40                               | 490609                  | Regional Long-Term<br>Care Ombudsman<br>Program | \$ | 935,000    | \$                | <del>935,000</del> 72322    |
|                                    |                         |                                                 |    |            | <u>2,435,000</u>  |                             |
| 5BA0                               | 490620                  | Ombudsman Support                               | \$ | 750,000    | \$                | 750,000 72323               |
| 5K90                               | 490613                  | Long-Term Care                                  | \$ | 1,059,400  | \$                | 1,059,400 72324             |

|                                 |        |                     |                          |                    |       |
|---------------------------------|--------|---------------------|--------------------------|--------------------|-------|
|                                 |        | Consumers Guide     |                          |                    |       |
| 5W10                            | 490616 | Resident Services   | \$ 344,692               | \$ 344,700         | 72325 |
|                                 |        | Coordinator Program |                          |                    |       |
| TOTAL SSR State Special Revenue |        |                     |                          |                    | 72326 |
| Fund Group                      |        | \$ 3,089,092        | \$ <del>3,089,100</del>  |                    | 72327 |
|                                 |        |                     | <u>4,589,100</u>         |                    |       |
| TOTAL ALL BUDGET FUND GROUPS    |        |                     |                          |                    | 72328 |
|                                 |        | \$ 99,334,932       | \$ <del>99,336,072</del> | <u>100,689,128</u> |       |

**Sec. 209.20. LONG-TERM CARE** 72330

Pursuant to an interagency agreement, the Department of Job and Family Services ~~shall~~ may designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation items 490423, Long\_Term Care Budget - State, and 490623, Long\_Term Care Budget, may be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

**Sec. 209.30. LONG-TERM CARE OMBUDSMAN** 72346

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

**SENIOR COMMUNITY SERVICES** 72351

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

ALZHEIMER'S RESPITE

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

SENIOR COMMUNITY OUTREACH AND EDUCATION

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM

~~The~~ Of the foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, \$935,000 in each fiscal year shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.

Notwithstanding division (B) of section 173.26 of the Revised Code, of the foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, \$1,500,000 in fiscal year 2013 shall be used for costs associated with the Aging in Place Pilot Program.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer up to \$750,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging. The moneys in the Ombudsman Support Fund may be used by the state office of the Long-Term Care Ombudsman Program and by regional ombudsman programs to promote person-centered care in nursing homes.

On July 1, 2011, or as soon as possible thereafter, the Department of Aging shall certify to the Director of Budget and Management the amount of the cash balance in the Ombudsman Support Fund at the end of fiscal year 2011.

LONG-TERM CARE CONSUMERS GUIDE

The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual customer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

During fiscal year 2012 and fiscal year 2013, the Department of Aging shall identify methods and tools for assessing consumer



satisfaction with adult care facilities and with the providers of 72414  
 home and community-based services. The Department shall also 72415  
 consider the development of a provider fee structure to support 72416  
 the inclusion of information about adult care facilities and 72417  
 providers of home and community-based services among the types of 72418  
 providers reviewed in the Ohio Long-Term Care Consumer Guide. 72419

**Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE** 72420

General Revenue Fund 72421

GRF 700401 Animal Disease Control \$ 3,936,687 \$ ~~3,936,687~~ 72422  
3,836,687

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 72423

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 72424

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 72425  
 Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 72426

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 72427

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 72428

GRF 700415 Poultry Inspection \$ 392,978 \$ 392,978 72429

GRF 700418 Livestock Regulation \$ 1,108,071 \$ 1,108,071 72430  
 Program

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 72431  
 Inspections

GRF 700499 Meat Inspection \$ 4,175,097 \$ 4,175,097 72432  
 Program - State Share

GRF 700501 County Agricultural \$ 391,413 \$ 391,413 72433  
 Societies

TOTAL GRF General Revenue Fund \$ 14,054,229 \$ ~~14,054,229~~ 72434  
13,954,229

General Services Fund Group 72435

5DA0 700644 Laboratory \$ 1,094,867 \$ 1,094,867 72436  
 Administration

|           |        |                                    |    |           |    |                 |
|-----------|--------|------------------------------------|----|-----------|----|-----------------|
|           |        | Support                            |    |           |    |                 |
| 5GH0      | 700655 | Central Support                    | \$ | 4,456,842 | \$ | 4,456,842 72437 |
|           |        | Indirect Cost                      |    |           |    |                 |
| TOTAL GSF |        | General Services Fund              | \$ | 5,551,709 | \$ | 5,551,709 72438 |
|           |        | Group                              |    |           |    |                 |
|           |        | Federal Special Revenue Fund Group |    |           |    | 72439           |
| 3260      | 700618 | Meat Inspection                    | \$ | 4,950,000 | \$ | 4,950,000 72440 |
|           |        | Program - Federal                  |    |           |    |                 |
|           |        | Share                              |    |           |    |                 |
| 3360      | 700617 | Ohio Farm Loan                     | \$ | 150,000   | \$ | 150,000 72441   |
|           |        | Revolving Fund                     |    |           |    |                 |
| 3820      | 700601 | Cooperative Contracts              | \$ | 2,000,000 | \$ | 2,000,000 72442 |
| 3AB0      | 700641 | Agricultural Easement              | \$ | 1,000,000 | \$ | 1,000,000 72443 |
| 3J40      | 700607 | Indirect Cost                      | \$ | 600,000   | \$ | 600,000 72444   |
| 3R20      | 700614 | Federal Plant                      | \$ | 1,000,000 | \$ | 1,000,000 72445 |
|           |        | Industry                           |    |           |    |                 |
| TOTAL FED |        | Federal Special Revenue            |    |           |    | 72446           |
|           |        | Fund Group                         | \$ | 9,700,000 | \$ | 9,700,000 72447 |
|           |        | State Special Revenue Fund Group   |    |           |    | 72448           |
| 4960      | 700626 | Ohio Grape Industries              | \$ | 846,611   | \$ | 846,611 72449   |
| 4970      | 700627 | Commodity Handlers                 | \$ | 483,402   | \$ | 483,402 72450   |
|           |        | Regulatory Program                 |    |           |    |                 |
| 4C90      | 700605 | Commercial Feed and                | \$ | 1,816,897 | \$ | 1,816,897 72451 |
|           |        | Seed                               |    |           |    |                 |
| 4D20      | 700609 | Auction Education                  | \$ | 41,000    | \$ | 41,000 72452    |
| 4E40      | 700606 | Utility Radiological               | \$ | 131,785   | \$ | 131,785 72453   |
|           |        | Safety                             |    |           |    |                 |
| 4P70      | 700610 | Food Safety                        | \$ | 1,085,836 | \$ | 1,085,836 72454 |
|           |        | Inspection                         |    |           |    |                 |
| 4R00      | 700636 | Ohio Proud Marketing               | \$ | 30,500    | \$ | 30,500 72455    |
| 4R20      | 700637 | Dairy Industry                     | \$ | 1,758,247 | \$ | 1,758,247 72456 |
|           |        | Inspection                         |    |           |    |                 |

|                                                              |        |                                                                   |    |            |    |                                            |       |
|--------------------------------------------------------------|--------|-------------------------------------------------------------------|----|------------|----|--------------------------------------------|-------|
| 4T60                                                         | 700611 | Poultry and Meat<br>Inspection                                    | \$ | 180,000    | \$ | 180,000                                    | 72457 |
| 4T70                                                         | 700613 | Ohio Proud<br>International and<br>Domestic Market<br>Development | \$ | 50,000     | \$ | 50,000                                     | 72458 |
| 5780                                                         | 700620 | Ride Inspection Fees                                              | \$ | 1,175,142  | \$ | 1,175,142                                  | 72459 |
| 5B80                                                         | 700629 | Auctioneers                                                       | \$ | 359,823    | \$ | 359,823                                    | 72460 |
| 5FC0                                                         | 700648 | Plant Pest Program                                                | \$ | 1,164,000  | \$ | 1,164,000                                  | 72461 |
| 5H20                                                         | 700608 | Metrology Lab and<br>Scale Certification                          | \$ | 750,000    | \$ | 750,000                                    | 72462 |
| 5HP0                                                         | 700656 | Livestock Care<br>Standards Board                                 | \$ | 80,000     | \$ | 80,000                                     | 72463 |
| 5L80                                                         | 700604 | Livestock Management<br>Program                                   | \$ | 584,000    | \$ | 584,000                                    | 72464 |
| 6520                                                         | 700634 | Animal and Consumer<br>Analytical Laboratory                      | \$ | 4,366,383  | \$ | 4,366,383                                  | 72465 |
| 6690                                                         | 700635 | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program          | \$ | 3,418,041  | \$ | 3,418,041                                  | 72466 |
| TOTAL SSR State Special Revenue                              |        |                                                                   |    |            |    |                                            | 72467 |
| Fund Group                                                   |        |                                                                   | \$ | 18,321,667 | \$ | 18,321,667                                 | 72468 |
| Clean Ohio Conservation Fund Group                           |        |                                                                   |    |            |    |                                            | 72469 |
| 7057                                                         | 700632 | Clean Ohio<br>Agricultural Easement                               | \$ | 310,000    | \$ | 310,000                                    | 72470 |
| TOTAL CLF Clean Ohio Conservation<br>Fund Group              |        |                                                                   | \$ | 310,000    | \$ | 310,000                                    | 72471 |
| TOTAL ALL BUDGET FUND GROUPS                                 |        |                                                                   | \$ | 47,937,605 | \$ | <del>47,937,605</del><br><u>47,837,605</u> | 72472 |
| COUNTY AGRICULTURAL SOCIETIES                                |        |                                                                   |    |            |    |                                            | 72473 |
| The foregoing appropriation item 700501, County Agricultural |        |                                                                   |    |            |    |                                            | 72474 |
| Societies, shall be used to reimburse county and independent |        |                                                                   |    |            |    |                                            | 72475 |

agricultural societies for expenses related to Junior Fair 72476  
activities. 72477

ABOLISHMENT OF VARIOUS FUNDS 72478

Upon the effective date of this amendment, or as soon as 72479  
possible thereafter, the Director of Budget and Management shall 72480  
transfer the cash balances in the following twelve funds to the 72481  
Indirect Cost Fund (Fund 5GH0): (1) the Federal Grants Fund (Fund 72482  
3X60), (2) the Specialty Crops Support Fund (Fund 3X70), (3) the 72483  
Fruits and Vegetables Fund (Fund 4930), (4) the Dairy Fund (Fund 72484  
4V00), (5) the Animal Industry Fund (Fund 4VS0), (6) the Scale 72485  
Certification Fund (Fund 5790), (7) the Weights and Measures 72486  
Permits Fund (Fund 58F0), (8) the Food Policy Council Fund (Fund 72487  
5FD0), (9) the Sustainable Agriculture Fund (Fund 5FE0), (10) the 72488  
Pilot Farmland Preservation Fund (Fund 5GS0), (11) the Farm 72489  
Service Electronic Filing Fund (Fund SY70), and (12) the Seed Fund 72490  
(Fund SZ40). Upon completion of the cash transfers, the funds from 72491  
which the required cash transfers were made are abolished. The 72492  
Director shall cancel any existing encumbrances against applicable 72493  
line items within the abolished funds and re-establish them 72494  
against Fund 5GH0 appropriation item 700655, Central Support 72495  
Indirect Cost. The re-established encumbrance amounts are hereby 72496  
appropriated. 72497

CLEAN OHIO AGRICULTURAL EASEMENT 72498

The foregoing appropriation item 700632, Clean Ohio 72499  
Agricultural Easement, shall be used by the Department of 72500  
Agriculture in administering Ohio Agricultural Easement Fund (Fund 72501  
7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 72502  
5301.70 of the Revised Code. 72503

**Sec. 215.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 72504  
SERVICES 72505

|                                    |                                                            |                                               |                                               |  |                |
|------------------------------------|------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|--|----------------|
| General Revenue Fund               |                                                            |                                               |                                               |  | 72506          |
| GRF 038401                         | Treatment Services                                         | \$ 11,225,590                                 | \$ 7,020,974                                  |  | 72507          |
| GRF 038404                         | Prevention Services                                        | \$ 868,659                                    | \$ 868,659                                    |  | 72508          |
| GRF 038501                         | Medicaid Match                                             | \$ 23,959,113                                 | \$ 0                                          |  | 72509          |
| TOTAL GRF                          | General Revenue Fund                                       | \$ 36,053,362                                 | \$ 7,889,633                                  |  | 72510          |
| General Services Fund              |                                                            |                                               |                                               |  | 72511          |
| 5T90 038616                        | Problem Gambling<br>Services                               | \$ 335,000                                    | \$ 335,000                                    |  | 72512          |
| TOTAL GSF                          | General Services Fund                                      | \$ 335,000                                    | \$ 335,000                                    |  | 72513          |
| Group                              |                                                            |                                               |                                               |  |                |
| Federal Special Revenue Fund Group |                                                            |                                               |                                               |  | 72514          |
| 3G40 038614                        | Substance Abuse Block<br>Grant                             | \$ 69,000,000                                 | \$ 69,000,000                                 |  | 72515          |
| 3H80 038609                        | Demonstration Grants                                       | \$ 8,675,580                                  | \$ 8,675,580                                  |  | 72516          |
| 3J80 038610                        | Medicaid                                                   | \$ 69,200,000                                 | \$ 0                                          |  | 72517          |
| 3N80 038611                        | Administrative<br>Reimbursement                            | \$ 300,000                                    | \$ 300,000                                    |  | 72518          |
| TOTAL FED                          | Federal Special Revenue<br>Fund Group                      | \$ 147,175,580                                | \$ 77,975,580                                 |  | 72519<br>72520 |
| State Special Revenue Fund Group   |                                                            |                                               |                                               |  | 72521          |
| 4750 038621                        | Statewide Treatment<br>and Prevention                      | \$ 16,000,000                                 | <del>14,000,000</del><br><u>15,000,000</u>    |  | 72522          |
| <u>5JL0 038629</u>                 | <u>Problem Casino<br/>Gambling and<br/>Addictions Fund</u> | <u>\$ 226,612</u>                             | <u>\$ 5,446,364</u>                           |  | 72523          |
| 5JW0 038615                        | Board Match<br>Reimbursement                               | \$ 3,000,000                                  | \$ 3,000,000                                  |  | 72524          |
| 6890 038604                        | Education and<br>Conferences                               | \$ 75,000                                     | \$ 75,000                                     |  | 72525          |
| TOTAL SSR                          | State Special Revenue<br>Fund Group                        | \$ <del>19,075,000</del><br><u>19,301,612</u> | \$ <del>17,075,000</del><br><u>23,521,364</u> |  | 72526<br>72527 |

|                              |    |                        |    |                        |       |
|------------------------------|----|------------------------|----|------------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | <del>202,638,942</del> | \$ | <del>103,275,213</del> | 72528 |
|                              |    | <u>202,865,554</u>     |    | <u>109,721,577</u>     |       |

**Sec. 215.20.** ALCOHOL AND DRUG ADDICTION MEDICAID MATCH 72530

(A) As used in this section, "community alcohol and drug 72531  
addiction Medicaid services" means services provided under the 72532  
component, or aspect of the component, of the Medicaid program 72533  
that the Department of Alcohol and Drug Addiction Services 72534  
administers pursuant to a contract entered into with the 72535  
Department of Job and Family Services under section 5111.91 of the 72536  
Revised Code. 72537

(B) Subject to division (C) of this section, the foregoing 72538  
appropriation item 038501, Medicaid Match, shall be used by the 72539  
Department of Alcohol and Drug Addiction Services to make payments 72540  
for community alcohol and drug addiction Medicaid services. 72541

(C) For state fiscal year 2012, the Department shall allocate 72542  
foregoing appropriation item 038501, Medicaid Match, and a portion 72543  
of appropriation item 038621, Statewide Treatment and Prevention, 72544  
to boards of alcohol, drug addiction, and mental health services 72545  
in accordance with a distribution methodology the Department shall 72546  
establish. Notwithstanding sections 5111.911 and 5111.913 of the 72547  
Revised Code, the boards shall use the funds allocated to them 72548  
under this section to pay claims for community alcohol and drug 72549  
addiction Medicaid services provided during fiscal year 2012. The 72550  
boards shall use all federal financial participation that the 72551  
Department receives for claims paid for community alcohol and drug 72552  
addiction Medicaid services provided during fiscal year 2012 as 72553  
the first payment source to pay claims for community alcohol and 72554  
drug addiction Medicaid services provided during fiscal year 2012. 72555  
The boards are not required to use any funds other than the funds 72556  
allocated to them under this section and the federal financial 72557  
participation received for claims for community alcohol and drug 72558

addiction Medicaid services provided during fiscal year 2012 to 72559  
 pay for such claims. 72560

(D) The Department shall enter into an agreement with each 72561  
 board regarding the issue of paying claims that are for community 72562  
 alcohol and drug addiction Medicaid services provided before July 72563  
 1, 2011, and submitted for payment on or after that date. Such 72564  
 claims shall be paid in accordance with the agreements. A board 72565  
 shall receive the federal financial participation received for 72566  
 claims for community alcohol and drug addiction Medicaid services 72567  
 that were provided before July 1, 2011, and paid by the board. 72568

STATEWIDE TREATMENT AND PREVENTION 72569

Of the foregoing appropriation item 038621, Statewide 72570  
Treatment and Prevention, up to \$1,000,000 in fiscal year 2013 72571  
shall be used to fund the pilot program for opioid- and 72572  
alcohol-dependent offenders established under Section 737.70 of 72573  
H.B. 487 of the 129th General Assembly. 72574

**Sec. 223.10. AGO ATTORNEY GENERAL** 72575

General Revenue Fund 72576

GRF 055321 Operating Expenses \$ 42,514,169 \$ 42,514,169 72577

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 72578

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 72579

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 72580

Pay Supplement

TOTAL GRF General Revenue Fund \$ 44,203,589 \$ 44,203,589 72581

General Services Fund Group 72582

1060 055612 General Reimbursement \$ 43,357,968 \$ 43,011,277 72583

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 72584

Section

4180 055615 Charitable \$ 7,286,000 \$ 7,286,000 72585

|                              |               |                          |           |                       |           |                       |       |
|------------------------------|---------------|--------------------------|-----------|-----------------------|-----------|-----------------------|-------|
|                              |               | Foundations              |           |                       |           |                       |       |
| 4200                         | 055603        | Attorney General         | \$        | 1,871,674             | \$        | 1,839,074             | 72586 |
|                              |               | Antitrust                |           |                       |           |                       |       |
| 4210                         | 055617        | Police Officers'         | \$        | 2,124,942             | \$        | 2,088,805             | 72587 |
|                              |               | Training Academy Fee     |           |                       |           |                       |       |
| 4Z20                         | 055609        | BCI Asset Forfeiture     | \$        | 1,529,685             | \$        | 1,521,731             | 72588 |
|                              |               | and Cost                 |           |                       |           |                       |       |
|                              |               | Reimbursement            |           |                       |           |                       |       |
| 5900                         | 055633        | Peace Officer Private    | \$        | 98,370                | \$        | 98,370                | 72589 |
|                              |               | Security Fund            |           |                       |           |                       |       |
| 5A90                         | 055618        | Telemarketing Fraud      | \$        | 7,500                 | \$        | 7,500                 | 72590 |
|                              |               | Enforcement              |           |                       |           |                       |       |
| 5L50                         | 055619        | Law Enforcement          | \$        | 300,222               | \$        | 0                     | 72591 |
|                              |               | Assistance Program       |           |                       |           |                       |       |
| <u>5LR0</u>                  | <u>055655</u> | <u>Peace Officer</u>     | <u>\$</u> | <u>192,620</u>        | <u>\$</u> | <u>4,629,409</u>      | 72592 |
|                              |               | <u>Training - Casino</u> |           |                       |           |                       |       |
| 6310                         | 055637        | Consumer Protection      | \$        | 3,799,115             | \$        | 3,718,973             | 72593 |
|                              |               | Enforcement              |           |                       |           |                       |       |
| TOTAL GSF                    |               | General Services Fund    |           |                       |           |                       | 72594 |
| Group                        |               |                          | \$        | <del>68,790,980</del> | \$        | <del>67,987,234</del> | 72595 |
|                              |               |                          |           | <u>68,983,600</u>     |           | <u>72,616,643</u>     |       |
| Federal Special Revenue Fund |               | Group                    |           |                       |           |                       | 72596 |
| 3060                         | 055620        | Medicaid Fraud           | \$        | 4,211,235             | \$        | 4,122,399             | 72597 |
|                              |               | Control                  |           |                       |           |                       |       |
| 3810                         | 055611        | Civil Rights Legal       | \$        | 402,540               | \$        | 402,540               | 72598 |
|                              |               | Service                  |           |                       |           |                       |       |
| 3830                         | 055634        | Crime Victims            | \$        | 13,000,000            | \$        | 13,000,000            | 72599 |
|                              |               | Assistance               |           |                       |           |                       |       |
| 3E50                         | 055638        | Attorney General         | \$        | 1,223,606             | \$        | 1,222,172             | 72600 |
|                              |               | Pass-Through Funds       |           |                       |           |                       |       |
| 3R60                         | 055613        | Attorney General         | \$        | 3,823,251             | \$        | 3,673,251             | 72601 |
|                              |               | Federal Funds            |           |                       |           |                       |       |
| TOTAL FED                    |               | Federal Special Revenue  |           |                       |           |                       | 72602 |



|                                                |                                                                          |    |            |    |            |       |
|------------------------------------------------|--------------------------------------------------------------------------|----|------------|----|------------|-------|
| Fund Group                                     |                                                                          | \$ | 22,660,632 | \$ | 22,420,362 | 72603 |
| State Special Revenue Fund Group               |                                                                          |    |            |    |            | 72604 |
| 4020 055616                                    | Victims of Crime                                                         | \$ | 26,000,000 | \$ | 26,000,000 | 72605 |
| 4170 055621                                    | Domestic Violence<br>Shelter                                             | \$ | 25,000     | \$ | 25,000     | 72606 |
| 4190 055623                                    | Claims Section                                                           | \$ | 44,197,843 | \$ | 41,953,025 | 72607 |
| 4L60 055606                                    | DARE Programs                                                            | \$ | 4,477,962  | \$ | 4,477,962  | 72608 |
| 4Y70 055608                                    | Title Defect Recision                                                    | \$ | 600,000    | \$ | 600,000    | 72609 |
| 6590 055641                                    | Solid and Hazardous<br>Waste Background<br>Investigations                | \$ | 662,227    | \$ | 651,049    | 72610 |
| TOTAL SSR                                      | State Special Revenue                                                    |    |            |    |            | 72611 |
| Fund Group                                     |                                                                          | \$ | 75,963,032 | \$ | 73,707,036 | 72612 |
| Holding Account Redistribution Fund Group      |                                                                          |    |            |    |            | 72613 |
| R004 055631                                    | General Holding<br>Account                                               | \$ | 1,000,000  | \$ | 1,000,000  | 72614 |
| R005 055632                                    | Antitrust Settlements                                                    | \$ | 1,000      | \$ | 1,000      | 72615 |
| R018 055630                                    | Consumer Frauds                                                          | \$ | 750,000    | \$ | 750,000    | 72616 |
| R042 055601                                    | Organized Crime<br>Commission<br>Distributions                           | \$ | 25,025     | \$ | 25,025     | 72617 |
| R054 055650                                    | Collection Outside<br>Counsel Payments                                   | \$ | 4,500,000  | \$ | 4,500,000  | 72618 |
| TOTAL 090                                      | Holding Account                                                          |    |            |    |            | 72619 |
| Redistribution Fund Group                      |                                                                          | \$ | 6,276,025  | \$ | 6,276,025  | 72620 |
| Tobacco Master Settlement Agreement Fund Group |                                                                          |    |            |    |            | 72621 |
| J087 055635                                    | Law Enforcement<br>Technology, Training,<br>and Facility<br>Enhancements | \$ | 2,300,000  | \$ | 0          | 72622 |
| U087 055402                                    | Tobacco Settlement<br>Oversight,                                         | \$ | 2,527,992  | \$ | 2,514,690  | 72623 |

Administration, and  
 Enforcement

|                                                          |    |                        |    |                        |       |
|----------------------------------------------------------|----|------------------------|----|------------------------|-------|
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group | \$ | 4,827,992              | \$ | 2,514,690              | 72624 |
| TOTAL ALL BUDGET FUND GROUPS                             | \$ | <del>222,722,250</del> | \$ | <del>217,108,936</del> | 72625 |
|                                                          |    | <u>222,914,870</u>     |    | <u>221,738,345</u>     |       |

COUNTY SHERIFFS' PAY SUPPLEMENT 72626

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 72627  
 72628  
 72629  
 72630

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 72631  
 72632  
 72633  
 72634  
 72635  
 72636

COUNTY PROSECUTORS' PAY SUPPLEMENT 72637

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code. 72638  
 72639  
 72640  
 72641

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. 72642  
 72643  
 72644  
 72645  
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 72648

GENERAL REIMBURSEMENT FUND 72649

Notwithstanding any other provision of law to the contrary, 72650

on July 1, 2011, or as soon as possible thereafter, the Director 72651  
of Budget and Management shall transfer \$160,000 cash from the 72652  
General Revenue Fund to the General Reimbursement Fund (Fund 1060) 72653  
used by the Office of the Attorney General. 72654

WORKERS' COMPENSATION SECTION 72655

The Workers' Compensation Fund (Fund 1950) is entitled to 72656  
receive payments from the Bureau of Workers' Compensation and the 72657  
Ohio Industrial Commission at the beginning of each quarter of 72658  
each fiscal year to fund legal services to be provided to the 72659  
Bureau of Workers' Compensation and the Ohio Industrial Commission 72660  
during the ensuing quarter. The advance payment shall be subject 72661  
to adjustment. 72662

In addition, the Bureau of Workers' Compensation shall 72663  
transfer payments at the beginning of each quarter for the support 72664  
of the Workers' Compensation Fraud Unit. 72665

All amounts shall be mutually agreed upon by the Attorney 72666  
General, the Bureau of Workers' Compensation, and the Ohio 72667  
Industrial Commission. 72668

ATTORNEY GENERAL PASS-THROUGH FUNDS 72669

The foregoing appropriation item 055638, Attorney General 72670  
Pass-Through Funds, shall be used to receive federal grant funds 72671  
provided to the Attorney General by other state agencies, 72672  
including, but not limited to, the Department of Youth Services 72673  
and the Department of Public Safety. 72674

GENERAL HOLDING ACCOUNT 72675

The foregoing appropriation item 055631, General Holding 72676  
Account, shall be used to distribute moneys under the terms of 72677  
relevant court orders or other settlements received in a variety 72678  
of cases involving the Office of the Attorney General. If it is 72679  
determined that additional amounts are necessary for this purpose, 72680

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| the amounts are hereby appropriated.                               | 72681 |
| ANTITRUST SETTLEMENTS                                              | 72682 |
| The foregoing appropriation item 055632, Antitrust                 | 72683 |
| Settlements, shall be used to distribute moneys under the terms of | 72684 |
| relevant court orders or other out of court settlements in         | 72685 |
| antitrust cases or antitrust matters involving the Office of the   | 72686 |
| Attorney General. If it is determined that additional amounts are  | 72687 |
| necessary for this purpose, the amounts are hereby appropriated.   | 72688 |
| CONSUMER FRAUDS                                                    | 72689 |
| The foregoing appropriation item 055630, Consumer Frauds,          | 72690 |
| shall be used for distribution of moneys from court-ordered        | 72691 |
| judgments against sellers in actions brought by the Office of      | 72692 |
| Attorney General under sections 1334.08 and 4549.48 and division   | 72693 |
| (B) of section 1345.07 of the Revised Code. These moneys shall be  | 72694 |
| used to provide restitution to consumers victimized by the fraud   | 72695 |
| that generated the court-ordered judgments. If it is determined    | 72696 |
| that additional amounts are necessary for this purpose, the        | 72697 |
| amounts are hereby appropriated.                                   | 72698 |
| ORGANIZED CRIME COMMISSION DISTRIBUTIONS                           | 72699 |
| The foregoing appropriation item 055601, Organized Crime           | 72700 |
| Commission Distributions, shall be used by the Organized Crime     | 72701 |
| Investigations Commission, as provided by section 177.011 of the   | 72702 |
| Revised Code, to reimburse political subdivisions for the expenses | 72703 |
| the political subdivisions incur when their law enforcement        | 72704 |
| officers participate in an organized crime task force. If it is    | 72705 |
| determined that additional amounts are necessary for this purpose, | 72706 |
| the amounts are hereby appropriated.                               | 72707 |
| COLLECTION OUTSIDE COUNSEL PAYMENTS                                | 72708 |
| The foregoing appropriation item 055650, Collection Outside        | 72709 |
| Counsel Payments, shall be used for the purpose of paying          | 72710 |

contingency counsel fees for cases where debtors mistakenly paid 72711  
the client agencies instead of the Attorney General's Revenue 72712  
Recovery/Collections Enforcement Section. If it is determined that 72713  
additional amounts are necessary for this purpose, the amounts are 72714  
hereby appropriated. 72715

**Sec. 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT** 72716

General Revenue Fund 72717

|            |                      |    |           |    |                      |       |
|------------|----------------------|----|-----------|----|----------------------|-------|
| GRF 042321 | Budget Development   | \$ | 2,362,025 | \$ | <del>2,378,166</del> | 72718 |
|            | and Implementation   |    |           |    | <u>2,353,166</u>     |       |
| GRF 042409 | Commission Closures  | \$ | 50,000    | \$ | 50,000               | 72719 |
| GRF 042416 | Office of Health     | \$ | 306,285   | \$ | <del>499,252</del>   | 72720 |
|            | Transformation       |    |           |    |                      |       |
| GRF 042423 | Liquor Enterprise    | \$ | 500,000   | \$ | 0                    | 72721 |
|            | Transaction          |    |           |    |                      |       |
| TOTAL GRF  | General Revenue Fund | \$ | 3,218,310 | \$ | <del>2,428,166</del> | 72722 |
|            |                      |    |           |    | <u>2,902,418</u>     |       |

General Services Fund Group 72723

|             |                       |    |                       |    |                       |       |
|-------------|-----------------------|----|-----------------------|----|-----------------------|-------|
| 1050 042603 | State Accounting and  | \$ | <del>21,917,230</del> | \$ | <del>22,006,331</del> | 72724 |
|             | Budgeting             |    | <u>21,158,069</u>     |    | <u>22,262,185</u>     |       |
| 5N40 042602 | OAKS Project          | \$ | 1,358,000             | \$ | <del>1,309,500</del>  | 72725 |
|             | Implementation        |    |                       |    | <u>1,296,000</u>      |       |
| 5Z80 042608 | Office of Health      | \$ | 57,752                | \$ | 0                     | 72726 |
|             | Transformation        |    |                       |    |                       |       |
|             | Administration        |    |                       |    |                       |       |
| TOTAL GSF   | General Services Fund | \$ | <del>23,332,982</del> | \$ | <del>23,315,831</del> | 72727 |
| Group       |                       |    | <u>22,573,821</u>     |    | <u>23,558,185</u>     |       |

Federal Special Revenue Fund Group 72728

|             |                         |    |         |    |                    |       |
|-------------|-------------------------|----|---------|----|--------------------|-------|
| 3CM0 042606 | Office of Health        | \$ | 384,037 | \$ | <del>145,500</del> | 72729 |
|             | Transformation -        |    |         |    | <u>438,723</u>     |       |
|             | Federal                 |    |         |    |                    |       |
| TOTAL FED   | Federal Special Revenue | \$ | 384,037 | \$ | <del>145,500</del> | 72730 |

|                              |                   |    |                       |                      |                       |       |
|------------------------------|-------------------|----|-----------------------|----------------------|-----------------------|-------|
| Fund Group                   |                   |    |                       | <u>438,723</u>       |                       |       |
| Agency Fund Group            |                   |    |                       |                      | 72731                 |       |
| 5EH0 042604                  | Forgery Recovery  | \$ | 50,000                | <del>\$ 50,000</del> | <u>49,000</u>         | 72732 |
| TOTAL AGY                    | Agency Fund Group | \$ | 50,000                | <del>\$ 50,000</del> | <u>49,000</u>         | 72733 |
| TOTAL ALL BUDGET FUND GROUPS |                   | \$ | <del>26,985,329</del> | \$                   | <del>25,939,497</del> | 72734 |
|                              |                   |    | <u>26,226,168</u>     |                      | <u>26,948,326</u>     |       |

COMMISSION CLOSURES 72735

The foregoing appropriation item 042409, Commission Closures, 72736  
 may be used to pay obligations associated with the closure of the 72737  
 Commission on Dispute Resolution and Conflict Management, the 72738  
 School Employees Health Care Board, the Legal Rights Service, and 72739  
 the Workers' Compensation Council. Notwithstanding any provision 72740  
 of law to the contrary, this appropriation item may also be used 72741  
 to pay final payroll expenses occurring after the closure of the 72742  
 Commission on Dispute Resolution and Conflict Management, the 72743  
 School Employees Health Care Board, the Legal Rights Service, and 72744  
 the Workers' Compensation Council in the event that appropriations 72745  
 or cash in the closing agency are insufficient to do so. 72746

The Director of Budget and Management may request Controlling 72747  
 Board approval for funds to be transferred to appropriation item 72748  
 042409, Commission Closures, from appropriation item 911614, CB 72749  
 Emergency Purposes, for anticipated expenses associated with 72750  
 agency closures. 72751

LIQUOR ENTERPRISE TRANSACTION 72752

The foregoing appropriation item 042423, Liquor Enterprise 72753  
 Transaction, shall be used by the Director of Budget and 72754  
 Management, without need for any other approval, to retain or 72755  
 contract for the services of commercial appraisers, underwriters, 72756  
 investment bankers, and financial advisers, as are necessary in 72757  
 the Director's judgment to commence negotiation of the transfer 72758  
 agreement referred to in sections 4313.01 and 4313.02 of the 72759

Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 153 of the 72760  
129th General Assembly. Any amounts expended from appropriation 72761  
item 042423 shall be reimbursed from the proceeds of the 72762  
enterprise acquisition project transaction authorized in those 72763  
sections. 72764

The Director of Budget and Management, in consultation with 72765  
the Director of Commerce, may negotiate an initial agreement with 72766  
JobsOhio, which shall be executed by the Directors of Budget and 72767  
Management and Commerce upon its completion. 72768

AUDIT COSTS AND DUES 72769

All centralized audit costs associated with either Single 72770  
Audit Schedules or financial statements prepared in conformance 72771  
with generally accepted accounting principles for the state shall 72772  
be paid from the foregoing appropriation item 042603, State 72773  
Accounting and Budgeting. 72774

Costs associated with the audit of the Auditor of State and 72775  
national association dues shall be paid from the foregoing 72776  
appropriation item 042321, Budget Development and Implementation. 72777

SHARED SERVICES CENTER 72778

The Director of Budget and Management shall use the OAKS 72779  
Project Implementation Fund (Fund 5N40) and the Accounting and 72780  
Budgeting Fund (Fund 1050) to support a Shared Services Center 72781  
within the Office of Budget and Management for the purpose of 72782  
consolidating statewide business functions and common 72783  
transactional processes. 72784

The Director of Budget and Management shall include the 72785  
recovery of costs to operate the Shared Services Center in the 72786  
accounting and budgeting services payroll rate and through a 72787  
direct charge using intrastate transfer vouchers to agencies for 72788  
services rendered. The Director of Budget and Management shall 72789  
determine the cost recovery methodology. Such cost recovery 72790

revenues shall be deposited to the credit of Fund 1050. 72791

INTERNAL CONTROL AND AUDIT OVERSIGHT 72792

The Director of Budget and Management shall include the 72793  
recovery of costs to operate the Internal Control and Audit 72794  
Oversight Program in the accounting and budgeting services payroll 72795  
rate and through a direct charge using intrastate transfer 72796  
vouchers to agencies reviewed by the program. The Director of 72797  
Budget and Management, with advice from the Internal Audit 72798  
Advisory Council, shall determine the cost recovery methodology. 72799  
Such cost recovery revenues shall be deposited to the credit of 72800  
the Accounting and Budgeting Fund (Fund 1050). 72801

FORGERY RECOVERY 72802

The foregoing appropriation item 042604, Forgery Recovery, 72803  
shall be used to reissue warrants that have been certified as 72804  
forgeries by the rightful recipient as determined by the Bureau of 72805  
Criminal Identification and Investigation and the Treasurer of 72806  
State. Upon receipt of funds to cover the reissuance of the 72807  
warrant, the Director of Budget and Management shall reissue a 72808  
state warrant of the same amount. 72809

GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND 72810

On July 1 of each fiscal year, or as soon as possible 72811  
thereafter, the Director of Budget and Management shall transfer 72812  
an amount not to exceed \$1,100,000 in cash from the General 72813  
Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40). 72814

**Sec. 243.10. COM DEPARTMENT OF COMMERCE** 72815

General Services Fund Group 72816

|      |        |                |    |           |    |           |       |
|------|--------|----------------|----|-----------|----|-----------|-------|
| 1630 | 800620 | Division of    | \$ | 6,200,000 | \$ | 6,200,000 | 72817 |
|      |        | Administration |    |           |    |           |       |

|      |        |                        |    |           |    |           |       |
|------|--------|------------------------|----|-----------|----|-----------|-------|
| 1630 | 800637 | Information Technology | \$ | 5,999,892 | \$ | 6,011,977 | 72818 |
|------|--------|------------------------|----|-----------|----|-----------|-------|

|      |        |           |    |           |    |           |       |
|------|--------|-----------|----|-----------|----|-----------|-------|
| 5430 | 800602 | Unclaimed | \$ | 7,836,107 | \$ | 7,841,473 | 72819 |
|------|--------|-----------|----|-----------|----|-----------|-------|



|                                    |        |                        |               |                          |       |
|------------------------------------|--------|------------------------|---------------|--------------------------|-------|
|                                    |        | Funds-Operating        |               |                          |       |
| 5430                               | 800625 | Unclaimed Funds-Claims | \$ 69,700,000 | \$ <del>69,800,000</del> | 72820 |
|                                    |        |                        |               | <u>68,000,000</u>        |       |
| 5F10                               | 800635 | Small Government Fire  | \$ 300,000    | \$ 300,000               | 72821 |
|                                    |        | Departments            |               |                          |       |
| TOTAL GSF General Services Fund    |        |                        |               |                          | 72822 |
| Group                              |        |                        | \$ 90,035,999 | \$ <del>90,153,450</del> | 72823 |
|                                    |        |                        |               | <u>88,353,450</u>        |       |
| Federal Special Revenue Fund Group |        |                        |               |                          | 72824 |
| 3480                               | 800622 | Underground Storage    | \$ 1,129,518  | \$ 1,129,518             | 72825 |
|                                    |        | Tanks                  |               |                          |       |
| 3480                               | 800624 | Leaking Underground    | \$ 1,556,211  | \$ 1,556,211             | 72826 |
|                                    |        | Storage Tanks          |               |                          |       |
| TOTAL FED Federal Special Revenue  |        |                        |               |                          | 72827 |
| Fund Group                         |        |                        | \$ 2,685,729  | \$ 2,685,729             | 72828 |
| State Special Revenue Fund Group   |        |                        |               |                          | 72829 |
| 4B20                               | 800631 | Real Estate Appraisal  | \$ 35,000     | \$ 35,000                | 72830 |
|                                    |        | Recovery               |               |                          |       |
| 4H90                               | 800608 | Cemeteries             | \$ 268,067    | \$ 268,293               | 72831 |
| 4X20                               | 800619 | Financial Institutions | \$ 2,186,271  | \$ <del>1,990,693</del>  | 72832 |
|                                    |        |                        |               | <u>1,970,786</u>         |       |
| 5440                               | 800612 | Banks                  | \$ 7,242,364  | \$ <del>6,942,336</del>  | 72833 |
|                                    |        |                        |               | <u>6,872,913</u>         |       |
| 5450                               | 800613 | Savings Institutions   | \$ 2,257,220  | \$ 2,259,536             | 72834 |
| 5460                               | 800610 | Fire Marshal           | \$ 15,400,000 | \$ <del>15,501,562</del> | 72835 |
|                                    |        |                        |               | <u>15,484,574</u>        |       |
| 5460                               | 800639 | Fire Department Grants | \$ 1,698,802  | \$ 1,698,802             | 72836 |
| 5470                               | 800603 | Real Estate            | \$ 125,000    | \$ <del>125,000</del>    | 72837 |
|                                    |        | Education/Research     |               | <u>80,655</u>            |       |
| 5480                               | 800611 | Real Estate Recovery   | \$ 25,000     | \$ 25,000                | 72838 |
| 5490                               | 800614 | Real Estate            | \$ 3,413,708  | \$ 3,332,308             | 72839 |
| 5500                               | 800617 | Securities             | \$ 4,312,434  | \$ <del>4,314,613</del>  | 72840 |

|                                 |                          |           |             |                   |                             |
|---------------------------------|--------------------------|-----------|-------------|-------------------|-----------------------------|
|                                 |                          |           |             | <u>4,271,467</u>  |                             |
| 5520 800604                     | Credit Union             | \$        | 3,450,390   | \$                | <del>3,450,390</del> 72841  |
|                                 |                          |           |             | <u>3,415,886</u>  |                             |
| 5530 800607                     | Consumer Finance         | \$        | 3,613,016   | \$                | <del>3,516,861</del> 72842  |
|                                 |                          |           |             | <u>3,481,692</u>  |                             |
| 5560 800615                     | Industrial Compliance    | \$        | 27,639,372  | \$                | <del>27,664,695</del> 72843 |
|                                 |                          |           |             | <u>27,388,048</u> |                             |
| 5FW0 800616                     | Financial Literacy       | \$        | 240,000     | \$                | <del>240,000</del> 72844    |
|                                 | Education                |           |             | <u>200,000</u>    |                             |
| 5GK0 800609                     | Securities Investor      | \$        | 1,135,000   | \$                | <del>485,000</del> 72845    |
|                                 | Education/Enforcement    |           |             | <u>480,150</u>    |                             |
| 5HV0 800641                     | Cigarette Enforcement    | \$        | 120,000     | \$                | <del>120,000</del> 72846    |
|                                 |                          |           |             | <u>118,800</u>    |                             |
| <u>5LN0 800645</u>              | <u>Liquor Operating</u>  | <u>\$</u> | <u>0</u>    | <u>\$</u>         | <u>5,500,000</u> 72847      |
|                                 | <u>Services</u>          |           |             |                   |                             |
| <u>5LP0 800646</u>              | <u>Liquor Regulatory</u> | <u>\$</u> | <u>0</u>    | <u>\$</u>         | <u>8,500,000</u> 72848      |
|                                 | <u>Operating Expense</u> |           |             |                   |                             |
| 5X60 800623                     | Video Service            | \$        | 340,299     | \$                | <del>340,630</del> 72849    |
|                                 |                          |           |             | <u>337,224</u>    |                             |
| 6530 800629                     | UST Registration/Permit  | \$        | 1,854,675   | \$                | <del>1,509,653</del> 72850  |
|                                 | Fee                      |           |             | <u>1,494,556</u>  |                             |
| 6A40 800630                     | Real Estate              | \$        | 699,565     | \$                | 648,890 72851               |
|                                 | Appraiser-Operating      |           |             |                   |                             |
| TOTAL SSR State Special Revenue |                          |           |             |                   | 72852                       |
| Fund Group                      |                          | \$        | 76,056,183  | \$                | <del>74,469,262</del> 72853 |
|                                 |                          |           |             | <u>87,864,580</u> |                             |
| Liquor Control Fund Group       |                          |           |             |                   | 72854                       |
| 7043 800601                     | Merchandising            | \$        | 472,209,274 | \$                | 0 72855                     |
| 7043 800627                     | Liquor Control           | \$        | 13,398,274  | \$                | <del>10,110,479</del> 72856 |
|                                 | Operating                |           |             | <u>1,509,374</u>  |                             |
| 7043 800633                     | Development Assistance   | \$        | 51,973,200  | \$                | 0 72857                     |
|                                 | Debt Service             |           |             |                   |                             |
| 7043 800636                     | Revitalization Debt      | \$        | 21,129,800  | \$                | 0 72858                     |

|                                                                     |                |                           |  |       |
|---------------------------------------------------------------------|----------------|---------------------------|--|-------|
| Service                                                             |                |                           |  |       |
| TOTAL LCF Liquor Control                                            |                |                           |  | 72859 |
| Fund Group                                                          | \$ 558,710,548 | \$ <del>10,110,479</del>  |  | 72860 |
|                                                                     |                | <u>1,509,374</u>          |  |       |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ 727,488,459 | <del>\$ 177,418,920</del> |  | 72861 |
|                                                                     |                | <u>180,413,133</u>        |  |       |
| SMALL GOVERNMENT FIRE DEPARTMENTS                                   |                |                           |  | 72862 |
| Notwithstanding section 3737.17 of the Revised Code, the            |                |                           |  | 72863 |
| foregoing appropriation item 800635, Small Government Fire          |                |                           |  | 72864 |
| Departments, may be used to provide loans to private fire           |                |                           |  | 72865 |
| departments.                                                        |                |                           |  | 72866 |
| UNCLAIMED FUNDS PAYMENTS                                            |                |                           |  | 72867 |
| The foregoing appropriation item 800625, Unclaimed                  |                |                           |  | 72868 |
| Funds-Claims, shall be used to pay claims under section 169.08 of   |                |                           |  | 72869 |
| the Revised Code. If it is determined that additional amounts are   |                |                           |  | 72870 |
| necessary, the amounts are appropriated.                            |                |                           |  | 72871 |
| UNCLAIMED FUNDS TRANSFERS                                           |                |                           |  | 72872 |
| Notwithstanding division (A) of section 169.05 of the Revised       |                |                           |  | 72873 |
| Code, during the FY 2012-FY 2013 biennium, the Director of Budget   |                |                           |  | 72874 |
| and Management shall request the Director of Commerce to transfer   |                |                           |  | 72875 |
| to the General Revenue Fund up to \$215,000,000 of unclaimed funds  |                |                           |  | 72876 |
| that have been reported by holders of unclaimed funds under         |                |                           |  | 72877 |
| section 169.05 of the Revised Code, irrespective of the allocation  |                |                           |  | 72878 |
| of the unclaimed funds under that section. The Director of          |                |                           |  | 72879 |
| Commerce shall transfer the funds at the times requested by the     |                |                           |  | 72880 |
| Director of Budget and Management.                                  |                |                           |  | 72881 |
| FIRE DEPARTMENT GRANTS                                              |                |                           |  | 72882 |
| Of the foregoing appropriation item 800639, Fire Department         |                |                           |  | 72883 |
| Grants, up to \$1,647,140 in each fiscal year shall be used to make |                |                           |  | 72884 |
| annual grants to the following eligible recipients: volunteer fire  |                |                           |  | 72885 |
| departments, fire departments that serve one or more small          |                |                           |  | 72886 |

municipalities or small townships, joint fire districts comprised 72887  
of fire departments that primarily serve small municipalities or 72888  
small townships, local units of government responsible for such 72889  
fire departments, and local units of government responsible for 72890  
the provision of fire protection services for small municipalities 72891  
or small townships. For the purposes of these grants, a private 72892  
fire company, as that phrase is defined in section 9.60 of the 72893  
Revised Code, that is providing fire protection services under a 72894  
contract to a political subdivision of the state, is an additional 72895  
eligible recipient for a training grant. 72896

Eligible recipients that consist of small municipalities or 72897  
small townships that all intend to contract with the same fire 72898  
department or private fire company for fire protection services 72899  
may jointly apply and be considered for a grant. If a joint 72900  
applicant is awarded a grant, the State Fire Marshal shall, if 72901  
feasible, proportionately award the grant and any equipment 72902  
purchased with grant funds to each of the joint applicants based 72903  
upon each applicant's contribution to and demonstrated need for 72904  
fire protection services. 72905

If the grant awarded to joint applicants is an equipment 72906  
grant and the equipment to be purchased cannot be readily 72907  
distributed or possessed by multiple recipients, each of the joint 72908  
applicants shall be awarded by the State Fire Marshal an ownership 72909  
interest in the equipment so purchased in proportion to each 72910  
applicant's contribution to and demonstrated need for fire 72911  
protection services. The joint applicants shall then mutually 72912  
agree on how the equipment is to be maintained, operated, stored, 72913  
or disposed of. If, for any reason, the joint applicants cannot 72914  
agree as to how jointly owned equipment is to be maintained, 72915  
operated, stored, or disposed of or any of the joint applicants no 72916  
longer maintain a contract with the same fire protection service 72917  
provider as the other applicants, then the joint applicants shall, 72918

with the assistance of the State Fire Marshal, mutually agree as 72919  
to how the jointly owned equipment is to be maintained, operated, 72920  
stored, disposed of, or owned. If the joint applicants cannot 72921  
agree how the grant equipment is to be maintained, operated, 72922  
stored, disposed of, or owned, the State Fire Marshal may, in its 72923  
discretion, require all of the equipment acquired by the joint 72924  
applicants with grant funds to be returned to the State Fire 72925  
Marshal. The State Fire Marshal may then award the returned 72926  
equipment to any eligible recipients. 72927

The grants shall be used by recipients to purchase 72928  
firefighting or rescue equipment or gear or similar items, to 72929  
provide full or partial reimbursement for the documented costs of 72930  
firefighter training, or, at the discretion of the State Fire 72931  
Marshal, to cover fire department costs for providing fire 72932  
protection services in that grant recipient's jurisdiction. 72933

Grant awards for firefighting or rescue equipment or gear or 72934  
for fire department costs of providing fire protection services 72935  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 72936  
fiscal year if an eligible entity serves a jurisdiction in which 72937  
the Governor declared a natural disaster during the preceding or 72938  
current fiscal year in which the grant was awarded. In addition to 72939  
any grant funds awarded for rescue equipment or gear, or for fire 72940  
department costs associated with the provision of fire protection 72941  
services, an eligible entity may receive a grant for up to \$15,000 72942  
per fiscal year for full or partial reimbursement of the 72943  
documented costs of firefighter training. For each fiscal year, 72944  
the State Fire Marshal shall determine the total amounts to be 72945  
allocated for each eligible purpose. 72946

The grant program shall be administered by the State Fire 72947  
Marshal in accordance with rules the State Fire Marshal adopts as 72948  
part of the state fire code adopted pursuant to section 3737.82 of 72949  
the Revised Code that are necessary for the administration and 72950

operation of the grant program. The rules may further define the 72951  
entities eligible to receive grants and establish criteria for the 72952  
awarding and expenditure of grant funds, including methods the 72953  
State Fire Marshal may use to verify the proper use of grant funds 72954  
or to obtain reimbursement for or the return of equipment for 72955  
improperly used grant funds. Any amounts in appropriation item 72956  
800639, Fire Department Grants, in excess of the amount allocated 72957  
for these grants may be used for the administration of the grant 72958  
program. 72959

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 72960  
EDUCATION AND ENFORCEMENT EXPENSE FUND 72961

The Director of Budget and Management, upon the request of 72962  
the Director of Commerce, shall transfer up to \$485,000 in cash in 72963  
each fiscal year from the Division of Securities Fund (Fund 5500) 72964  
to the Division of Securities Investor Education and Enforcement 72965  
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 72966  
Code. 72967

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND 72968

The Director of Budget and Management, upon the request of 72969  
the Director of Commerce, shall transfer up to \$340,000 in cash in 72970  
each fiscal year from the Division of Administration Fund (Fund 72971  
1630) to the Video Service Authorization Fund (Fund 5X60). 72972

INCREASED APPROPRIATION - MERCHANDISING 72973

The foregoing appropriation item 800601, Merchandising, shall 72974  
be used under section 4301.12 of the Revised Code. If it is 72975  
determined that additional expenditures are necessary, the amounts 72976  
are hereby appropriated. 72977

DEVELOPMENT ASSISTANCE DEBT SERVICE 72978

The foregoing appropriation item 800633, Development 72979  
Assistance Debt Service, shall be used to pay debt service and 72980

related financing costs at the times they are required to be made 72981  
during the period from July 1, 2011, to June 30, 2012, for bond 72982  
service charges on obligations issued under Chapter 166. of the 72983  
Revised Code. If it is determined that additional appropriations 72984  
are necessary for this purpose, such amounts are appropriated, 72985  
subject to the limitations set forth in section 166.11 of the 72986  
Revised Code. An appropriation for this purpose is not required, 72987  
but is made in this form and in ~~this act~~ Am. Sub. H.B. 153 of the 72988  
129th General Assembly for record purposes only. 72989

REVITALIZATION DEBT SERVICE 72990

The foregoing appropriation item 800636, Revitalization Debt 72991  
Service, shall be used to pay debt service and related financing 72992  
costs at the times they are required to be made pursuant to 72993  
sections 151.01 and 151.40 of the Revised Code during the period 72994  
from July 1, 2011, to June 30, 2012. If it is determined that 72995  
additional appropriations are necessary for this purpose, such 72996  
amounts are hereby appropriated. The General Assembly acknowledges 72997  
the priority of the pledge of a portion of receipts from that 72998  
source to obligations issued and to be issued under Chapter 166. 72999  
of the Revised Code. 73000

LIQUOR CONTROL FUND TRANSFER 73001

On January 1, 2012, or as soon as possible thereafter, the 73002  
Director of Budget and Management may transfer up to \$10,600,000 73003  
in cash from the General Revenue Fund to the Liquor Control Fund 73004  
(Fund 7043) for the liquor permitting and compliance functions of 73005  
the Division of Liquor Control in the Department of Commerce and 73006  
for the operations of the Liquor Control Commission and the 73007  
Department of Public Safety pursuant to Chapter 4301. of the 73008  
Revised Code. 73009

On July 1, 2012, or as soon as possible thereafter, the 73010  
Director of Budget and Management may transfer up to \$21,800,000 73011

in cash from the General Revenue Fund to the Liquor Control Fund 73012  
(Fund 7043) for the liquor permitting and compliance functions of 73013  
the Division of Liquor Control in the Department of Commerce and 73014  
for the operations of the Liquor Control Commission and the 73015  
Department of Public Safety pursuant to Chapter 4301. of the 73016  
Revised Code. 73017

On July 1, 2012, or as soon as possible thereafter, the 73018  
Director of Budget and Management shall transfer \$500,000 in cash 73019  
from the Liquor Control Fund (Fund 7043) to the State Liquor 73020  
Regulatory Fund (Fund 5LP0) created in section 4301.30 of the 73021  
Revised Code. 73022

ADMINISTRATIVE ASSESSMENTS 73023

Notwithstanding any other provision of law to the contrary, 73024  
the Division of Administration Fund (Fund 1630) is entitled to 73025  
receive assessments from all operating funds of the Department in 73026  
accordance with procedures prescribed by the Director of Commerce 73027  
and approved by the Director of Budget and Management. 73028

**Sec. 261.10.40. TRAVEL AND TOURISM** 73029

The foregoing appropriation item 195407, Travel and Tourism, 73030  
shall be used for marketing the state of Ohio as a tourism 73031  
destination and to support administrative expenses and contracts 73032  
necessary to market Ohio. 73033

~~STRATEGIC BUSINESS INVESTMENT DIVISION AND REGIONAL OFFICES~~ 73034  
DEVELOPMENT SERVICES 73035

The foregoing appropriation item 195415, ~~Strategic Business~~ 73036  
~~Investment Division and Regional Offices~~ Development Services, 73037  
shall be used for the operating expenses of the ~~Strategic Business~~ 73038  
~~Investment Services~~ Division and the regional economic development 73039  
offices and for grants for cooperative economic development 73040  
ventures. 73041



**Sec. 261.10.70. CLEAN OHIO IMPLEMENTATION** 73042

The foregoing appropriation item 195426, Clean Ohio 73043  
Implementation, shall be used to fund the costs of administering 73044  
the Clean Ohio Revitalization program and other urban 73045  
revitalization programs that may be implemented by the ~~Department~~ 73046  
of Development Services Agency. 73047

CDBG OPERATING MATCH 73048

The foregoing appropriation item 195497, CDBG Operating 73049  
Match, shall be used as matching funds for grants from the United 73050  
States Department of Housing and Urban Development pursuant to the 73051  
Housing and Community Development Act of 1974 and regulations and 73052  
policy guidelines for the programs pursuant thereto. 73053

TECHNOLOGY PROGRAMS AND GRANTS 73054

The foregoing appropriation item 195532, Technology Programs 73055  
and Grants, shall be used for the same purposes as funding 73056  
previously appropriated for appropriation items 195401, Thomas 73057  
Edison Program, and 195422, Technology Action. Of the foregoing 73058  
appropriation item 195532, Technology Programs and Grants, up to 73059  
\$547,341 in fiscal year 2013 shall be used for operating expenses 73060  
incurred in administering the Ohio Third Frontier pursuant to 73061  
sections 184.10 to 184.20 of the Revised Code; and up to 73062  
\$13,000,000 in fiscal year 2013 shall be used for the Thomas 73063  
Edison Program pursuant to sections 122.28 to 122.38 of the 73064  
Revised Code, of which not more than ten per cent shall be used 73065  
for operating expenses incurred in administering the program. 73066

BUSINESS ASSISTANCE 73067

The foregoing appropriation item 195533, Business Assistance, 73068  
shall be used as matching funds for grants from the United States 73069  
Small Business Administration and other federal agencies, pursuant 73070  
to Public Law No. 96-302 as amended by Public Law No. 98-395, and 73071

regulations and policy guidelines for the programs pursuant 73072  
thereto. This appropriation item also may be used to provide 73073  
grants to local organizations to support economic development 73074  
activities that promote minority business development, small 73075  
business development, entrepreneurship, and exports of Ohio's 73076  
goods and services. 73077

APPALACHIA ASSISTANCE 73078

The foregoing appropriation item 195535, Appalachia 73079  
Assistance, may be used for the administrative costs of planning 73080  
and liaison activities for the Governor's Office of Appalachia, to 73081  
provide financial assistance to projects in Ohio's Appalachian 73082  
counties, to pay dues for the Appalachian Regional Commission, and 73083  
to match federal funds from the Appalachian Regional Commission. 73084

Of the foregoing appropriation item 195535, Appalachia 73085  
Assistance, up to \$440,000 in fiscal year 2013 shall be used to 73086  
support four local development districts. Of that amount, up to 73087  
\$135,000 shall be allocated to the Ohio Valley Regional 73088  
Development Commission, up to \$135,000 shall be allocated to the 73089  
Ohio Mid-Eastern Government Association, up to \$135,000 shall be 73090  
allocated to the Buckeye Hills-Hocking Valley Regional Development 73091  
District, and up to \$35,000 shall be allocated to the Eastgate 73092  
Regional Council of Governments. Local development districts 73093  
receiving funding under this section shall use the funds for the 73094  
implementation and administration of programs and duties under 73095  
section 107.21 of the Revised Code. 73096

**Sec. 261.20.10. ECONOMIC DEVELOPMENT PROJECTS GARDENING PILOT** 73097  
**PROGRAM** 73098

~~The foregoing appropriation item 195528, Economic Development~~ 73099  
~~Projects, may be used for the purposes of Chapter 122. of the~~ 73100  
~~Revised Code. This appropriation item is made in anticipation of~~ 73101  
~~the evaluation of all powers, functions, and duties of the~~ 73102

~~Department of Development by the Director of Development, as 73103  
prescribed in Section 187.05 of the Revised Code. It is the intent 73104  
of the General Assembly that the appropriations in the 73105  
appropriation item be reallocated upon completion of the 73106  
evaluation. 73107~~

The foregoing appropriation item 195530, Economic Gardening 73108  
Pilot Program, shall be used for the Economic Gardening Technical 73109  
Assistance Pilot Program. 73110

**Sec. 261.20.40. SUPPORTIVE DEVELOPMENT SERVICES OPERATIONS 73111**

The Director of Development Services may assess ~~divisions 73112  
offices of the ~~department~~ agency for the cost of central service 73113  
operations. An assessment shall contain the characteristics of 73114  
administrative ease and uniform application. A division's payments 73115  
shall be credited to the Supportive Services Fund (Fund 1350) 73116  
using an intrastate transfer voucher. 73117~~

~~ECONOMIC DEVELOPMENT CONTINGENCY 73118~~

~~The foregoing appropriation item 195677, Economic Development 73119  
Contingency, may be used to award funds directly to either (1) 73120  
business entities considering Ohio for expansion or new site 73121  
location opportunities or (2) political subdivisions to assist 73122  
with necessary costs involved in attracting a business entity. In 73123  
addition, the Director of Development may award funds for 73124  
alternative purposes when appropriate to satisfy an economic 73125  
development opportunity or need deemed extraordinary in nature by 73126  
the Director. 73127~~

LEGACY PROJECTS 73128

The foregoing appropriation item 195633, Legacy Projects, 73129  
shall be used to support existing grant commitments to companies 73130  
incurred prior to fiscal year 2013. A portion of the appropriation 73131  
item may also be used to support administrative expenses and other 73132

costs associated with these projects. 73133

~~DIRECT COST RECOVERY~~ DEVELOPMENT SERVICES REIMBURSABLE 73134

EXPENDITURES 73135

The foregoing appropriation item 195636, ~~Direct Cost Recovery~~ 73136

Development Services Reimbursable Expenditures, shall be used for 73137

reimbursable costs incurred by the agency. Revenues to the General 73138

Reimbursement Fund (Fund 6850) shall consist of moneys charged for 73139

administrative costs that are not central service costs. 73140

**Sec. 261.20.50. HEAP WEATHERIZATION** 73141

Up to fifteen per cent of the federal funds deposited to the 73142

credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 73143

may be expended from appropriation item 195614, HEAP 73144

Weatherization, to provide home weatherization services in the 73145

state as determined by the Director of Development Services. Any 73146

transfers or increases in appropriation for the foregoing 73147

appropriation items 195614, HEAP Weatherization, or 195611, Home 73148

Energy Assistance Block Grant, shall be subject to approval by the 73149

Controlling Board. 73150

**Sec. 261.20.60. BUSINESS ASSISTANCE PROGRAMS** 73151

The foregoing appropriation item 195649, Business Assistance 73152

Programs, shall be used for administrative expenses associated 73153

with the operation of tax credit programs, loan servicing, the 73154

Ohio Film Office, and the Office of Strategic Business 73155

Investments, and for payments to the JobsOhio corporation 73156

established in Chapter 187. of the Revised Code for services 73157

provided for the administration of the 166 Direct Loan Program, 73158

Ohio Enterprise Bond Fund, Research and Development Loan Program, 73159

and Innovation Ohio Loan Program. 73160

STATE SPECIAL PROJECTS 73161

The State Special Projects Fund (Fund 4F20), may be used for 73162  
the deposit of private-sector funds from utility companies and for 73163  
the deposit of other miscellaneous state funds. State moneys so 73164  
deposited ~~shall~~ may also be used to match federal housing grants 73165  
for the homeless ~~and to market economic development opportunities~~ 73166  
~~in the state~~. Private-sector moneys shall be deposited for use in 73167  
appropriation item 195699, Utility ~~Provided Funds~~ Community 73168  
Assistance, and shall be used to (1) pay the expenses of verifying 73169  
the income-eligibility of HEAP applicants, (2) leverage additional 73170  
federal funds, (3) fund special projects to assist ~~homeless~~ 73171  
~~individuals~~ income-eligible veterans and families with services 73172  
and energy assistance programs, (4) fund special projects to 73173  
assist with the energy efficiency of households eligible to 73174  
participate in the Percentage of Income Payment Plan, and (5) 73175  
assist with training programs for agencies that administer 73176  
low-income customer assistance programs. 73177

**Sec. 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN** 73178

All repayments from the Minority Development Financing 73179  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 73180  
Program shall be deposited in the State Treasury to the credit of 73181  
the Minority Business Enterprise Loan Fund (Fund 4W10). Operating 73182  
costs of administering the Minority Business Enterprise Loan Fund 73183  
may be paid from the Minority Business Enterprise Loan Fund (Fund 73184  
4W10). 73185

**MINORITY BUSINESS BONDING FUND** 73186

Notwithstanding Chapters 122., 169., and 175. of the Revised 73187  
Code, the Director of Development Services may, upon the 73188  
recommendation of the Minority Development Financing Advisory 73189  
Board, pledge up to \$10,000,000 in the fiscal year 2012-fiscal 73190  
year 2013 biennium of unclaimed funds administered by the Director 73191  
of Commerce and allocated to the Minority Business Bonding Program 73192

under section 169.05 of the Revised Code. The transfer of any cash 73193  
by the Director of Budget and Management from the ~~Department of~~ 73194  
~~Commerce's~~ Unclaimed Funds Fund (Fund 5430) used by the Department 73195  
of Commerce to the ~~Department of Development's~~ Minority Business 73196  
Bonding Fund (Fund 4490) used by the Development Services Agency 73197  
shall occur, if requested by the Director of Development Services, 73198  
only if such funds are needed for payment of losses arising from 73199  
the Minority Business Bonding Program, and only after proceeds of 73200  
the initial transfer of \$2,700,000 by the Controlling Board to the 73201  
Minority Business Bonding Program has been used for that purpose. 73202  
Moneys transferred by the Director of Budget and Management from 73203  
the Department of Commerce for this purpose may be moneys in 73204  
custodial funds held by the Treasurer of State. If expenditures 73205  
are required for payment of losses arising from the Minority 73206  
Business Bonding Program, such expenditures shall be made from 73207  
appropriation item 195623, Minority Business Bonding Contingency 73208  
in the Minority Business Bonding Fund, and such amounts are hereby 73209  
appropriated. 73210

**Sec. 261.20.90. ~~OHIO~~ INCUMBENT WORKFORCE TRAINING VOUCHERS** 73211

(A) On July 1, 2011, or as soon as possible thereafter, the 73212  
Director of Budget and Management shall transfer up to \$20,000,000 73213  
cash from the Economic Development Programs Fund (Fund 5JC0) used 73214  
by the Board of Regents to the Ohio Incumbent Workforce Job 73215  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 73216  
Services Agency. 73217

On July 1, 2012, or as soon as possible thereafter, the 73218  
Director of Budget and Management shall transfer up to \$30,000,000 73219  
cash from the Economic Development Programs Fund (Fund 5JC0) used 73220  
by the Board of Regents to the Ohio Incumbent Workforce Job 73221  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 73222  
Services Agency. 73223

(B) Of the foregoing appropriation item 195526, ~~Ohio~~ 73224  
Incumbent Workforce Job Training Vouchers, up to \$20,000,000 in 73225  
fiscal year 2012 and up to \$30,000,000 in fiscal year 2013 shall 73226  
be used to support the Ohio Incumbent Workforce Training Voucher 73227  
Program. The Director of Development Services and the Chief 73228  
Investment Officer of JobsOhio may enter into an agreement to 73229  
operate the program pursuant to the contract between the 73230  
~~Department of~~ Development Services Agency and JobsOhio under 73231  
section 187.04 of the Revised Code. The agreement may include a 73232  
provision for granting, loaning, or transferring funds from 73233  
appropriation item 195526, ~~Ohio~~ Incumbent Workforce ~~Job~~ Training 73234  
Vouchers, to JobsOhio to provide training for incumbent workers. 73235

(C) Regardless of any agreement between the Director and the 73236  
Chief Investment Officer under division (B) of this section, the 73237  
Ohio Incumbent Workforce Training Voucher Program shall conform to 73238  
guidelines for the operation of the program, including, but not 73239  
limited to, the following: 73240

(1) A requirement that a training voucher under the program 73241  
shall not exceed \$6,000 per worker per year; 73242

(2) A provision for an employer of an eligible employee to 73243  
apply for a voucher on behalf of the eligible employee; 73244

(3) A provision for an eligible employee to apply directly 73245  
for a training voucher with the pre-approval of the employee's 73246  
employer; and 73247

(4) A requirement that an employee participating in the 73248  
program, or the employee's employer, shall pay for not less than 73249  
thirty-three per cent of the training costs under the program. 73250

DEFENSE DEVELOPMENT ASSISTANCE 73251

On July 1 of each fiscal year, or as soon as possible 73252  
thereafter, the Director of Budget and Management shall transfer 73253  
\$5,000,000 in cash from the Economic Development Projects Fund 73254

(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 73255  
Workforce Job Training Fund (Fund 5HR0) used by the ~~Department of~~ 73256  
Development Services Agency. The transferred funds are hereby 73257  
appropriated in appropriation item 195622, Defense Development 73258  
Assistance. 73259

The foregoing appropriation item 195622, Defense Development 73260  
Assistance, shall be used for economic development programs and 73261  
the creation of new jobs to leverage and support mission gains at 73262  
Department of Defense facilities in Ohio by working with future 73263  
base realignment and closure activities and ongoing Department of 73264  
Defense efficiency initiatives, assisting efforts to secure 73265  
Department of Defense support contracts for Ohio companies, 73266  
assessing and supporting regional job training and workforce 73267  
development needs generated by the Department of Defense and the 73268  
Ohio aerospace industry, and for expanding job training and 73269  
economic development programs in human performance related 73270  
initiatives. These funds shall be matched by private industry 73271  
partners or the Department of Defense in an aggregate amount of 73272  
\$6,000,000 over the FY 2012-FY 2013 biennium. 73273

WORKFORCE DEVELOPMENT PROGRAMS 73274

The foregoing appropriation item 195655, Workforce 73275  
Development Programs, may be used for the Ohio Workforce Guarantee 73276  
Program to promote training through grants to businesses and, in 73277  
the case of a business consortium, to the consortium for training 73278  
and education providers for the reimbursement of eligible training 73279  
expenses. Not more than ten per cent of appropriation item 195655, 73280  
Workforce Development Programs, shall be used for administrative 73281  
expenses related to the Ohio Workforce Guarantee Program. 73282

**Sec. 261.30.10. ADVANCED ENERGY ~~FUND~~ LOAN PROGRAMS** 73283

The foregoing appropriation item 195660, Advanced Energy Loan 73284  
Programs, shall be used to provide financial assistance to 73285



customers for eligible advanced energy projects for residential, 73286  
commercial, and industrial business, local government, educational 73287  
institution, nonprofit, and agriculture customers, and to pay for 73288  
the program's administrative costs as provided in sections 4928.61 73289  
to 4928.63 of the Revised Code and rules adopted by the Director 73290  
of Development Services. 73291

On July 1 of each fiscal year, or as soon as possible 73292  
thereafter, the Director of Budget and Management shall transfer 73293  
\$750,000 in cash from the Advanced Energy Fund (Fund 5M50) to the 73294  
Alternative Fuel Transportation Grant Fund (Fund 5CG0). 73295

VOLUME CAP ADMINISTRATION 73296

The foregoing appropriation item 195654, Volume Cap 73297  
Administration, shall be used for expenses related to the 73298  
administration of the Volume Cap Program. Revenues received by the 73299  
Volume Cap Administration Fund (Fund 6170) shall consist of 73300  
application fees, forfeited deposits, and interest earned from the 73301  
custodial account held by the Treasurer of State. 73302

**Sec. 261.30.20.** INNOVATION OHIO LOAN FUND 73303

The foregoing appropriation item 195664, Innovation Ohio, 73304  
shall be used to provide for innovation Ohio purposes, including 73305  
loan guarantees and loans under Chapter 166. and particularly 73306  
sections 166.12 to 166.16 of the Revised Code. 73307

RESEARCH AND DEVELOPMENT 73308

The foregoing appropriation item 195665, Research and 73309  
Development, shall be used to provide for research and development 73310  
purposes, including loans, under Chapter 166. and particularly 73311  
sections 166.17 to 166.21 of the Revised Code. 73312

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 73313

Appropriation item 195698, Logistics and Distribution 73314  
Infrastructure, shall be used for eligible logistics and 73315

distribution infrastructure projects as defined in section 166.01 73316  
of the Revised Code. Any unexpended and unencumbered portion of 73317  
the appropriation item at the end of fiscal year 2011 is hereby 73318  
reappropriated for the same purpose in fiscal year 2012, and any 73319  
unexpended and unencumbered portion of the appropriation item at 73320  
the end of fiscal year 2012 is hereby reappropriated for the same 73321  
purpose in fiscal year 2013. 73322

After all encumbrances have been paid, the Director of Budget 73323  
and Management shall transfer the remaining cash balance in the 73324  
Logistics and Distribution Infrastructure Fund (Fund 7008) to the 73325  
Facilities Establishment Fund (Fund 7037). 73326

FACILITIES ESTABLISHMENT ~~FUND~~ 73327

The foregoing appropriation item 195615, Facilities 73328  
Establishment (Fund 7037), shall be used for the purposes of the 73329  
Facilities Establishment Fund under Chapter 166. of the Revised 73330  
Code. 73331

Notwithstanding Chapter 166. of the Revised Code, an amount 73332  
not to exceed \$1,000,000 in cash in fiscal year 2012 may be 73333  
transferred from the Facilities Establishment Fund (Fund 7037) to 73334  
the ~~Economic Development Financing Operating~~ Business Assistance 73335  
Fund (Fund 4510). The transfer is subject to Controlling Board 73336  
approval under division (B) of section 166.03 of the Revised Code. 73337

Notwithstanding Chapter 166. of the Revised Code, the 73338  
Director of Budget and Management may transfer an amount not to 73339  
exceed \$2,500,000 in cash in each fiscal year from the Facilities 73340  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 73341  
Loan Fund (Fund 4W10). 73342

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the 73343  
Director of Budget and Management shall transfer the unexpended 73344  
and unencumbered cash balance in the Urban Development Loans Fund 73345  
(Fund 5D20) to the Facilities Establishment Fund (Fund 7037). 73346

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the 73347  
Director of Budget and Management shall transfer the unexpended 73348  
and unencumbered cash balance in the Rural Industrial Park Loan 73349  
Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037). 73350

CAPITAL ACCESS LOAN PROGRAM 73351

The foregoing appropriation item 195628, Capital Access Loan 73352  
Program, shall be used for operating, program, and administrative 73353  
expenses of the program. Funds of the Capital Access Loan Program 73354  
shall be used to assist participating financial institutions in 73355  
making program loans to eligible businesses that face barriers in 73356  
accessing working capital and obtaining fixed-asset financing. 73357

**Sec. 261.30.30.** CLEAN OHIO OPERATING EXPENSES 73358

The foregoing appropriation item 195663, Clean Ohio ~~Operating~~ 73359  
Program, shall be used by the ~~Department of~~ Development Services 73360  
Agency in administering Clean Ohio Revitalization Fund (Fund 7003) 73361  
projects pursuant to sections 122.65 to 122.658 of the Revised 73362  
Code. 73363

**Sec. 261.30.40.** THIRD FRONTIER OPERATING 73364

The foregoing appropriation items 195686, Third Frontier 73365  
Operating, and 195620, Third Frontier Operating - Tax, shall be 73366  
used for operating expenses incurred by the ~~Department of~~ 73367  
Development Services Agency in administering projects pursuant to 73368  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 73369  
paid from item 195686 shall be limited to the administration of 73370  
projects funded from the Third Frontier Research & Development 73371  
Fund (Fund 7011) and operating expenses paid from item 195620 73372  
shall be limited to the administration of projects funded from the 73373  
Third Frontier Research & Development Taxable Bond Project Fund 73374  
(Fund 7014). 73375

**Sec. 261.30.60. JOB READY SITE ~~OPERATING~~ PROGRAM** 73376

The foregoing appropriation item 195688, Job Ready Site 73377  
~~Operating Program~~, shall be used for operating expenses incurred 73378  
by the ~~Department of~~ Development Services Agency in administering 73379  
Job Ready Site Development Fund (Fund 7012) projects pursuant to 73380  
sections 122.085 to 122.0820 of the Revised Code. Operating 73381  
expenses include, but are not limited to, certain qualified 73382  
expenses of the District Public Works Integrating Committees, as 73383  
applicable, engineering review of submitted applications by the 73384  
State Architect or a third-party engineering firm, audit and 73385  
accountability activities, and costs associated with formal 73386  
certifications verifying that site infrastructure is in place and 73387  
is functional. 73388

**Sec. 261.30.70. OHIO COAL DEVELOPMENT OFFICE** 73389

On July 1, 2011, or as soon as possible thereafter, the 73390  
Director of Budget and Management shall transfer any unexpended 73391  
and unencumbered portion of appropriation item 898604, Coal 73392  
Research and Development Fund, used by the Ohio Air Quality 73393  
Development Authority, to a new capital appropriation item in the 73394  
~~Department of~~ Development Services Agency, to be determined by the 73395  
Director. The Director also shall cancel all outstanding 73396  
encumbrances against appropriation item 898604, Coal Research and 73397  
Development Fund, and reestablish them against the foregoing new 73398  
capital appropriation item. The amounts of the transfer and the 73399  
reestablished encumbrances, plus \$2,283,264, are hereby 73400  
appropriated for fiscal year 2012 in the foregoing new 73401  
appropriation item and shall be used to provide funding for coal 73402  
research and development purposes. 73403

**Sec. 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND** 73404  
**COMMERCIALIZATION SUPPORT** 73405

The General Assembly and the Governor recognize the role that the biomedical industry has in job creation, innovation, and economic development throughout Ohio. It is the intent of the General Assembly, the Governor, the Director of Development Services, and the Director of Budget and Management to work together in continuing to provide comprehensive state support for the biomedical industry.

**Sec. 261.30.90. UNCLAIMED FUNDS TRANSFER**

(A)(1) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2012, shall transfer to the Job Development Initiatives Fund (Fund 5AD0) an amount not to exceed \$25,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2013, shall transfer to the Job Development Initiatives Fund (Fund 5AD0) an amount not to exceed ~~\$15,000,000~~ 18,600,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

~~(B)~~(2) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2012, shall transfer to the State Special Projects Fund (Fund 4F20) an amount not to exceed \$5,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the

unclaimed funds described under that section. 73437

(B) ASSORTED TRANSFERS FOR RESTRUCTURING 73438

On July 1, 2012, or as soon as possible thereafter, the 73439  
Director of Budget and Management shall transfer the cash balance 73440  
in the Water and Sewer Fund (Fund 4440) to the General 73441  
Reimbursement Fund (Fund 6850). 73442

On July 1, 2012, or as soon as possible thereafter, the 73443  
Director of Budget and Management shall transfer the cash balance 73444  
in the Water and Sewer Administration Fund (Fund 6110) to the 73445  
General Reimbursement Fund (Fund 6850). 73446

On July 1, 2012, or as soon as possible thereafter, the 73447  
Director of Budget and Management shall transfer the cash balance 73448  
in the Tax Incentive Programs Operating Fund (Fund 4S00) to the 73449  
Business Assistance Fund (Fund 4510). 73450

On July 1, 2012, or as soon as possible thereafter, the 73451  
Director of Budget and Management shall transfer the cash balance 73452  
in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the New 73453  
Market Tax Credit Program Fund (Fund 5JR0). 73454

**Sec. 261.40.10. WORKFORCE DEVELOPMENT** 73455

The Director of Development Services and the Director of Job 73456  
and Family Services may enter into one or more interagency 73457  
agreements between the two departments and take other actions the 73458  
directors consider appropriate to further integrate workforce 73459  
development into a larger economic development strategy, to 73460  
implement the recommendations of the Workforce Policy Board, and 73461  
to complete activities related to the transition of the 73462  
administration of employment programs identified by the board. 73463  
Subject to the approval of the Director of Budget and Management, 73464  
the ~~Department of~~ Development Services Agency and the Department 73465  
of Job and Family Services may expend moneys to support the 73466

recommendations of the Workforce Policy Board in the area of 73467  
integration of employment functions as described in this paragraph 73468  
and to complete implementation and transition activities from the 73469  
appropriations to those departments. 73470

**Sec. 263.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 73471

General Revenue Fund 73472

GRF 320321 Central \$ 4,422,794 \$ 4,422,794 73473

Administration

GRF 320412 Protective Services \$ 2,174,826 \$ 1,957,343 73474

GRF 320415 Lease-Rental Payments \$ 18,394,250 \$ ~~19,907,900~~ 73475

17,907,900

GRF 322407 Medicaid State Match \$ 218,034,162 \$ 214,902,506 73476

GRF 322420 Screening and Early \$ 0 \$ 300,000 73477

Intervention

GRF 322451 Family Support \$ 5,932,758 \$ 5,932,758 73478

Services

GRF 322501 County Boards \$ 40,906,365 \$ 44,449,280 73479

Subsidies

GRF 322503 Tax Equity \$ 14,000,000 \$ 14,000,000 73480

TOTAL GRF General Revenue Fund \$ 303,865,155 \$ ~~305,572,581~~ 73481

303,872,581

General Services Fund Group 73482

1520 323609 Developmental Center \$ 3,414,317 \$ 3,414,317 73483

and Residential

Operating Services

TOTAL GSF General Services Fund \$ 3,414,317 \$ 3,414,317 73484

Group

Federal Special Revenue Fund Group 73485

3A50 320613 DD Council \$ 3,341,572 \$ 3,341,572 73486

3250 322612 Community Social \$ 11,017,754 \$ 10,604,896 73487

Service Programs

|                       |                         |                                                                             |    |               |    |                                                  |       |
|-----------------------|-------------------------|-----------------------------------------------------------------------------|----|---------------|----|--------------------------------------------------|-------|
| 3DZ0                  | 322648                  | Enhanced Medicaid -<br>Federal                                              | \$ | 10,000,000    | \$ | 0                                                | 73488 |
| 3G60                  | 322639                  | Medicaid Waiver -<br>Federal                                                | \$ | 866,566,007   | \$ | 985,566,007                                      | 73489 |
| 3M70                  | 322650                  | CAFS Medicaid                                                               | \$ | 29,349,502    | \$ | <del>29,349,502</del><br><u>3,000,000</u>        | 73490 |
| 3A40                  | 323605                  | Developmental Center<br>and Residential<br>Facility Services and<br>Support | \$ | 180,266,029   | \$ | <del>179,384,881</del><br><u>174,000,000</u>     | 73491 |
| TOTAL FED             | Federal Special Revenue |                                                                             | \$ | 1,100,540,864 | \$ | <del>1,208,246,858</del><br><u>1,176,512,475</u> | 73492 |
| Fund Group            |                         |                                                                             |    |               |    |                                                  |       |
| State Special Revenue | Fund Group              |                                                                             |    |               |    |                                                  | 73493 |
| 5GE0                  | 320606                  | Operating and<br>Services                                                   | \$ | 7,406,609     | \$ | 7,407,297                                        | 73494 |
| 2210                  | 322620                  | Supplement Service<br>Trust                                                 | \$ | 150,000       | \$ | 150,000                                          | 73495 |
| 4K80                  | 322604                  | Medicaid Waiver -<br>State Match                                            | \$ | 12,000,000    | \$ | 12,000,000                                       | 73496 |
| 5CT0                  | 322632                  | Intensive Behavioral<br>Needs                                               | \$ | 1,000,000     | \$ | 1,000,000                                        | 73497 |
| 5DJ0                  | 322625                  | Targeted Case<br>Management Match                                           | \$ | 21,000,000    | \$ | 24,000,000                                       | 73498 |
| 5DJ0                  | 322626                  | Targeted Case<br>Management Services                                        | \$ | 57,307,357    | \$ | 66,000,000                                       | 73499 |
| 5DK0                  | 322629                  | Capital Replacement<br>Facilities                                           | \$ | 750,000       | \$ | 750,000                                          | 73500 |
| 5EV0                  | 322627                  | Program Fees                                                                | \$ | 685,000       | \$ | 685,000                                          | 73501 |
| 5H00                  | 322619                  | Medicaid Repayment                                                          | \$ | 160,000       | \$ | 160,000                                          | 73502 |
| 5JX0                  | 322651                  | Interagency Workgroup<br>- Autism                                           | \$ | 45,000        |    | 45,000                                           | 73503 |
| 5Z10                  | 322624                  | County Board Waiver<br>Match                                                | \$ | 235,000,000   | \$ | 290,000,000                                      | 73504 |



|                                 |        |                               |    |               |    |                                                  |       |
|---------------------------------|--------|-------------------------------|----|---------------|----|--------------------------------------------------|-------|
| 4890                            | 323632 | Developmental Center          | \$ | 16,497,170    | \$ | 16,497,169                                       | 73505 |
|                                 |        | Direct Care Support           |    |               |    |                                                  |       |
| 5S20                            | 590622 | Medicaid                      | \$ | 20,875,567    | \$ | 21,727,540                                       | 73506 |
|                                 |        | Administration &<br>Oversight |    |               |    |                                                  |       |
| TOTAL SSR State Special Revenue |        |                               | \$ | 372,876,703   | \$ | 440,422,006                                      | 73507 |
| Fund Group                      |        |                               |    |               |    |                                                  |       |
| TOTAL ALL BUDGET FUND GROUPS    |        |                               | \$ | 1,780,697,039 | \$ | <del>1,957,655,762</del><br><u>1,924,221,379</u> | 73508 |

**Sec. 263.10.30. FAMILY SCREENING AND EARLY INTERVENTION** 73510

The foregoing appropriation item 322420, Screening and Early Intervention, shall be used for screening and early intervention programs for children with autism selected by the Director. 73511  
73512  
73513

**FAMILY SUPPORT SERVICES SUBSIDY** 73514

(A) The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2012 and fiscal year 2013: 73515  
73516  
73517

(1) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs. 73518  
73519  
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(2) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds. 73526  
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(B) Each county board shall submit reports to the Department of Developmental Disabilities on the use of funds received under this section. The reports shall be submitted at the times and in the manner specified in rules the Director shall adopt in accordance with Chapter 119. of the Revised Code.

**Sec. 263.10.90. TARGETED CASE MANAGEMENT SERVICES**

County boards of developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Developmental Disabilities.

The Directors of Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Developmental Disabilities shall transfer cash from the Targeted Case Management Fund (Fund 5DJ0) to the ~~Medicaid Program Support~~ State Health Care/Medicaid Support and Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and Family Services in an amount equal to the nonfederal portion of the cost of targeted case management services paid by county boards, and the Department of Job and Family Services shall pay the total cost of targeted case management claims. The transfer shall be made using an intrastate transfer voucher.

**Sec. 263.20.40. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER PHARMACY PROGRAMS**

The Director of Developmental Disabilities shall quarterly transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the ~~Medicaid Program Support~~ State Health Care/Medicaid Support and Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and Family Services, in an amount equal to the nonfederal share of Medicaid prescription drug claim costs for all developmental centers paid by the Department of Job and Family Services. The quarterly transfer shall be made using an intrastate transfer

voucher. 73562

**Sec. 263.20.70.** RATE INCREASE FOR WAIVER PROVIDERS SERVING 73563  
FORMER RESIDENTS OF DEVELOPMENTAL CENTERS OR RESIDENTS OF 73564  
CONVERTED FACILITIES 73565

Subject (A) As used in this section, "converted facility" 73566  
means an intermediate care facility for the mentally retarded as 73567  
defined in section 5111.20 of the Revised Code, or former 73568  
intermediate care facility for the mentally retarded, that 73569  
converted some or all of its beds to providing home and 73570  
community-based services under the Individual Options Waiver 73571  
pursuant to section 5111.874 of the Revised Code. 73572

(B) Subject to approval by the Centers for Medicare and 73573  
Medicaid Services, the Department of Job and Family Services shall 73574  
increase the rate paid to a provider under the Individual Options 73575  
Waiver by fifty-two cents for each fifteen minutes of routine 73576  
homemaker/personal care provided to an individual for up to a year 73577  
if all of the following apply: 73578

~~(A)~~(1) The individual was a resident of a developmental 73579  
center or converted facility immediately prior to enrollment in 73580  
the waiver; 73581

~~(B)~~(2) The provider begins serving the individual on or after 73582  
July 1, 2011; 73583

~~(C)~~(3) The Director of Developmental Disabilities determines 73584  
that the increased rate is warranted by the individual's special 73585  
circumstances, including the individual's diagnosis, service 73586  
needs, or length of stay at the developmental center or converted 73587  
facility, and that serving the individual through the Individual 73588  
Options Waiver is fiscally prudent for the Medicaid program. 73589

**Sec. 267.10.** EDU DEPARTMENT OF EDUCATION 73590

|                      |                                                                                                     |           |            |                           |       |
|----------------------|-----------------------------------------------------------------------------------------------------|-----------|------------|---------------------------|-------|
| General Revenue Fund |                                                                                                     |           |            |                           | 73591 |
| GRF 200100           | Personal Services                                                                                   | \$        | 8,579,178  | \$ <del>8,579,178</del> 0 | 73592 |
| GRF 200320           | Maintenance and<br>Equipment                                                                        | \$        | 2,830,407  | \$ <del>2,830,407</del> 0 | 73593 |
| <u>GRF 200321</u>    | <u>Operating Expenses</u>                                                                           | <u>\$</u> | <u>0</u>   | <u>\$ 13,142,780</u>      | 73594 |
| GRF 200408           | Early Childhood<br>Education                                                                        | \$        | 23,268,341 | \$ 23,268,341             | 73595 |
| GRF 200416           | Career-Technical<br>Education Match                                                                 | \$        | 2,233,195  | \$ <del>2,233,195</del> 0 | 73596 |
| GRF 200420           | <del>Computer/Application/<br/>Network Information<br/>Technology Development<br/>and Support</del> | \$        | 4,241,296  | \$ 4,241,296              | 73597 |
| GRF 200421           | Alternative Education<br>Programs                                                                   | \$        | 7,403,998  | \$ 7,403,998              | 73598 |
| GRF 200422           | School Management<br>Assistance                                                                     | \$        | 2,842,812  | \$ 3,000,000              | 73599 |
| GRF 200424           | Policy Analysis                                                                                     | \$        | 328,558    | \$ 328,558                | 73600 |
| GRF 200425           | Tech Prep Consortia<br>Support                                                                      | \$        | 260,542    | \$ 260,542                | 73601 |
| GRF 200426           | Ohio Educational<br>Computer Network                                                                | \$        | 17,974,489 | \$ 17,974,489             | 73602 |
| GRF 200427           | Academic Standards                                                                                  | \$        | 4,346,060  | \$ 3,700,000              | 73603 |
| GRF 200437           | Student Assessment                                                                                  | \$        | 55,002,167 | \$ 55,002,167             | 73604 |
| GRF 200439           | Accountability/Report<br>Cards                                                                      | \$        | 3,579,279  | \$ 3,579,279              | 73605 |
| GRF 200442           | Child Care Licensing                                                                                | \$        | 827,140    | \$ 827,140                | 73606 |
| GRF 200446           | Education Management<br>Information System                                                          | \$        | 6,833,070  | \$ 6,833,070              | 73607 |
| GRF 200447           | GED Testing                                                                                         | \$        | 879,551    | \$ 879,551                | 73608 |
| GRF 200448           | Educator Preparation                                                                                | \$        | 786,737    | \$ 786,737                | 73609 |
| GRF 200455           | Community Schools and<br>Choice Programs                                                            | \$        | 2,200,000  | \$ 2,200,000              | 73610 |

|                                |                                 |    |               |    |                          |       |
|--------------------------------|---------------------------------|----|---------------|----|--------------------------|-------|
| GRF 200464                     | <u>General Technology</u>       | \$ | <u>0</u>      | \$ | <u>501,677</u>           | 73611 |
|                                | <u>Operations</u>               |    |               |    |                          |       |
| GRF 200502                     | Pupil Transportation            | \$ | 438,248,936   | \$ | 442,113,527              | 73612 |
| GRF 200505                     | School Lunch Match              | \$ | 9,100,000     | \$ | 9,100,000                | 73613 |
| GRF 200511                     | Auxiliary Services              | \$ | 124,194,099   | \$ | 126,194,099              | 73614 |
| GRF 200532                     | Nonpublic                       | \$ | 56,164,384    | \$ | 57,006,850               | 73615 |
|                                | Administrative Cost             |    |               |    |                          |       |
|                                | Reimbursement                   |    |               |    |                          |       |
| GRF 200540                     | Special Education               | \$ | 135,820,668   | \$ | 135,820,668              | 73616 |
|                                | Enhancements                    |    |               |    |                          |       |
| GRF 200545                     | Career-Technical                | \$ | 8,802,699     | \$ | 8,802,699                | 73617 |
|                                | Education Enhancements          |    |               |    |                          |       |
| GRF 200550                     | Foundation Funding              | \$ | 5,536,347,861 | \$ | <del>5,610,290,686</del> | 73618 |
|                                |                                 |    |               |    | <u>5,612,562,311</u>     |       |
| GRF 200901                     | Property Tax                    | \$ | 1,086,500,000 | \$ | 1,095,000,000            | 73619 |
|                                | Allocation - Education          |    |               |    |                          |       |
| TOTAL GRF General Revenue Fund |                                 | \$ | 7,539,595,467 | \$ | <del>7,628,256,477</del> | 73620 |
|                                |                                 |    |               |    | <u>7,630,529,779</u>     |       |
| General Services Fund Group    |                                 |    |               |    |                          | 73621 |
| 1380 200606                    | <del>Computer</del>             | \$ | 7,600,090     | \$ | <del>7,600,090</del>     | 73622 |
|                                | <del>Services-Operational</del> |    |               |    | <u>6,100,090</u>         |       |
|                                | <u>Information</u>              |    |               |    |                          |       |
|                                | <u>Technology</u>               |    |               |    |                          |       |
|                                | <u>Development and</u>          |    |               |    |                          |       |
|                                | Support                         |    |               |    |                          |       |
| 4520 200638                    | <del>Miscellaneous</del>        | \$ | 300,000       | \$ | 300,000                  | 73623 |
|                                | <del>Educational Services</del> |    |               |    |                          |       |
|                                | <u>Fees and Refunds</u>         |    |               |    |                          |       |
| 4L20 200681                    | Teacher Certification           | \$ | 8,147,756     | \$ | 8,147,756                | 73624 |
|                                | and Licensure                   |    |               |    |                          |       |
| 5960 200656                    | Ohio Career                     | \$ | 529,761       | \$ | 529,761                  | 73625 |
|                                | Information System              |    |               |    |                          |       |
| 5H30 200687                    | School District                 | \$ | 25,000,000    | \$ | 25,000,000               | 73626 |

| Solvency Assistance                                                         |    |            |                                |
|-----------------------------------------------------------------------------|----|------------|--------------------------------|
| TOTAL GSF General Services                                                  |    |            | 73627                          |
| Fund Group                                                                  | \$ | 41,577,607 | \$ <del>41,577,607</del> 73628 |
|                                                                             |    |            | <u>40,077,607</u>              |
| Federal Special Revenue Fund Group                                          |    |            | 73629                          |
| 3090 200601 Neglected and<br>Delinquent Education                           | \$ | 2,168,642  | \$ 2,168,642 73630             |
| 3670 200607 School Food Services                                            | \$ | 6,803,472  | \$ 6,959,906 73631             |
| 3690 200616 Career-Technical<br>Education Federal<br>Enhancement            | \$ | 5,000,000  | \$ 5,000,000 73632             |
| 3700 200624 Education of<br>Exceptional Children                            | \$ | 1,905,000  | \$ 0 73633                     |
| 3780 200660 Learn and Serve                                                 | \$ | 619,211    | \$ 619,211 73634               |
| 3AF0 200603 Schools Medicaid<br>Administrative Claims                       | \$ | 639,000    | \$ 639,000 73635               |
| 3AN0 200671 School Improvement<br>Grants                                    | \$ | 20,400,000 | \$ 20,400,000 73636            |
| 3AX0 200698 Improving Health and<br>Educational Outcomes<br>of Young People | \$ | 630,954    | \$ 630,954 73637               |
| 3BK0 200628 Longitudinal Data<br>Systems                                    | \$ | 500,000    | \$ 250,000 73638               |
| 3C50 200661 Early Childhood<br>Education                                    | \$ | 14,554,749 | \$ 14,554,749 73639            |
| 3CG0 200646 Teacher Incentive<br>Fund                                       | \$ | 1,925,881  | \$ 0 73640                     |
| 3D10 200664 Drug Free Schools                                               | \$ | 1,500,000  | \$ 0 73641                     |
| 3D20 200667 Math Science<br>Partnerships                                    | \$ | 9,500,001  | \$ 9,500,001 73642             |
| 3DG0 200630 Federal Stimulus -<br>McKinney Vento Grants                     | \$ | 330,512    | \$ 0 73643                     |
| 3DJ0 200699 IDEA Part B - Federal                                           | \$ | 21,886,803 | \$ 0 73644                     |

|      |        |                       |    |             |    |             |       |
|------|--------|-----------------------|----|-------------|----|-------------|-------|
|      |        | Stimulus              |    |             |    |             |       |
| 3DK0 | 200642 | Title 1A - Federal    | \$ | 18,633,673  | \$ | 0           | 73645 |
|      |        | Stimulus              |    |             |    |             |       |
| 3DL0 | 200650 | IDEA Preschool -      | \$ | 670,000     | \$ | 0           | 73646 |
|      |        | Federal Stimulus      |    |             |    |             |       |
| 3DM0 | 200651 | Title IID Technology  | \$ | 1,195,100   | \$ | 0           | 73647 |
|      |        | - Federal Stimulus    |    |             |    |             |       |
| 3DP0 | 200652 | Title I School        | \$ | 48,500,000  | \$ | 30,000,000  | 73648 |
|      |        | Improvement - Federal |    |             |    |             |       |
|      |        | Stimulus              |    |             |    |             |       |
| 3EC0 | 200653 | Teacher Incentive -   | \$ | 7,500,000   | \$ | 7,500,000   | 73649 |
|      |        | Federal Stimulus      |    |             |    |             |       |
| 3EH0 | 200620 | Migrant Education     | \$ | 2,645,905   | \$ | 2,645,905   | 73650 |
| 3EJ0 | 200622 | Homeless Children     | \$ | 1,759,782   | \$ | 1,759,782   | 73651 |
|      |        | Education             |    |             |    |             |       |
| 3EN0 | 200655 | State Data Systems -  | \$ | 2,500,000   | \$ | 2,500,000   | 73652 |
|      |        | Federal Stimulus      |    |             |    |             |       |
| 3ES0 | 200657 | General Supervisory   | \$ | 500,000     | \$ | 500,000     | 73653 |
|      |        | Enhancement Grant     |    |             |    |             |       |
| 3ET0 | 200658 | Education Jobs Fund   | \$ | 300,000,000 | \$ | 50,000,000  | 73654 |
| 3FD0 | 200665 | Race to the Top       | \$ | 100,000,000 | \$ | 100,000,000 | 73655 |
| 3FE0 | 200669 | Striving Readers      | \$ | 180,000     | \$ | 100,000     | 73656 |
| 3H90 | 200605 | Head Start            | \$ | 225,000     | \$ | 225,000     | 73657 |
|      |        | Collaboration Project |    |             |    |             |       |
| 3L60 | 200617 | Federal School Lunch  | \$ | 327,516,539 | \$ | 337,323,792 | 73658 |
| 3L70 | 200618 | Federal School        | \$ | 87,596,850  | \$ | 90,224,756  | 73659 |
|      |        | Breakfast             |    |             |    |             |       |
| 3L80 | 200619 | Child/Adult Food      | \$ | 100,850,833 | \$ | 103,876,359 | 73660 |
|      |        | Programs              |    |             |    |             |       |
| 3L90 | 200621 | Career-Technical      | \$ | 48,466,864  | \$ | 48,466,864  | 73661 |
|      |        | Education Basic Grant |    |             |    |             |       |
| 3M00 | 200623 | ESEA Title 1A         | \$ | 530,010,000 | \$ | 530,010,000 | 73662 |
| 3M20 | 200680 | Individuals with      | \$ | 443,170,050 | \$ | 443,170,050 | 73663 |

|                    |        |                                       |    |               |    |                          |       |
|--------------------|--------|---------------------------------------|----|---------------|----|--------------------------|-------|
|                    |        | Disabilities                          |    |               |    |                          |       |
|                    |        | Education Act                         |    |               |    |                          |       |
| 3S20               | 200641 | Education Technology                  | \$ | 9,487,397     | \$ | 9,487,397                | 73664 |
| 3T40               | 200613 | Public Charter                        | \$ | 14,291,353    | \$ | 14,291,353               | 73665 |
|                    |        | Schools                               |    |               |    |                          |       |
| 3Y20               | 200688 | 21st Century                          | \$ | 43,720,462    | \$ | 45,906,485               | 73666 |
|                    |        | Community Learning                    |    |               |    |                          |       |
|                    |        | Centers                               |    |               |    |                          |       |
| 3Y60               | 200635 | Improving Teacher                     | \$ | 101,900,000   | \$ | 101,900,000              | 73667 |
|                    |        | Quality                               |    |               |    |                          |       |
| 3Y70               | 200689 | English Language                      | \$ | 8,373,995     | \$ | 8,373,995                | 73668 |
|                    |        | Acquisition                           |    |               |    |                          |       |
| 3Y80               | 200639 | Rural and Low Income                  | \$ | 1,500,000     | \$ | 1,500,000                | 73669 |
|                    |        | Technical Assistance                  |    |               |    |                          |       |
| 3Z20               | 200690 | State Assessments                     | \$ | 11,882,258    | \$ | 11,882,258               | 73670 |
| 3Z30               | 200645 | Consolidated Federal                  | \$ | 8,949,280     | \$ | <del>8,949,280</del>     | 73671 |
|                    |        | Grant Administration                  |    |               |    | <u>7,949,280</u>         |       |
| TOTAL FED          |        | Federal Special                       |    |               |    |                          | 73672 |
| Revenue Fund Group |        |                                       | \$ | 2,310,389,566 | \$ | <del>2,011,315,739</del> | 73673 |
|                    |        |                                       |    |               |    | <u>2,010,315,739</u>     |       |
| State Special      |        | Revenue Fund Group                    |    |               |    |                          | 73674 |
| 4540               | 200610 | <del>Guidance and</del> <u>GED</u>    | \$ | 1,050,000     | \$ | 1,050,000                | 73675 |
|                    |        | Testing                               |    |               |    |                          |       |
| 4550               | 200608 | Commodity Foods                       | \$ | 24,000,000    | \$ | 24,000,000               | 73676 |
| 4R70               | 200695 | Indirect Operational                  | \$ | 6,500,000     | \$ | 6,600,000                | 73677 |
|                    |        | Support                               |    |               |    |                          |       |
| 4V70               | 200633 | Interagency                           | \$ | 1,117,725     | \$ | <del>1,117,725</del>     | 73678 |
|                    |        | <del>Operational</del> <u>Program</u> |    |               |    | <u>717,725</u>           |       |
|                    |        | Support                               |    |               |    |                          |       |
| 5980               | 200659 | Auxiliary Services                    | \$ | 1,328,910     | \$ | 1,328,910                | 73679 |
|                    |        | Reimbursement                         |    |               |    |                          |       |
| 5BB0               | 200696 | State Action for                      | \$ | 231,300       | \$ | 0                        | 73680 |
|                    |        | Education Leadership                  |    |               |    |                          |       |



|                              |               |                           |           |                |           |                           |       |
|------------------------------|---------------|---------------------------|-----------|----------------|-----------|---------------------------|-------|
| 5BJ0                         | 200626        | Half-Mill Maintenance     | \$        | 17,300,000     | \$        | 18,000,000                | 73681 |
|                              |               | Equalization              |           |                |           |                           |       |
| <u>5D40</u>                  | <u>200673</u> | <u>Conference/Special</u> | <u>\$</u> | <u>0</u>       | <u>\$</u> | <u>100,000</u>            | 73682 |
|                              |               | <u>Purposes</u>           |           |                |           |                           |       |
| 5U20                         | 200685        | National Education        | \$        | 300,000        | \$        | 300,000                   | 73683 |
|                              |               | Statistics                |           |                |           |                           |       |
| 6200                         | 200615        | Educational               | \$        | 3,000,000      | \$        | 3,000,000                 | 73684 |
|                              |               | Improvement Grants        |           |                |           |                           |       |
| TOTAL SSR                    |               | State Special Revenue     |           |                |           |                           | 73685 |
| Fund Group                   |               |                           | \$        | 54,827,935     | \$        | <del>55,396,635</del>     | 73686 |
|                              |               |                           |           |                |           | <u>55,096,635</u>         |       |
| Lottery Profits              |               | Education Fund Group      |           |                |           |                           | 73687 |
| 7017                         | 200612        | Foundation Funding        | \$        | 717,500,000    | \$        | 680,500,000               | 73688 |
| TOTAL LPE                    |               | Lottery Profits           |           |                |           |                           | 73689 |
| Education Fund Group         |               |                           | \$        | 717,500,000    | \$        | 680,500,000               | 73690 |
| Revenue Distribution         |               | Fund Group                |           |                |           |                           | 73691 |
| 7047                         | 200909        | School District           | \$        | 722,000,000    | \$        | 475,000,000               | 73692 |
|                              |               | Property Tax              |           |                |           |                           |       |
|                              |               | Replacement-Business      |           |                |           |                           |       |
| 7053                         | 200900        | School District           | \$        | 34,000,000     | \$        | 30,000,000                | 73693 |
|                              |               | Property Tax              |           |                |           |                           |       |
|                              |               | Replacement-Utility       |           |                |           |                           |       |
| TOTAL RDF                    |               | Revenue Distribution      |           |                |           |                           | 73694 |
| Fund Group                   |               |                           | \$        | 756,000,000    | \$        | 505,000,000               | 73695 |
| TOTAL ALL BUDGET FUND GROUPS |               |                           | \$        | 11,419,890,575 | \$        | <del>10,922,046,458</del> | 73696 |
|                              |               |                           |           |                |           | <u>10,921,519,760</u>     |       |

**Sec. 267.10.10. OPERATING EXPENSES**

73698

The foregoing appropriation item 200321, Operating Expenses, 73699  
shall be used to support the same activities as are supported 73700  
prior to July 1, 2012, by appropriation items 200100, Personal 73701  
Services, and 200320, Maintenance and Equipment. A portion of this 73702

appropriation item also shall be used by the Department of 73703  
Education to provide matching funds under 20 U.S.C. 2321, which 73704  
are provided by appropriation item 200416, Career-Technical 73705  
Education Match, prior to July 1, 2012. 73706

On July 1, 2012, or as soon as possible thereafter, the 73707  
Director of Budget and Management shall cancel any existing 73708  
encumbrances against appropriation items 200100, Personal 73709  
Services, 200320, Maintenance and Equipment, and 200416, 73710  
Career-Technical Education Match, and reestablish them against 73711  
appropriation item 200321, Operating Expenses. The reestablished 73712  
encumbrance amounts are hereby appropriated. 73713

EARLY CHILDHOOD EDUCATION 73714

The Department of Education shall distribute the foregoing 73715  
appropriation item 200408, Early Childhood Education, to pay the 73716  
costs of early childhood education programs. 73717

(A) As used in this section: 73718

(1) "Provider" means a city, local, exempted village, or 73719  
joint vocational school district, or an educational service 73720  
center. 73721

(2) In the case of a city, local, or exempted village school 73722  
district, "new eligible provider" means a district that did not 73723  
receive state funding for Early Childhood Education in the 73724  
previous fiscal year or demonstrates a need for early childhood 73725  
programs as defined in division (D) of this section. 73726

(3) "Eligible child" means a child who is at least three 73727  
years of age as of the district entry date for kindergarten, is 73728  
not of the age to be eligible for kindergarten, and whose family 73729  
earns not more than two hundred per cent of the federal poverty 73730  
guidelines as defined in division (A)(3) of section 5101.46 of the 73731  
Revised Code. Children with an Individualized Education Program 73732  
and where the Early Childhood Education program is the least 73733

restrictive environment may be enrolled on their third birthday. 73734

(B) In each fiscal year, up to two per cent of the total 73735  
appropriation may be used by the Department for program support 73736  
and technical assistance. The Department shall distribute the 73737  
remainder of the appropriation in each fiscal year to serve 73738  
eligible children. 73739

(C) The Department shall provide an annual report to the 73740  
Governor, the Speaker of the House of Representatives, and the 73741  
President of the Senate and post the report to the Department's 73742  
web site, regarding early childhood education programs operated 73743  
under this section and the early learning program guidelines. 73744

(D) After setting aside the amounts to make payments due from 73745  
the previous fiscal year, in fiscal year 2012, the Department 73746  
shall distribute funds first to recipients of funds for early 73747  
childhood education programs under Section 265.10.20 of Am. Sub. 73748  
H.B. 1 of the 128th General Assembly in the previous fiscal year 73749  
and the balance to new eligible providers of early childhood 73750  
education programs under this section or to existing providers to 73751  
serve more eligible children or for purposes of program expansion, 73752  
improvement, or special projects to promote quality and 73753  
innovation. 73754

After setting aside the amounts to make payments due from the 73755  
previous fiscal year, in fiscal year 2013, the Department shall 73756  
distribute funds first to providers of early childhood education 73757  
programs under this section in the previous fiscal year and the 73758  
balance to new eligible providers or to existing providers to 73759  
serve more eligible children or for purposes of program expansion, 73760  
improvement, or special projects to promote quality and 73761  
innovation. 73762

Awards under this section shall be distributed on a per-pupil 73763  
basis, and in accordance with division (H) of this section. The 73764

Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (J) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program guidelines. The approved provider shall administer and use such property and funds for the purposes specified.

(F) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the early learning program guidelines, meet a quality rating level in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the guidelines, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the

official governing body of the provider. The corrective action 73797  
plan shall include a schedule for monitoring by the Department. 73798  
Such monitoring may include monthly reports, inspections, a 73799  
timeline for correction of deficiencies, and technical assistance 73800  
to be provided by the Department or obtained by the early 73801  
childhood education program. The Department may withhold funding 73802  
pending corrective action. If an early childhood education program 73803  
fails to satisfactorily complete a corrective action plan, the 73804  
Department may deny expansion funding to the program or withdraw 73805  
all or part of the funding to the program and establish a new 73806  
eligible provider through a selection process established by the 73807  
Department. 73808

(G) Each early childhood education program shall do all of 73809  
the following: 73810

(1) Meet teacher qualification requirements prescribed by 73811  
section 3301.311 of the Revised Code; 73812

(2) Align curriculum to the early learning content standards 73813  
developed by the Department; 73814

(3) Meet any child or program assessment requirements 73815  
prescribed by the Department; 73816

(4) Require teachers, except teachers enrolled and working to 73817  
obtain a degree pursuant to section 3301.311 of the Revised Code, 73818  
to attend a minimum of twenty hours every two years of 73819  
professional development as prescribed by the Department; 73820

(5) Document and report child progress as prescribed by the 73821  
Department; 73822

(6) Meet and report compliance with the early learning 73823  
program guidelines as prescribed by the Department; 73824

(7) Participate in the tiered quality rating and improvement 73825  
system developed under section 5104.30 of the Revised Code. 73826

Effective July 1, 2016, all programs shall be rated through the 73827  
system. 73828

(H) Per-pupil funding for programs subject to this section 73829  
shall be sufficient to provide eligible children with services for 73830  
a standard early childhood schedule which shall be defined in this 73831  
section as a minimum of twelve and one-half hours per school week 73832  
as defined in section 3313.62 of the Revised Code for the minimum 73833  
school year as defined in sections 3313.48, 3313.481, and 3313.482 73834  
of the Revised Code. Nothing in this section shall be construed to 73835  
prohibit program providers from utilizing other funds to serve 73836  
eligible children in programs that exceed the twelve and one-half 73837  
hours per week or that exceed the minimum school year. For any 73838  
provider for which a standard early childhood education schedule 73839  
creates a hardship or for which the provider shows evidence that 73840  
the provider is working in collaboration with a preschool special 73841  
education program, the provider may submit a waiver to the 73842  
Department requesting an alternate schedule. If the Department 73843  
approves a waiver for an alternate schedule that provides services 73844  
for less time than the standard early childhood education 73845  
schedule, the Department may reduce the provider's annual 73846  
allocation proportionately. Under no circumstances shall an annual 73847  
allocation be increased because of the approval of an alternate 73848  
schedule. 73849

(I) Each provider shall develop a sliding fee scale based on 73850  
family incomes and shall charge families who earn more than two 73851  
hundred per cent of the federal poverty guidelines, as defined in 73852  
division (A)(3) of section 5101.46 of the Revised Code, for the 73853  
early childhood education program. 73854

The Department shall conduct an annual survey of each 73855  
provider to determine whether the provider charges families 73856  
tuition or fees, the amount families are charged relative to 73857  
family income levels, and the number of families and students 73858

charged tuition and fees for the early childhood program. 73859

(J) If an early childhood education program voluntarily 73860  
waives its right for funding, or has its funding eliminated for 73861  
not meeting financial standards or the early learning program 73862  
guidelines, the provider shall transfer control of title to 73863  
property, equipment, and remaining supplies obtained through the 73864  
program to providers designated by the Department and return any 73865  
unexpended funds to the Department along with any reports 73866  
prescribed by the Department. The funding made available from a 73867  
program that waives its right for funding or has its funding 73868  
eliminated or reduced may be used by the Department for new grant 73869  
awards or expansion grants. The Department may award new grants or 73870  
expansion grants to eligible providers who apply. The eligible 73871  
providers who apply must do so in accordance with the selection 73872  
process established by the Department. 73873

(K) As used in this section, "early learning program 73874  
guidelines" means the guidelines established by the Department 73875  
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 73876  
66 of the 126th General Assembly. 73877

(L) Eligible expenditures for the Early Childhood Education 73878  
program shall be claimed each fiscal year to help meet the state's 73879  
TANF maintenance of effort requirement. The Superintendent of 73880  
Public Instruction and the Director of Job and Family Services 73881  
shall enter into an interagency agreement to carry out the 73882  
requirements under this division, which shall include developing 73883  
reporting guidelines for these expenditures. 73884

**Sec. 267.10.20. CAREER-TECHNICAL EDUCATION MATCH 73885**

The For fiscal year 2012, the foregoing appropriation item 73886  
200416, Career-Technical Education Match, shall be used by the 73887  
Department of Education to provide ~~vocational administration~~ 73888  
matching funds under 20 U.S.C. ~~2311~~ 2321. 73889

~~The Director of Budget and Management shall transfer any remaining appropriation from appropriation item 200416, Career Technical Education Match, to appropriation item 200426, Ohio Educational Computer Network, to support the Ohio Educational Computer Network.~~

COMPUTER/APPLICATION/NETWORK INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Computer/Application/Network Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Sec. 267.10.40. SCHOOL MANAGEMENT ASSISTANCE**

Of the foregoing appropriation item 200422, School Management Assistance, \$1,000,000 in each fiscal year ~~2012 and \$1,300,000 in fiscal year 2013~~ shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and may also be used by the Auditor of State to conduct performance audits of other school



districts with priority given to districts in fiscal distress. 73921  
Districts in fiscal distress shall be determined by the Auditor of 73922  
State and shall include districts that the Auditor of State, in 73923  
consultation with the Department of Education, determines are 73924  
employing fiscal practices or experiencing budgetary conditions 73925  
that could produce a state of fiscal watch or fiscal emergency. 73926

The remainder of appropriation item 200422, School Management 73927  
Assistance, shall be used by the Department of Education to 73928  
provide fiscal technical assistance and inservice education for 73929  
school district management personnel and to administer, monitor, 73930  
and implement the fiscal caution, fiscal watch, and fiscal 73931  
emergency provisions under Chapter 3316. of the Revised Code. 73932

**Sec. 267.30.20. SPECIAL EDUCATION ENHANCEMENTS** 73933

Of the foregoing appropriation item 200540, Special Education 73934  
Enhancements, up to \$2,206,875 in each fiscal year shall be used 73935  
for home instruction for children with disabilities. 73936

Of the foregoing appropriation item 200540, Special Education 73937  
Enhancements, up to \$45,282,959 in each fiscal year shall be used 73938  
to fund special education and related services at county boards of 73939  
developmental disabilities for eligible students under section 73940  
3317.20 of the Revised Code and at institutions for eligible 73941  
students under section 3317.201 of the Revised Code. 73942  
Notwithstanding the distribution formulas under sections 3317.20 73943  
and 3317.201 of the Revised Code, funding for DD boards and 73944  
institutions for fiscal year 2012 and fiscal year 2013 shall be 73945  
determined by providing the per pupil amount received by each DD 73946  
board and institution for the prior fiscal year for each student 73947  
served in the current fiscal year. 73948

Of the foregoing appropriation item 200540, Special Education 73949  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 73950  
for parent mentoring programs. 73951

Of the foregoing appropriation item 200540, Special Education 73952  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 73953  
school psychology interns. 73954

The remainder of appropriation item 200540, Special Education 73955  
Enhancements, shall be distributed by the Department of Education 73956  
to county boards of developmental disabilities, educational 73957  
service centers, and school districts for preschool special 73958  
education units and preschool supervisory units under section 73959  
3317.052 of the Revised Code. To the greatest extent possible, the 73960  
Department of Education shall allocate these units to school 73961  
districts and educational service centers. 73962

The Department may reimburse county DD boards, educational 73963  
service centers, and school districts for services provided by 73964  
instructional assistants, related services as defined in rule 73965  
3301-51-11 of the Administrative Code, physical therapy services 73966  
provided by a licensed physical therapist or physical therapist 73967  
assistant under the supervision of a licensed physical therapist 73968  
as required under Chapter 4755. of the Revised Code and Chapter 73969  
4755-27 of the Administrative Code and occupational therapy 73970  
services provided by a licensed occupational therapist or 73971  
occupational therapy assistant under the supervision of a licensed 73972  
occupational therapist as required under Chapter 4755. of the 73973  
Revised Code and Chapter 4755-7 of the Administrative Code. 73974  
Nothing in this section authorizes occupational therapy assistants 73975  
or physical therapist assistants to generate or manage their own 73976  
caseloads. 73977

The Department of Education shall require school districts, 73978  
educational service centers, and county DD boards serving 73979  
preschool children with disabilities to adhere to Ohio's Early 73980  
Learning Program Guidelines, participate in the tiered quality 73981  
rating and improvement system developed under section 5104.30 of 73982  
the Revised Code, and document child progress using research-based 73983

indicators prescribed by the Department and report results 73984  
annually. The reporting dates and method shall be determined by 73985  
the Department. Effective July 1, 2018, all programs shall be 73986  
rated through the tiered quality rating and improvement system. 73987

**Sec. 267.30.40. FOUNDATION FUNDING** 73988

Of the foregoing appropriation item 200550, Foundation 73989  
Funding, up to \$675,000 in each fiscal year shall be used to 73990  
support the work of the College of Education and Human Ecology at 73991  
the Ohio State University in reviewing and assessing the alignment 73992  
of courses offered through the distance learning clearinghouse 73993  
established in sections 3333.81 to 3333.88 of the Revised Code 73994  
with the academic content standards adopted under division (A) of 73995  
section 3301.079 of the Revised Code. 73996

Of the foregoing appropriation item 200550, Foundation 73997  
Funding, up to \$250,000 in each fiscal year may be used by the 73998  
Department to fund a shared services pilot project involving at 73999  
least two educational service centers. The pilot project shall 74000  
focus on the design, implementation, and evaluation of a shared 74001  
service delivery model. The educational service centers 74002  
participating in the pilot project shall submit a report not later 74003  
than September 1, 2013, to the Governor, members of the General 74004  
Assembly, and members of the State Board of Education, reviewing 74005  
the opportunities and challenges of implementing shared services 74006  
initiatives as well as any real or projected cost efficiencies 74007  
achieved through the pilot project. 74008

Of the foregoing appropriation item 200550, Foundation 74009  
Funding, up to \$50,000 shall be expended in each fiscal year for 74010  
court payments under section 2151.362 of the Revised Code. 74011

Of the foregoing appropriation item 200550, Foundation 74012  
Funding, up to \$8,100,000 in each fiscal year shall be used to 74013  
fund gifted education at educational service centers. 74014

Notwithstanding division (D)(5) of section 3317.018 of the Revised Code, the Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$10,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, and community schools for special education students under division (C)(3) of section 3317.022 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year; and up to \$2,000,000 in each fiscal year shall be reserved for Youth Services tuition payments under section 3317.024 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$41,760,000 in fiscal year 2012 and up to \$35,496,000 in fiscal year 2013 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code and the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,545,752 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives. Educational service centers shall be required to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$700,000 in each fiscal year shall be used by the

Department of Education for a program to pay for educational 74047  
services for youth who have been assigned by a juvenile court or 74048  
other authorized agency to any of the facilities described in 74049  
division (A) of the section of this act entitled "PRIVATE 74050  
TREATMENT FACILITY PROJECT." 74051

Of the foregoing appropriation item 200550, Foundation 74052  
Funding, up to \$12,522,860 in ~~each~~ fiscal year 2012 and up to 74053  
\$14,794,485 in fiscal year 2013 shall be used to support ~~the~~ 74054  
~~Cleveland~~ school choice ~~program~~ programs. 74055

Of the portion of the funds distributed to the Cleveland 74056  
Municipal School District under this section, up to \$11,901,887 in 74057  
each fiscal year shall be used to operate the school choice 74058  
program in the Cleveland Municipal School District under sections 74059  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 74060  
divisions (B) and (C) of section 3313.978 and division (C) of 74061  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 74062  
fiscal year of this amount shall be used by the Cleveland 74063  
Municipal School District to provide tutorial assistance as 74064  
provided in division (H) of section 3313.974 of the Revised Code. 74065  
The Cleveland Municipal School District shall report the use of 74066  
these funds in the district's three-year continuous improvement 74067  
plan as described in section 3302.04 of the Revised Code in a 74068  
manner approved by the Department of Education. 74069

Any sums, in addition to the amounts specifically 74070  
appropriated in appropriation item 200550, Foundation Funding, for 74071  
payments of the scholarships required under sections 3313.974 to 74072  
3313.979 of the Revised Code, which are determined to be necessary 74073  
by the Superintendent of Public Instruction, are hereby 74074  
appropriated. 74075

Of the foregoing appropriation item 200550, Foundation 74076  
Funding, an amount shall be available in each fiscal year to be 74077  
paid to joint vocational school districts in accordance with the 74078

section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 74079  
DISTRICTS." 74080

Of the foregoing appropriation item 200550, Foundation 74081  
Funding, a portion in each fiscal year shall be paid to city, 74082  
exempted village, and local school districts in accordance with 74083  
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT 74084  
FUNDING." 74085

Of the foregoing appropriation item 200550, Foundation 74086  
Funding, a portion in each fiscal year shall be paid to school 74087  
districts and community schools in accordance with the section of 74088  
this act entitled "SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS." 74089

The remainder of appropriation item 200550, Foundation 74090  
Funding, shall be used to distribute the amounts calculated for 74091  
formula aid under Section 267.30.50 of this act. 74092

Appropriation items 200502, Pupil Transportation, 200540, 74093  
Special Education Enhancements, and 200550, Foundation Funding, 74094  
other than specific set-asides, are collectively used in each 74095  
fiscal year to pay state formula aid obligations for school 74096  
districts, community schools, STEM schools, and joint vocational 74097  
school districts under this act. The first priority of these 74098  
appropriation items, with the exception of specific set-asides, is 74099  
to fund state formula aid obligations. It may be necessary to 74100  
reallocate funds among these appropriation items or use excess 74101  
funds from other general revenue fund appropriation items in the 74102  
Department of Education's budget in each fiscal year, in order to 74103  
meet state formula aid obligations. If it is determined that it is 74104  
necessary to transfer funds among these appropriation items or to 74105  
transfer funds from other General Revenue Fund appropriations in 74106  
the Department of Education's budget to meet state formula aid 74107  
obligations, the Department of Education shall seek approval from 74108  
the Controlling Board to transfer funds as needed. 74109

|                                                         |               |                       |                                        |       |
|---------------------------------------------------------|---------------|-----------------------|----------------------------------------|-------|
| <b>Sec. 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b> |               |                       |                                        | 74110 |
| General Services Fund Group                             |               |                       |                                        | 74111 |
| 1990                                                    | 715602        | Laboratory Services   | \$ 402,295 \$ 408,560                  | 74112 |
| 2190                                                    | 715604        | Central Support       | \$ 8,594,348 \$ 8,555,680              | 74113 |
| Indirect                                                |               |                       |                                        |       |
| 4A10                                                    | 715640        | Operating Expenses    | \$ 2,304,267 \$ 2,093,039              | 74114 |
| <u>4D50</u>                                             | <u>715618</u> | <u>Recycled State</u> | <u>\$ 0 \$ 50,000</u>                  | 74115 |
| <u>Materials</u>                                        |               |                       |                                        |       |
| TOTAL GSF General Services                              |               |                       |                                        | 74116 |
| Fund Group                                              |               |                       |                                        | 74117 |
|                                                         |               |                       | \$ 11,300,910 \$ <del>11,057,279</del> |       |
|                                                         |               |                       | <u>11,107,279</u>                      |       |
| Federal Special Revenue Fund Group                      |               |                       |                                        | 74118 |
| 3530                                                    | 715612        | Public Water Supply   | \$ 2,941,282 \$ 2,941,282              | 74119 |
| 3540                                                    | 715614        | Hazardous Waste       | \$ 4,193,000 \$ 4,193,000              | 74120 |
| Management - Federal                                    |               |                       |                                        |       |
| 3570                                                    | 715619        | Air Pollution Control | \$ 6,310,203 \$ 6,310,203              | 74121 |
| - Federal                                               |               |                       |                                        |       |
| 3620                                                    | 715605        | Underground Injection | \$ 111,874 \$ 111,874                  | 74122 |
| Control - Federal                                       |               |                       |                                        |       |
| 3BU0                                                    | 715684        | Water Quality         | \$ 8,100,000 \$ 6,785,000              | 74123 |
| Protection                                              |               |                       |                                        |       |
| 3CS0                                                    | 715688        | Federal NRD           | \$ 100,000 \$ 100,000                  | 74124 |
| Settlements                                             |               |                       |                                        |       |
| 3F20                                                    | 715630        | Revolving Loan Fund - | \$ 907,543 \$ 907,543                  | 74125 |
| Operating                                               |               |                       |                                        |       |
| 3F30                                                    | 715632        | Federally Supported   | \$ 3,344,746 \$ 3,290,405              | 74126 |
| Cleanup and Response                                    |               |                       |                                        |       |
| 3F50                                                    | 715641        | Nonpoint Source       | \$ 6,265,000 \$ 6,260,000              | 74127 |
| Pollution Management                                    |               |                       |                                        |       |
| 3T30                                                    | 715669        | Drinking Water State  | \$ 2,273,323 \$ 2,273,323              | 74128 |
| Revolving Fund                                          |               |                       |                                        |       |

|                                  |               |                                     |    |            |    |                  |       |
|----------------------------------|---------------|-------------------------------------|----|------------|----|------------------|-------|
| 3V70                             | 715606        | Agencywide Grants                   | \$ | 600,000    | \$ | 600,000          | 74129 |
| TOTAL FED                        |               | Federal Special Revenue             |    |            |    |                  | 74130 |
| Fund Group                       |               |                                     | \$ | 35,146,971 | \$ | 33,772,630       | 74131 |
| State Special Revenue Fund Group |               |                                     |    |            |    |                  | 74132 |
| 4J00                             | 715638        | Underground Injection Control       | \$ | 445,234    | \$ | 445,571          | 74133 |
| 4K20                             | 715648        | Clean Air - Non Title V             | \$ | 3,152,306  | \$ | 2,906,267        | 74134 |
| 4K30                             | 715649        | Solid Waste                         | \$ | 16,742,551 | \$ | 16,414,654       | 74135 |
| 4K40                             | 715650        | Surface Water Protection            | \$ | 7,642,625  | \$ | 6,672,246        | 74136 |
| 4K40                             | 715686        | Environmental Lab Service           | \$ | 2,096,007  | \$ | 2,096,007        | 74137 |
| 4K50                             | 715651        | Drinking Water Protection           | \$ | 7,410,118  | \$ | 7,405,428        | 74138 |
| 4P50                             | 715654        | Cozart Landfill                     | \$ | 100,000    | \$ | 100,000          | 74139 |
| 4R50                             | 715656        | Scrap Tire Management               | \$ | 1,368,610  | \$ | 1,376,742        | 74140 |
| 4R90                             | 715658        | Voluntary Action Program            | \$ | 999,503    | \$ | 997,425          | 74141 |
| 4T30                             | 715659        | Clean Air - Title V Permit Program  | \$ | 16,349,471 | \$ | 16,241,822       | 74142 |
| 4U70                             | 715660        | Construction and Demolition Debris  | \$ | 425,913    | \$ | 433,591          | 74143 |
| 5000                             | 715608        | Immediate Removal Special Account   | \$ | 633,832    | \$ | 634,033          | 74144 |
| 5030                             | 715621        | Hazardous Waste Facility Management | \$ | 10,241,107 | \$ | 9,789,620        | 74145 |
| 5050                             | 715623        | Hazardous Waste Cleanup             | \$ | 12,511,234 | \$ | 12,331,272       | 74146 |
| 5050                             | 715674        | Clean Ohio Environmental Review     | \$ | 108,104    | \$ | 108,104          | 74147 |
| <u>5320</u>                      | <u>715646</u> | <u>Recycling and Litter Control</u> | \$ | <u>0</u>   | \$ | <u>4,911,575</u> | 74148 |



## As Reported by the House Finance and Appropriations Committee

|             |               |                          |           |            |           |                       |       |
|-------------|---------------|--------------------------|-----------|------------|-----------|-----------------------|-------|
| 5410        | 715670        | Site Specific Cleanup    | \$        | 2,048,101  | \$        | 2,048,101             | 74149 |
| 5420        | 715671        | Risk Management          | \$        | 132,636    | \$        | 132,636               | 74150 |
|             |               | Reporting                |           |            |           |                       |       |
| <u>5860</u> | <u>715637</u> | <u>Scrap Tire Market</u> | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>1,497,645</u>      | 74151 |
|             |               | <u>Development</u>       |           |            |           |                       |       |
| 5920        | 715627        | Anti Tampering           | \$        | 2,285      | \$        | 2,285                 | 74152 |
|             |               | Settlement               |           |            |           |                       |       |
| 5BC0        | 715617        | Clean Ohio               | \$        | 611,455    | \$        | 611,455               | 74153 |
| 5BC0        | 715622        | Local Air Pollution      | \$        | 2,297,980  | \$        | 2,297,980             | 74154 |
|             |               | Control                  |           |            |           |                       |       |
| 5BC0        | 715624        | Surface Water            | \$        | 8,970,181  | \$        | 9,114,974             | 74155 |
| 5BC0        | 715672        | Air Pollution Control    | \$        | 4,438,629  | \$        | 4,534,758             | 74156 |
| 5BC0        | 715673        | Drinking and Ground      | \$        | 4,317,527  | \$        | 4,323,521             | 74157 |
|             |               | Water                    |           |            |           |                       |       |
| 5BC0        | 715675        | Hazardous Waste          | \$        | 95,266     | \$        | 95,266                | 74158 |
| 5BC0        | 715676        | Assistance and           | \$        | 640,179    | \$        | 645,069               | 74159 |
|             |               | Prevention               |           |            |           |                       |       |
| 5BC0        | 715677        | Laboratory               | \$        | 939,717    | \$        | 958,586               | 74160 |
| 5BC0        | 715678        | Corrective Actions       | \$        | 31,765     | \$        | 105,423               | 74161 |
| 5BC0        | 715687        | Areawide Planning        | \$        | 450,000    | \$        | 450,000               | 74162 |
|             |               | Agencies                 |           |            |           |                       |       |
| 5BC0        | 715692        | Administration           | \$        | 8,562,476  | \$        | 8,212,627             | 74163 |
| 5BT0        | 715679        | C&DD Groundwater         | \$        | 203,800    | \$        | 203,800               | 74164 |
|             |               | Monitoring               |           |            |           |                       |       |
| 5BY0        | 715681        | Auto Emissions Test      | \$        | 13,029,952 | \$        | <del>13,242,762</del> | 74165 |
|             |               |                          |           |            |           | <u>11,242,762</u>     |       |
| 5CD0        | 715682        | Clean Diesel School      | \$        | 600,000    | \$        | 600,000               | 74166 |
|             |               | Buses                    |           |            |           |                       |       |
| 5H40        | 715664        | Groundwater Support      | \$        | 77,508     | \$        | 78,212                | 74167 |
| 5N20        | 715613        | Dredge and Fill          | \$        | 29,250     | \$        | 29,250                | 74168 |
| 5Y30        | 715685        | Surface Water            | \$        | 2,800,000  | \$        | 2,800,000             | 74169 |
|             |               | Improvement              |           |            |           |                       |       |
| 6440        | 715631        | ER Radiological Safety   | \$        | 279,838    | \$        | 279,966               | 74170 |

|                                              |        |                                             |    |             |    |                                              |       |
|----------------------------------------------|--------|---------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 6600                                         | 715629 | Infectious Waste Management                 | \$ | 91,573      | \$ | 88,764                                       | 74171 |
| 6760                                         | 715642 | Water Pollution Control Loan Administration | \$ | 4,317,376   | \$ | 4,321,605                                    | 74172 |
| 6780                                         | 715635 | Air Toxic Release                           | \$ | 138,669     | \$ | 138,669                                      | 74173 |
| 6790                                         | 715636 | Emergency Planning                          | \$ | 2,623,192   | \$ | 2,623,252                                    | 74174 |
| 6960                                         | 715643 | Air Pollution Control Administration        | \$ | 1,100,000   | \$ | 1,100,000                                    | 74175 |
| 6990                                         | 715644 | Water Pollution Control Administration      | \$ | 220,000     | \$ | 220,000                                      | 74176 |
| 6A10                                         | 715645 | Environmental Education                     | \$ | 1,488,260   | \$ | 1,488,718                                    | 74177 |
| TOTAL SSR State Special Revenue Fund Group   |        |                                             | \$ | 140,764,230 | \$ | <del>138,700,461</del><br><u>143,109,681</u> | 74178 |
| Clean Ohio Conservation Fund Group           |        |                                             |    |             |    |                                              | 74179 |
| 5S10                                         | 715607 | Clean Ohio - Operating                      | \$ | 284,083     | \$ | 284,124                                      | 74180 |
| TOTAL CLF Clean Ohio Conservation Fund Group |        |                                             | \$ | 284,083     | \$ | 284,124                                      | 74181 |
| TOTAL ALL BUDGET FUND GROUPS                 |        |                                             | \$ | 187,496,194 | \$ | <del>183,814,494</del><br><u>188,273,714</u> | 74182 |

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 74183

On July 1 of each fiscal year, or as soon as possible 74184  
thereafter, the Director of Budget and Management may transfer up 74185  
to \$13,029,952 in cash in fiscal year 2012, and up to ~~\$13,242,762~~ 74186  
11,242,762 in cash in fiscal year 2013 from the General Revenue 74187  
Fund to the Auto Emissions Test Fund (Fund 5BY0) for the operation 74188  
and oversight of the auto emissions testing program. 74189

AREAWIDE PLANNING AGENCIES 74190

The Director of Environmental Protection Agency may award 74191  
grants from appropriation item 715687, Areawide Planning Agencies, 74192

to areawide planning agencies engaged in areawide water quality 74193  
management and planning activities in accordance with Section 208 74194  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 74195

CORRECTIVE CASH TRANSFERS 74196

On July 1, 2011, or as soon as possible thereafter, the 74197  
Director of Budget and Management shall transfer \$376,891.85 in 74198  
cash that was mistakenly deposited in the Clean Air Non Title V 74199  
Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30). 74200

On July 1, 2011, or as soon as possible thereafter, the 74201  
Director of Budget and Management shall transfer \$133,026.63 in 74202  
cash that was mistakenly deposited in the Scrap Tire Management 74203  
Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410). 74204

**Sec. 283.10. ETC ETECH OHIO** 74205

General Revenue Fund 74206

GRF 935401 Statehouse News \$ 215,561 \$ ~~215,561~~ 0 74207  
Bureau

GRF 935402 Ohio Government \$ 702,089 \$ ~~702,089~~ 0 74208  
Telecommunications  
Services

GRF 935408 General Operations \$ 1,251,789 \$ ~~1,254,193~~ 0 74209

GRF 935409 Technology Operations \$ 2,092,432 \$ ~~2,091,823~~ 0 74210

GRF 935410 Content Development, \$ 2,607,094 \$ ~~2,607,094~~ 0 74211  
Acquisition, and  
Distribution

GRF 935411 Technology \$ 4,251,185 \$ ~~4,252,671~~ 0 74212  
Integration and  
Professional  
Development

GRF 935412 Information \$ 829,340 \$ ~~829,963~~ 0 74213  
Technology

|                                  |    |            |    |                       |          |       |
|----------------------------------|----|------------|----|-----------------------|----------|-------|
| TOTAL GRF General Revenue Fund   | \$ | 11,949,490 | \$ | <del>11,953,394</del> | <u>0</u> | 74214 |
| General Services Fund Group      |    |            |    |                       |          | 74215 |
| 4F30 935603 Affiliate Services   | \$ | 50,000     | \$ | <del>50,000</del>     | <u>0</u> | 74216 |
| 4T20 935605 Government           | \$ | 25,000     | \$ | <del>25,000</del>     | <u>0</u> | 74217 |
| Television/Telecommunications    |    |            |    |                       |          |       |
| Operating                        |    |            |    |                       |          |       |
| TOTAL GSF General Services Fund  | \$ | 75,000     | \$ | <del>75,000</del>     | <u>0</u> | 74218 |
| Group                            |    |            |    |                       |          |       |
| State Special Revenue Fund Group |    |            |    |                       |          | 74219 |
| 4W90 935630 Telecommunity        | \$ | 25,000     | \$ | <del>25,000</del>     | <u>0</u> | 74220 |
| 4X10 935634 Distance Learning    | \$ | 24,150     | \$ | <del>24,150</del>     | <u>0</u> | 74221 |
| 5D40 935640 Conference/Special   | \$ | 2,100,000  | \$ | <del>2,100,000</del>  | <u>0</u> | 74222 |
| Purposes                         |    |            |    |                       |          |       |
| 5FK0 935608 Media Services       | \$ | 637,601    | \$ | <del>637,956</del>    | <u>0</u> | 74223 |
| 5JU0 935611 Information          | \$ | 1,455,000  | \$ | <del>1,455,000</del>  | <u>0</u> | 74224 |
| Technology Services              |    |            |    |                       |          |       |
| 5T30 935607 Gates Foundation     | \$ | 200,000    | \$ | <del>171,112</del>    | <u>0</u> | 74225 |
| Grants                           |    |            |    |                       |          |       |
| TOTAL SSR State Special Revenue  | \$ | 4,441,751  | \$ | <del>4,413,218</del>  | <u>0</u> | 74226 |
| Fund Group                       |    |            |    |                       |          |       |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 16,466,241 | \$ | <del>16,441,612</del> | <u>0</u> | 74227 |

**Sec. 283.20. STATEHOUSE NEWS BUREAU** 74229

The foregoing appropriation item 935401, Statehouse News 74230  
Bureau, shall be used solely to support the operations of the Ohio 74231  
Statehouse News Bureau. 74232

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 74233

The foregoing appropriation item 935402, Ohio Government 74234  
Telecommunications Services, shall be used solely to support the 74235  
operations of Ohio Government Telecommunications Services which 74236  
include providing multimedia support to the state government and 74237  
its affiliated organizations and broadcasting the activities of 74238

the legislative, judicial, and executive branches of state 74239  
government, among its other functions. 74240

TECHNOLOGY OPERATIONS 74241

The foregoing appropriation item 935409, Technology 74242  
Operations, shall be used by eTech Ohio to pay expenses of eTech 74243  
Ohio's network infrastructure, which includes the television and 74244  
radio transmission infrastructure and infrastructure that shall 74245  
link all public K-12 classrooms to each other and to the Internet, 74246  
and provide access to voice, video, other communication services, 74247  
and data educational resources for students and teachers. The 74248  
foregoing appropriation item 935409, Technology Operations, may 74249  
also be used to cover student costs for taking advanced placement 74250  
courses and courses that the Chancellor of the Board of Regents 74251  
has determined to be eligible for postsecondary credit through the 74252  
Ohio Learns Gateway. To the extent that funds remain available for 74253  
this purpose, public school students taking advanced placement or 74254  
postsecondary courses through the OhioLearns Gateway shall be 74255  
eligible to receive a fee waiver to cover the cost of 74256  
participating in one course. The fee waivers shall be distributed 74257  
until the funds appropriated to support the waivers have been 74258  
exhausted. 74259

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 74260

The foregoing appropriation item 935410, Content Development, 74261  
Acquisition, and Distribution, shall be used for the development, 74262  
acquisition, and distribution of information resources by public 74263  
media and radio reading services and for educational use in the 74264  
classroom and online. 74265

Of the foregoing appropriation item 935410, Content 74266  
Development, Acquisition, and Distribution, up to \$658,099 in ~~each~~ 74267  
fiscal year 2012 shall be allocated equally among the 12 Ohio 74268  
educational television stations and used with the advice and 74269

approval of eTech Ohio. Funds shall be used for the production of 74270  
interactive instructional programming series with priority given 74271  
to resources aligned with state academic content standards in 74272  
consultation with the Ohio Department of Education and for 74273  
teleconferences to support eTech Ohio. The programming shall be 74274  
targeted to the needs of the poorest two hundred school districts 74275  
as determined by the district's adjusted valuation per pupil as 74276  
defined in former section 3317.0213 of the Revised Code as that 74277  
section existed prior to June 30, 2005. 74278

Of the foregoing appropriation item 935410, Content 74279  
Development, Acquisition, and Distribution, up to \$1,749,283 in 74280  
~~each~~ fiscal year 2012 shall be distributed by eTech Ohio to Ohio's 74281  
qualified public educational television stations and educational 74282  
radio stations to support their operations. The funds shall be 74283  
distributed pursuant to an allocation formula used by the Ohio 74284  
Educational Telecommunications Network Commission unless a 74285  
substitute formula is developed by eTech Ohio in consultation with 74286  
Ohio's qualified public educational television stations and 74287  
educational radio stations. 74288

Of the foregoing appropriation item 935410, Content 74289  
Development, Acquisition, and Distribution, up to \$199,712 in ~~each~~ 74290  
fiscal year 2012 shall be distributed by eTech Ohio to Ohio's 74291  
qualified radio reading services to support their operations. The 74292  
funds shall be distributed pursuant to an allocation formula used 74293  
by the Ohio Educational Telecommunications Network Commission 74294  
unless a substitute formula is developed by eTech Ohio in 74295  
consultation with Ohio's qualified radio reading services. 74296

**Sec. 283.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL** 74297  
**DEVELOPMENT** 74298

The foregoing appropriation item 935411, Technology 74299  
Integration and Professional Development, shall be used by eTech 74300

Ohio for the provision of staff development, hardware, software, 74301  
telecommunications services, and information resources to support 74302  
educational uses of technology in the classroom and at a distance 74303  
and for professional development for teachers, administrators, and 74304  
technology staff on the use of educational technology in 74305  
qualifying public schools, including the State School for the 74306  
Blind, the State School for the Deaf, and the Department of Youth 74307  
Services. 74308

Of the foregoing appropriation item 935411, Technology 74309  
Integration and Professional Development, up to \$1,691,701 in each 74310  
fiscal year 2012 shall be used by eTech Ohio to contract with 74311  
educational television to provide Ohio public schools with 74312  
instructional resources and services with priority given to 74313  
resources and services aligned with state academic content 74314  
standards and such resources and services shall be based upon the 74315  
advice and approval of eTech Ohio, based on a formula used by the 74316  
Ohio SchoolNet Commission unless and until a substitute formula is 74317  
developed by eTech Ohio in consultation with Ohio's educational 74318  
technology agencies and noncommercial educational television 74319  
stations. 74320

**Sec. 291.10. DOH DEPARTMENT OF HEALTH** 74321

|                      |                      |    |           |                         |       |
|----------------------|----------------------|----|-----------|-------------------------|-------|
| General Revenue Fund |                      |    |           | 74322                   |       |
| GRF 440412           | Cancer Incidence     | \$ | 600,000   | \$ 600,000              | 74323 |
|                      | Surveillance System  |    |           |                         |       |
| GRF 440413           | Local Health         | \$ | 2,302,788 | \$ 2,303,061            | 74324 |
|                      | Department Support   |    |           |                         |       |
| GRF 440416           | Mothers and Children | \$ | 4,227,842 | \$ 4,228,015            | 74325 |
|                      | Safety Net Services  |    |           |                         |       |
| GRF 440418           | Immunizations        | \$ | 6,430,538 | \$ <del>8,930,829</del> | 74326 |
|                      |                      |    |           | <u>8,825,829</u>        |       |
| GRF 440431           | Free Clinics Safety  | \$ | 437,326   | \$ 437,326              | 74327 |

|                                 |                                           |    |            |                                               |       |
|---------------------------------|-------------------------------------------|----|------------|-----------------------------------------------|-------|
|                                 | Net Services                              |    |            |                                               |       |
| GRF 440438                      | Breast and Cervical<br>Cancer Screening   | \$ | 823,217    | \$ 823,217                                    | 74328 |
| GRF 440444                      | AIDS Prevention and<br>Treatment          | \$ | 5,842,315  | \$ 5,842,315                                  | 74329 |
| GRF 440451                      | Public Health<br>Laboratory               | \$ | 3,654,348  | \$ 3,655,449                                  | 74330 |
| GRF 440452                      | Child and Family<br>Health Services Match | \$ | 630,390    | \$ 630,444                                    | 74331 |
| GRF 440453                      | Health Care Quality<br>Assurance          | \$ | 8,170,694  | \$ 8,174,361                                  | 74332 |
| GRF 440454                      | Local Environmental<br>Health             | \$ | 1,310,141  | \$ <del>1,310,362</del><br><u>1,194,634</u>   | 74333 |
| GRF 440459                      | Help Me Grow                              | \$ | 33,673,545 | \$ 33,673,987                                 | 74334 |
| GRF 440465                      | Federally Qualified<br>Health Centers     | \$ | 458,688    | \$ 2,686,688                                  | 74335 |
| GRF 440467                      | Access to Dental Care                     | \$ | 540,484    | \$ 540,484                                    | 74336 |
| GRF 440468                      | Chronic Disease and<br>Injury Prevention  | \$ | 2,577,251  | \$ <del>2,577,251</del><br><u>2,447,251</u>   | 74337 |
| GRF 440472                      | Alcohol Testing                           | \$ | 550,000    | \$ 1,100,000                                  | 74338 |
| GRF 440505                      | Medically Handicapped<br>Children         | \$ | 7,512,451  | \$ 7,512,451                                  | 74339 |
| GRF 440507                      | Targeted Health Care<br>Services Over 21  | \$ | 1,045,414  | \$ 1,045,414                                  | 74340 |
| TOTAL GRF General Revenue Fund  |                                           | \$ | 80,787,432 | \$ <del>86,071,654</del><br><u>85,720,926</u> | 74341 |
| State Highway Safety Fund Group |                                           |    |            |                                               | 74342 |
| 4T40 440603                     | Child Highway Safety                      | \$ | 233,894    | \$ 233,894                                    | 74343 |
| TOTAL HSF State Highway Safety  |                                           |    |            |                                               | 74344 |
| Fund Group                      |                                           | \$ | 233,894    | \$ 233,894                                    | 74345 |
| General Services Fund Group     |                                           |    |            |                                               | 74346 |
| 1420 440646                     | Agency Health                             | \$ | 8,825,788  | \$ 8,826,146                                  | 74347 |



|      |        |                                    |    |             |    |                       |       |
|------|--------|------------------------------------|----|-------------|----|-----------------------|-------|
|      |        | Services                           |    |             |    |                       |       |
| 2110 | 440613 | Central Support                    | \$ | 28,900,000  | \$ | 29,000,000            | 74348 |
|      |        | Indirect Costs                     |    |             |    |                       |       |
| 4730 | 440622 | Lab Operating                      | \$ | 5,000,000   | \$ | 5,000,000             | 74349 |
|      |        | Expenses                           |    |             |    |                       |       |
| 5HB0 | 440470 | Breast and Cervical                | \$ | 1,000,000   | \$ | 0                     | 74350 |
|      |        | Cancer Screening                   |    |             |    |                       |       |
| 6830 | 440633 | Employee Assistance                | \$ | 1,100,000   | \$ | 1,100,000             | 74351 |
|      |        | Program                            |    |             |    |                       |       |
| 6980 | 440634 | Nurse Aide Training                | \$ | 99,239      | \$ | 99,265                | 74352 |
|      |        | TOTAL GSF General Services         |    |             |    |                       | 74353 |
|      |        | Fund Group                         | \$ | 44,925,027  | \$ | 44,025,411            | 74354 |
|      |        | Federal Special Revenue Fund Group |    |             |    |                       | 74355 |
| 3200 | 440601 | Maternal Child Health              | \$ | 27,068,886  | \$ | 27,068,886            | 74356 |
|      |        | Block Grant                        |    |             |    |                       |       |
| 3870 | 440602 | Preventive Health                  | \$ | 7,826,659   | \$ | 7,826,659             | 74357 |
|      |        | Block Grant                        |    |             |    |                       |       |
| 3890 | 440604 | Women, Infants, and                | \$ | 308,672,689 | \$ | 308,672,689           | 74358 |
|      |        | Children                           |    |             |    |                       |       |
| 3910 | 440606 | Medicaid/Medicare                  | \$ | 29,625,467  | \$ | 29,257,457            | 74359 |
| 3920 | 440618 | Federal Public Health              | \$ | 137,976,988 | \$ | 137,976,988           | 74360 |
|      |        | Programs                           |    |             |    |                       |       |
|      |        | TOTAL FED Federal Special Revenue  |    |             |    |                       | 74361 |
|      |        | Fund Group                         | \$ | 511,170,689 | \$ | 510,802,679           | 74362 |
|      |        | State Special Revenue Fund Group   |    |             |    |                       | 74363 |
| 4700 | 440647 | Fee Supported                      | \$ | 24,503,065  | \$ | <del>24,513,973</del> | 74364 |
|      |        | Programs                           |    |             |    | <u>24,263,973</u>     |       |
| 4710 | 440619 | Certificate of Need                | \$ | 878,145     | \$ | 878,433               | 74365 |
| 4770 | 440627 | Medically Handicapped              | \$ | 3,692,704   | \$ | 3,692,703             | 74366 |
|      |        | Children Audit                     |    |             |    |                       |       |
| 4D60 | 440608 | Genetics Services                  | \$ | 3,310,953   | \$ | 3,311,039             | 74367 |
| 4F90 | 440610 | Sickle Cell Disease                | \$ | 1,032,754   | \$ | 1,032,824             | 74368 |

|                 |        |                           |    |            |    |                       |       |
|-----------------|--------|---------------------------|----|------------|----|-----------------------|-------|
|                 |        | Control                   |    |            |    |                       |       |
| 4G00            | 440636 | Heirloom Birth            | \$ | 5,000      | \$ | 5,000                 | 74369 |
|                 |        | Certificate               |    |            |    |                       |       |
| 4G00            | 440637 | Birth Certificate         | \$ | 5,000      | \$ | 5,000                 | 74370 |
|                 |        | Surcharge                 |    |            |    |                       |       |
| 4L30            | 440609 | Miscellaneous             | \$ | 3,333,164  | \$ | 3,333,164             | 74371 |
|                 |        | Expenses                  |    |            |    |                       |       |
| 4P40            | 440628 | Ohio Physician Loan       | \$ | 476,870    | \$ | 476,870               | 74372 |
|                 |        | Repayment                 |    |            |    |                       |       |
| 4V60            | 440641 | Save Our Sight            | \$ | 2,255,760  | \$ | 2,255,789             | 74373 |
| 5B50            | 440616 | Quality, Monitoring,      | \$ | 878,638    | \$ | 878,997               | 74374 |
|                 |        | and Inspection            |    |            |    |                       |       |
| 5C00            | 440615 | Alcohol Testing and       | \$ | 551,018    | \$ | 0                     | 74375 |
|                 |        | Permit                    |    |            |    |                       |       |
| 5CN0            | 440645 | Choose Life               | \$ | 75,000     | \$ | 75,000                | 74376 |
| 5D60            | 440620 | Second Chance Trust       | \$ | 1,151,815  | \$ | 1,151,902             | 74377 |
| 5ED0            | 440651 | Smoke Free Indoor Air     | \$ | 190,452    | \$ | 190,452               | 74378 |
| 5G40            | 440639 | Adoption Services         | \$ | 20,000     | \$ | 20,000                | 74379 |
| 5L10            | 440623 | Nursing Facility          | \$ | 687,500    | \$ | 687,528               | 74380 |
|                 |        | Technical Assistance      |    |            |    |                       |       |
|                 |        | Program                   |    |            |    |                       |       |
| 5Z70            | 440624 | Ohio Dentist Loan         | \$ | 140,000    | \$ | 140,000               | 74381 |
|                 |        | Repayment                 |    |            |    |                       |       |
| 6100            | 440626 | Radiation Emergency       | \$ | 930,525    | \$ | 930,576               | 74382 |
|                 |        | Response                  |    |            |    |                       |       |
| 6660            | 440607 | Medically Handicapped     | \$ | 19,738,286 | \$ | 19,739,617            | 74383 |
|                 |        | Children - County         |    |            |    |                       |       |
|                 |        | Assessments               |    |            |    |                       |       |
| TOTAL SSR       |        | State Special Revenue     |    |            |    |                       | 74384 |
| Fund Group      |        |                           | \$ | 63,856,649 | \$ | <del>63,318,867</del> | 74385 |
|                 |        |                           |    |            |    | <u>63,068,867</u>     |       |
| Holding Account |        | Redistribution Fund Group |    |            |    |                       | 74386 |
| R014            | 440631 | Vital Statistics          | \$ | 44,986     | \$ | 44,986                | 74387 |

|                                                          |                     |    |             |    |                        |       |
|----------------------------------------------------------|---------------------|----|-------------|----|------------------------|-------|
| R048 440625                                              | Refunds, Grants     | \$ | 20,000      | \$ | 20,000                 | 74388 |
|                                                          | Reconciliation, and |    |             |    |                        |       |
|                                                          | Audit Settlements   |    |             |    |                        |       |
| TOTAL 090 Holding Account                                |                     |    |             |    |                        | 74389 |
| Redistribution Fund Group                                |                     | \$ | 64,986      | \$ | 64,986                 | 74390 |
| Tobacco Master Settlement Agreement Fund Group           |                     |    |             |    |                        | 74391 |
| 5BX0 440656                                              | Tobacco Use         | \$ | 1,000,000   | \$ | 1,000,000              | 74392 |
|                                                          | Prevention          |    |             |    |                        |       |
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group |                     | \$ | 1,000,000   | \$ | 1,000,000              | 74393 |
| TOTAL ALL BUDGET FUND GROUPS                             |                     | \$ | 702,038,677 | \$ | <del>705,517,491</del> | 74394 |
|                                                          |                     |    |             |    | <u>704,916,763</u>     |       |

**Sec. 307.10. INS DEPARTMENT OF INSURANCE**

|                                              |                      |    |            |    |                       |       |
|----------------------------------------------|----------------------|----|------------|----|-----------------------|-------|
|                                              |                      |    |            |    |                       | 74396 |
| Federal Special Revenue Fund Group           |                      |    |            |    |                       | 74397 |
| 3EV0 820610                                  | Health Insurance     | \$ | 1,000,000  | \$ | 1,000,000             | 74398 |
|                                              | Premium Review       |    |            |    |                       |       |
| 3EW0 820611                                  | Health Exchange      | \$ | 1,000,000  | \$ | 1,000,000             | 74399 |
|                                              | Planning             |    |            |    |                       |       |
| 3U50 820602                                  | OSHIIP Operating     | \$ | 2,270,726  | \$ | 2,270,725             | 74400 |
|                                              | Grant                |    |            |    |                       |       |
| TOTAL FED Federal Special Revenue Fund Group |                      | \$ | 4,270,726  | \$ | 4,270,725             | 74402 |
| State Special Revenue Fund Group             |                      |    |            |    |                       | 74403 |
| 5540 820601                                  | Operating Expenses - | \$ | 190,000    | \$ | 180,000               | 74404 |
|                                              | OSHIIP               |    |            |    |                       |       |
| 5540 820606                                  | Operating Expenses   | \$ | 22,745,538 | \$ | <del>22,288,550</del> | 74405 |
|                                              |                      |    |            |    | <u>22,931,817</u>     |       |
| 5550 820605                                  | Examination          | \$ | 9,065,684  | \$ | <del>8,934,065</del>  | 74406 |
|                                              |                      |    |            |    | <u>8,184,065</u>      |       |
| TOTAL SSR State Special Revenue Fund Group   |                      | \$ | 32,001,222 | \$ | <del>31,402,615</del> | 74408 |

|                                                                    |                  |                       |       |
|--------------------------------------------------------------------|------------------|-----------------------|-------|
|                                                                    |                  | <u>31,295,882</u>     |       |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 36,271,948 \$ | <del>35,673,340</del> | 74409 |
|                                                                    |                  | <u>35,566,607</u>     |       |
| MARKET CONDUCT EXAMINATION                                         |                  |                       | 74410 |
| When conducting a market conduct examination of any insurer        |                  |                       | 74411 |
| doing business in this state, the Superintendent of Insurance may  |                  |                       | 74412 |
| assess the costs of the examination against the insurer. The       |                  |                       | 74413 |
| superintendent may enter into consent agreements to impose         |                  |                       | 74414 |
| administrative assessments or fines for conduct discovered that    |                  |                       | 74415 |
| may be violations of statutes or rules administered by the         |                  |                       | 74416 |
| superintendent. All costs, assessments, or fines collected shall   |                  |                       | 74417 |
| be deposited to the credit of the Department of Insurance          |                  |                       | 74418 |
| Operating Fund (Fund 5540).                                        |                  |                       | 74419 |
| EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES               |                  |                       | 74420 |
| The Director of Budget and Management, at the request of the       |                  |                       | 74421 |
| Superintendent of Insurance, may transfer funds from the           |                  |                       | 74422 |
| Department of Insurance Operating Fund (Fund 5540), established by |                  |                       | 74423 |
| section 3901.021 of the Revised Code, to the Superintendent's      |                  |                       | 74424 |
| Examination Fund (Fund 5550), established by section 3901.071 of   |                  |                       | 74425 |
| the Revised Code, only for expenses incurred in examining domestic |                  |                       | 74426 |
| fraternal benefit societies as required by section 3921.28 of the  |                  |                       | 74427 |
| Revised Code.                                                      |                  |                       | 74428 |
| TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND                    |                  |                       | 74429 |
| Not later than the thirty-first day of July each fiscal year,      |                  |                       | 74430 |
| the Director of Budget and Management shall transfer \$5,000,000   |                  |                       | 74431 |
| from the Department of Insurance Operating Fund (Fund 5540) to the |                  |                       | 74432 |
| General Revenue Fund.                                              |                  |                       | 74433 |
| <b>Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>      |                  |                       | 74434 |
| General Revenue Fund                                               |                  |                       | 74435 |
| GRF 600321 <u>Program</u> Support                                  |                  |                       | 74436 |

|            |                                                              |    |             |    |                       |       |
|------------|--------------------------------------------------------------|----|-------------|----|-----------------------|-------|
|            | Services                                                     |    |             |    |                       |       |
|            | State                                                        | \$ | 34,801,760  | \$ | <del>31,932,117</del> | 74437 |
|            |                                                              |    |             |    | <u>31,612,796</u>     |       |
|            | Federal                                                      | \$ | 9,322,222   | \$ | <del>9,207,441</del>  | 74438 |
|            |                                                              |    |             |    | <u>9,115,366</u>      |       |
|            | <u>Program Support</u>                                       | \$ | 44,123,982  | \$ | <del>41,139,558</del> | 74439 |
|            | <u>Services Total</u>                                        |    |             |    | <u>40,728,162</u>     |       |
| GRF 600410 | <u>TANF State/Maintenance of Effort</u>                      | \$ | 151,386,934 | \$ | 151,386,934           | 74440 |
| GRF 600413 | <u>Child Care Match State/Maintenance of Effort</u>          | \$ | 84,732,730  | \$ | 84,732,730            | 74441 |
| GRF 600416 | <u>Computer Information Technology Projects</u>              |    |             |    |                       | 74442 |
|            | State                                                        | \$ | 67,955,340  | \$ | <del>69,263,506</del> | 74443 |
|            |                                                              |    |             |    | <u>68,570,871</u>     |       |
|            | Federal                                                      | \$ | 13,105,167  | \$ | <del>12,937,222</del> | 74444 |
|            |                                                              |    |             |    | <u>12,807,850</u>     |       |
|            | <u>Computer Information Technology Projects</u>              | \$ | 81,060,507  | \$ | <del>82,200,728</del> | 74445 |
|            | Total                                                        |    |             |    | <u>81,378,721</u>     |       |
| GRF 600417 | Medicaid Provider Audits                                     | \$ | 1,312,992   | \$ | <del>1,312,992</del>  | 74446 |
|            |                                                              |    |             |    | <u>1,299,862</u>      |       |
| GRF 600420 | Child Support <u>Administration Programs</u>                 | \$ | 6,163,534   | \$ | <del>6,065,588</del>  | 74447 |
|            |                                                              |    |             |    | <u>6,004,932</u>      |       |
| GRF 600421 | <u>Office of Family Stability Assistance Programs</u>        | \$ | 3,768,929   | \$ | <del>3,757,493</del>  | 74448 |
|            |                                                              |    |             |    | <u>3,719,918</u>      |       |
| GRF 600423 | <u>Office of Children and Families and Children Programs</u> | \$ | 5,123,406   | \$ | 4,978,756             | 74449 |
| GRF 600425 | <u>Office of Ohio Health Plans Care Programs</u>             |    |             |    |                       | 74450 |

|            |                                    |    |                       |    |                           |       |
|------------|------------------------------------|----|-----------------------|----|---------------------------|-------|
|            | State                              | \$ | 13,149,582            | \$ | <del>15,740,987</del>     | 74451 |
|            |                                    |    |                       |    | <u>15,583,577</u>         |       |
|            | Federal                            | \$ | 12,556,921            | \$ | <del>12,286,234</del>     | 74452 |
|            |                                    |    |                       |    | <u>12,163,372</u>         |       |
|            | <del>Office of Ohio Health</del>   | \$ | 25,706,503            | \$ | <del>28,027,221</del>     | 74453 |
|            | <del>Plans Care Programs</del>     |    |                       |    | <u>27,746,949</u>         |       |
|            | Total                              |    |                       |    |                           |       |
| GRF 600502 | <del>Administration Child</del>    | \$ | 23,814,103            | \$ | 23,814,103                | 74454 |
|            | <del>Support</del> - Local         |    |                       |    |                           |       |
| GRF 600511 | Disability Financial               | \$ | 26,599,666            | \$ | 27,108,734                | 74455 |
|            | Assistance                         |    |                       |    |                           |       |
| GRF 600521 | <del>Entitlement</del>             | \$ | 72,200,721            | \$ | 72,200,721                | 74456 |
|            | <del>Administration Family</del>   |    |                       |    |                           |       |
|            | <del>Assistance</del> - Local      |    |                       |    |                           |       |
| GRF 600523 | <del>Family and Children and</del> | \$ | <del>53,605,323</del> | \$ | <del>53,105,323</del>     | 74457 |
|            | <del>Families Services</del>       |    | <u>52,605,323</u>     |    | <u>54,105,323</u>         |       |
| GRF 600525 | Health Care/Medicaid               |    |                       |    |                           | 74458 |
|            | State                              | \$ | 4,313,761,372         | \$ | <del>4,689,051,017</del>  | 74459 |
|            |                                    |    |                       |    | <u>4,689,701,017</u>      |       |
|            | Federal                            | \$ | 7,530,008,024         | \$ | <del>8,429,762,527</del>  | 74460 |
|            |                                    |    |                       |    | <u>8,430,897,261</u>      |       |
|            | Health Care Total                  | \$ | 11,843,769,396        | \$ | <del>13,118,813,544</del> | 74461 |
|            |                                    |    |                       |    | <u>13,120,598,278</u>     |       |
| GRF 600526 | Medicare Part D                    | \$ | 277,996,490           | \$ | 296,964,743               | 74462 |
| GRF 600528 | Adoption Services                  |    |                       |    |                           | 74463 |
|            | State                              | \$ | 29,257,932            | \$ | 29,257,932                | 74464 |
|            | Federal                            | \$ | 41,085,169            | \$ | 41,085,169                | 74465 |
|            | Adoption Services Total            | \$ | 70,343,101            | \$ | 70,343,101                | 74466 |
| GRF 600533 | Child, Family, and                 | \$ | 13,500,000            | \$ | 13,500,000                | 74467 |
|            | Adult Community &                  |    |                       |    |                           |       |
|            | Protective Services                |    |                       |    |                           |       |
| GRF 600534 | Adult Protective                   | \$ | 366,003               | \$ | 366,003                   | 74468 |
|            | Services                           |    |                       |    |                           |       |

|             |                                                                                                          |                              |                                                |       |
|-------------|----------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------|-------|
| GRF 600535  | Early Care and<br>Education                                                                              | \$ 123,596,474               | \$ 123,596,474                                 | 74469 |
| GRF 600537  | Children's Hospital                                                                                      | \$ 6,000,000                 | \$ 6,000,000                                   | 74470 |
| GRF 600540  | Second Harvest Food<br>Banks                                                                             | \$ 4,000,000                 | \$ 4,000,000                                   | 74471 |
| GRF 600541  | Kinship Permanency<br>Incentive Program                                                                  | \$ 2,500,000                 | \$ 3,500,000                                   | 74472 |
| TOTAL GRF   | General Revenue Fund                                                                                     |                              |                                                | 74473 |
|             | State                                                                                                    | \$ <del>5,315,593,291</del>  | \$ <del>5,711,636,153</del>                    | 74474 |
|             |                                                                                                          | <u>5,314,593,291</u>         | <u>5,712,005,426</u>                           |       |
|             | Federal                                                                                                  | \$ 7,606,077,503             | \$ <del>8,505,278,593</del>                    | 74475 |
|             |                                                                                                          |                              | <u>8,506,069,018</u>                           |       |
|             | GRF Total                                                                                                | \$ <del>12,921,670,794</del> | \$ <del>14,216,914,746</del>                   | 74476 |
|             |                                                                                                          | <u>12,920,670,794</u>        | <u>14,218,074,444</u>                          |       |
|             | General Services Fund Group                                                                              |                              |                                                | 74477 |
| 4A80 600658 | Public Assistance<br>Activities                                                                          | \$ 34,000,000                | \$ 34,000,000                                  | 74478 |
| 5C90 600671 | Medicaid Program<br>Support                                                                              | \$ 85,800,878                | \$ <del>82,839,266</del> 0                     | 74479 |
| 5DL0 600639 | <del>Medicaid Revenue and<br/>Collections</del> <u>Health<br/>Care/Medicaid Support<br/>- Recoveries</u> | \$ 89,256,974                | \$ <del>84,156,974</del><br><u>166,996,240</u> | 74480 |
| 5DM0 600633 | Administration &<br>Operating                                                                            | \$ 20,392,173                | \$ <del>19,858,928</del><br><u>19,660,339</u>  | 74481 |
| 5FX0 600638 | Medicaid Payment<br>Withholding                                                                          | \$ 5,000,000                 | \$ 6,000,000                                   | 74482 |
| 5HL0 600602 | State and County<br>Shared services                                                                      | \$ 3,020,000                 | \$ 3,020,000                                   | 74483 |
| 5P50 600692 | <del>Prescription Drug<br/>Rebate</del> <u>State Health<br/>Care/Medicaid Support<br/>- Drug Rebates</u> | \$ 220,600,000               | \$ 242,600,000                                 | 74484 |

|                                    |               |                                                                                                |           |             |           |                                              |       |
|------------------------------------|---------------|------------------------------------------------------------------------------------------------|-----------|-------------|-----------|----------------------------------------------|-------|
| 6130                               | 600645        | Training Activities                                                                            | \$        | 500,000     | \$        | 500,000                                      | 74485 |
| TOTAL GSF General Services         |               |                                                                                                |           |             |           |                                              | 74486 |
| Fund Group                         |               |                                                                                                | \$        | 458,570,025 | \$        | <del>472,975,168</del><br><u>472,776,579</u> | 74487 |
| Federal Special Revenue Fund Group |               |                                                                                                |           |             |           |                                              | 74488 |
| 3270                               | 600606        | Child Welfare                                                                                  | \$        | 29,769,865  | \$        | 29,769,866                                   | 74489 |
| <u>3310</u>                        | <u>600615</u> | <u>Veterans Programs</u>                                                                       | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>8,000,000</u>                             | 74490 |
| <u>3310</u>                        | <u>600624</u> | <u>Employment Services Programs</u>                                                            | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>33,943,023</u>                            | 74491 |
| 3310                               | 600686        | <del>Federal Operating Workforce Programs</del>                                                | \$        | 49,128,140  | \$        | <del>48,203,023</del><br><u>6,260,000</u>    | 74492 |
| 3840                               | 600610        | Food Assistance and State Administration Programs                                              | \$        | 180,381,394 | \$        | 180,381,394                                  | 74493 |
| 3850                               | 600614        | Refugee Services                                                                               | \$        | 11,582,440  | \$        | 12,564,952                                   | 74494 |
| 3950                               | 600616        | <del>Special Activities/Child and Family Services</del><br><u>Federal Discretionary Grants</u> | \$        | 2,259,264   | \$        | 2,259,264                                    | 74495 |
| 3960                               | 600620        | Social Services Block Grant                                                                    | \$        | 64,999,999  | \$        | 64,999,998                                   | 74496 |
| 3970                               | 600626        | Child Support - <u>Federal</u>                                                                 | \$        | 255,812,837 | \$        | 255,813,528                                  | 74497 |
| 3980                               | 600627        | Adoption Maintenance/<br><del>Administration Program</del><br><u>- Federal</u>                 | \$        | 352,183,862 | \$        | <del>352,184,253</del><br><u>174,178,779</u> | 74498 |
| 3A20                               | 600641        | Emergency Food Distribution                                                                    | \$        | 5,000,000   | \$        | 5,000,000                                    | 74499 |
| 3AW0                               | 600675        | Faith Based Initiatives                                                                        | \$        | 544,140     | \$        | 544,140                                      | 74500 |
| 3D30                               | 600648        | Children's Trust Fund<br>Federal                                                               | \$        | 2,040,524   | \$        | 2,040,524                                    | 74501 |



|                                   |        |                                                                                                |                  |                                                 |       |
|-----------------------------------|--------|------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------|-------|
| 3ER0                              | 600603 | Health Information<br>Technology                                                               | \$ 411,661,286   | \$ 416,395,286                                  | 74502 |
| 3F00                              | 600623 | Health Care Federal                                                                            | \$ 2,637,061,505 | \$ 2,720,724,869                                | 74503 |
| 3F00                              | 600650 | Hospital Care<br>Assurance <del>Match</del> -<br><u>Federal</u>                                | \$ 372,784,046   | \$ 380,645,627                                  | 74504 |
| 3FA0                              | 600680 | <del>Ohio</del> Health Care<br>Grants - <u>Federal</u>                                         | \$ 9,405,000     | \$ 20,000,000                                   | 74505 |
| 3G50                              | 600655 | Interagency<br>Reimbursement                                                                   | \$ 1,621,305,787 | \$ 1,380,391,478                                | 74506 |
| 3H70                              | 600617 | Child Care Federal                                                                             | \$ 208,290,036   | \$ 204,813,731                                  | 74507 |
| 3N00                              | 600628 | <del>IV-E</del> Foster Care<br>Maintenance <u>Program</u> -<br><u>Federal</u>                  | \$ 133,963,142   | \$ <del>133,963,142</del><br><u>311,968,616</u> | 74508 |
| 3S50                              | 600622 | Child Support Projects                                                                         | \$ 534,050       | \$ 534,050                                      | 74509 |
| 3V00                              | 600688 | Workforce Investment<br>Act <u>Programs</u>                                                    | \$ 176,496,250   | \$ 172,805,562                                  | 74510 |
| 3V40                              | 600678 | Federal Unemployment<br>Programs                                                               | \$ 188,680,096   | \$ 186,723,415                                  | 74511 |
| 3V40                              | 600679 | <del>Unemployment</del><br><del>Compensation</del> <u>UC</u> Review<br>Commission - Federal    | \$ 4,166,988     | \$ 4,068,758                                    | 74512 |
| 3V60                              | 600689 | TANF Block Grant                                                                               | \$ 727,968,260   | \$ 727,968,260                                  | 74513 |
| TOTAL FED Federal Special Revenue |        |                                                                                                |                  |                                                 | 74514 |
| Fund Group                        |        |                                                                                                | \$ 7,446,018,911 | \$ 7,302,795,120                                | 74515 |
| State Special Revenue Fund Group  |        |                                                                                                |                  |                                                 | 74516 |
| 1980                              | 600647 | Children's Trust Fund                                                                          | \$ 5,873,637     | \$ 5,873,848                                    | 74517 |
| 4A90                              | 600607 | Unemployment<br>Compensation<br>Administration Fund                                            | \$ 21,924,998    | \$ 21,424,998                                   | 74518 |
| 4A90                              | 600694 | <del>Unemployment</del><br><del>Compensation</del> <u>UC</u> Review<br>Commission - <u>SAF</u> | \$ 2,173,167     | \$ 2,117,031                                    | 74519 |

## As Reported by the House Finance and Appropriations Committee

|      |        |                                                                                   |    |             |    |             |       |
|------|--------|-----------------------------------------------------------------------------------|----|-------------|----|-------------|-------|
| 4E30 | 600605 | <del>Nursing Home</del><br><u>Assessments Resident</u><br><u>Protection Fund</u>  | \$ | 2,878,320   | \$ | 2,878,319   | 74520 |
| 4E70 | 600604 | <del>Child and Family and</del><br><u>Children Services</u><br>Collections        | \$ | 400,000     | \$ | 400,000     | 74521 |
| 4F10 | 600609 | <u>Family and Children</u><br><del>and Family Services</del><br>Activities        | \$ | 683,359     | \$ | 683,549     | 74522 |
| 4K10 | 600621 | <del>ICF/MR Bed Assessments</del><br><u>DDD Support -</u><br><u>Franchise Fee</u> | \$ | 41,405,596  | \$ | 44,372,874  | 74523 |
| 4Z10 | 600625 | HealthCare Compliance                                                             | \$ | 11,551,076  | \$ | 14,582,000  | 74524 |
| 5AJ0 | 600631 | Money Follows the<br>Person                                                       | \$ | 5,483,080   | \$ | 4,733,080   | 74525 |
| 5DB0 | 600637 | <del>Military Injury Grants</del><br><u>Relief Subsidies</u>                      | \$ | 2,000,000   | \$ | 2,000,000   | 74526 |
| 5DP0 | 600634 | Adoption Assistance<br>Loan                                                       | \$ | 500,000     | \$ | 500,000     | 74527 |
| 5ES0 | 600630 | Food <u>Bank</u> Assistance                                                       | \$ | 500,000     | \$ | 500,000     | 74528 |
| 5GF0 | 600656 | <del>Medicaid Health</del><br><u>Care/Medicaid Support</u><br>- Hospital/UPL      | \$ | 436,000,000 | \$ | 436,000,000 | 74529 |
| 5KC0 | 600682 | Health Care <del>Special</del><br><u>Activities Grants -</u><br><u>State</u>      | \$ | 10,000,000  | \$ | 10,000,000  | 74530 |
| 5KU0 | 600611 | <u>Unemployment</u><br><u>Compensation Support -</u><br><u>Other Sources</u>      | \$ | 2,000,000   | \$ | 4,000,000   | 74531 |
| 5R20 | 600608 | <del>Medicaid Nursing</del><br><u>Facilities Long-Term</u><br><u>Care Support</u> | \$ | 402,489,308 | \$ | 407,100,746 | 74532 |
| 5S30 | 600629 | <del>MR/DD Medicaid</del>                                                         | \$ | 9,252,738   | \$ | 9,147,791   | 74533 |

|                                             |        |                                       |                              |                              |                    |       |
|---------------------------------------------|--------|---------------------------------------|------------------------------|------------------------------|--------------------|-------|
|                                             |        | <u>Administration Health</u>          |                              |                              |                    |       |
|                                             |        | <u>Care Program and</u>               |                              |                              |                    |       |
|                                             |        | <u>Oversight DDD Support</u>          |                              |                              |                    |       |
| 5U30                                        | 600654 | Health Care <del>Services</del>       | \$ 24,400,000                | \$ <del>24,400,000</del>     |                    | 74534 |
|                                             |        | <u>Administration Program</u>         |                              |                              | <u>24,156,000</u>  |       |
|                                             |        | <u>Support</u>                        |                              |                              |                    |       |
| 5U60                                        | 600663 | <del>Children</del> <u>Family</u> and | \$ 4,000,000                 | \$ 4,000,000                 |                    | 74535 |
|                                             |        | <u>Family Children</u>                |                              |                              |                    |       |
|                                             |        | Support                               |                              |                              |                    |       |
| 6510                                        | 600649 | Hospital Care                         | \$ 212,526,123               | \$ 217,008,050               |                    | 74536 |
|                                             |        | Assurance Program Fund                |                              |                              |                    |       |
| TOTAL SSR State Special Revenue             |        |                                       |                              |                              |                    | 74537 |
| Fund Group                                  |        |                                       | \$ <del>1,194,041,402</del>  | \$ <del>1,207,722,286</del>  |                    | 74538 |
|                                             |        |                                       | <u>1,196,041,402</u>         | <u>1,211,478,286</u>         |                    |       |
| Agency Fund Group                           |        |                                       |                              |                              |                    | 74539 |
| 1920                                        | 600646 | <u>Child</u> Support                  | \$ 130,000,000               | \$ <del>130,000,000</del>    |                    | 74540 |
|                                             |        | Intercept - Federal                   |                              |                              | <u>129,250,000</u> |       |
| 5830                                        | 600642 | <u>Child</u> Support                  | \$ 16,000,000                | \$ <del>16,000,000</del>     |                    | 74541 |
|                                             |        | Intercept - State                     |                              |                              | <u>14,000,000</u>  |       |
| 5B60                                        | 600601 | Food Assistance                       | \$ 2,000,000                 | \$ <del>2,000,000</del>      |                    | 74542 |
|                                             |        | Intercept                             |                              |                              | <u>1,000,000</u>   |       |
| TOTAL AGY Agency Fund Group                 |        |                                       | \$ 148,000,000               | \$ <del>148,000,000</del>    |                    | 74543 |
|                                             |        |                                       |                              |                              | <u>144,250,000</u> |       |
| Holding Account Redistribution Fund Group   |        |                                       |                              |                              |                    | 74544 |
| R012                                        | 600643 | Refunds and Audit                     | \$ 2,200,000                 | \$ 2,200,000                 |                    | 74545 |
|                                             |        | Settlements                           |                              |                              |                    |       |
| R013                                        | 600644 | Forgery Collections                   | \$ 10,000                    | \$ 10,000                    |                    | 74546 |
| TOTAL 090 Holding Account                   |        |                                       | \$ 2,210,000                 | \$ 2,210,000                 |                    | 74547 |
| Redistribution Fund Group                   |        |                                       |                              |                              |                    |       |
| TOTAL ALL BUDGET FUND GROUPS                |        |                                       | \$ <del>22,170,511,132</del> | \$ <del>23,350,617,320</del> |                    | 74548 |
|                                             |        |                                       | <u>22,171,511,132</u>        | <u>23,351,584,429</u>        |                    |       |
| <b>Sec. 309.30.10. HEALTH CARE/MEDICAID</b> |        |                                       |                              |                              |                    | 74550 |

The foregoing appropriation item 600525, Health Care/Medicaid, shall not be limited by section 131.33 of the Revised Code.

HEALTH CARE/MEDICAID ENDING BALANCE

Thirty million dollars of the unexpended and unencumbered portion of appropriation item 600525, Health Care/Medicaid, at the end of fiscal year 2012 is hereby reappropriated to the Department of Job and Family Services for payments to nursing facilities for fiscal year 2013 in accordance with the section of this act titled "FISCAL YEAR 2013 QUALITY BONUS PAYMENTS TO NURSING FACILITIES."

**Sec. 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES**

(A) As used in this section, "charge high trim point" means a measure, excluding the measure established by paragraph (A)(6) of rule 5101:3-2-07.9 of the Administrative Code, used to determine whether a claim for a hospital inpatient service qualifies for a cost outlier payment under the Medicaid program.

(B) For fiscal year 2012 and fiscal year 2013, the Director of Job and Family Services shall implement purchasing strategies and rate reductions for hospital and other Medicaid-covered services, as determined by the Director, that result in payment rates for those services being at least two per cent less than the respective payment rates for fiscal year 2011. In implementing the purchasing strategies and rate reductions, the Director shall do the following:

(1) Notwithstanding the section of ~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES," modernize hospital inpatient and outpatient reimbursement methodologies by doing the following:

(a) Modifying the inpatient hospital capital reimbursement

methodology; 74581

(b) Establishing new diagnosis-related groups in a 74582  
cost-neutral manner; 74583

(c) For hospital discharges that occur during the period 74584  
beginning October 1, 2011, and ending January 1, 2012, modifying 74585  
charge high trim points, as in effect on January 1, 2011, by a 74586  
factor of 13.6%; 74587

(d) For hospital discharges that occur during the period 74588  
beginning January 1, 2012, and ending on the effective date of the 74589  
first of the new diagnosis-related groups established under 74590  
division (B)(1)(b) of this section, modifying charge high trim 74591  
points, as in effect on October 1, 2011, by a factor of 9.72%; 74592

(e) Implementing other changes the Director considers 74593  
appropriate. 74594

(2) Establish selective contracting and prior authorization 74595  
requirements for types of medical assistance the Director 74596  
identifies. 74597

(C) A managed care organization under contract with the 74598  
Department of Job and Family Services pursuant to section 5111.17 74599  
of the Revised Code shall use a new diagnosis-related group for a 74600  
hospital inpatient service established under division (B)(1)(b) of 74601  
this section for purposes of making payments under the Medicaid 74602  
care management system for hospital inpatient services that are 74603  
provided during the period beginning on the later of the effective 74604  
date of the new diagnosis-related group or the effective date of 74605  
this amendment and ending July 1, 2013. 74606

(D) The Director shall adopt rules under ~~section~~ sections 74607  
5111.02, 5111.17, and 5111.85 of the Revised Code as necessary to 74608  
implement this section. The rules adopted to implement divisions 74609  
(B)(1)(a), (b), and (e) of this section shall include quality 74610  
factors and quality-based incentive payments. 74611

~~(D)~~(E) This section does not apply to nursing facility and 74612  
intermediate care facility for the mentally retarded services 74613  
provided under the Medicaid program. 74614

**Sec. 309.30.33. HOSPITAL INPATIENT AND OUTPATIENT 74615**  
SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE 74616  
HOSPITAL INCENTIVE PAYMENT PROGRAM 74617

(A) As used in this section: 74618

(1) "Hospital" has the same meaning as in section 5112.40 of 74619  
the Revised Code. 74620

(2) "Hospital Assessment Fund" means the fund created under 74621  
section 5112.45 of the Revised Code. 74622

(3) "Medicaid managed care organization" means an entity 74623  
under contract pursuant to section 5111.17 of the Revised Code to 74624  
provide or arrange services for Medicaid recipients who are 74625  
required or permitted to participate in the Medicaid care 74626  
management system. 74627

(B) The Department of Job and Family Services shall submit to 74628  
the United States Secretary of Health and Human Services a 74629  
Medicaid state plan amendment to do both of the following: 74630

(1) Continue the Hospital Inpatient and Outpatient 74631  
Supplemental Upper Payment Limit Program that was established 74632  
pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th 74633  
General Assembly, with any modifications necessary to implement 74634  
the program as described under division (D) of this section; 74635

(2) Create the Medicaid Managed Care Hospital Incentive 74636  
Payment Program, as described under division (E) of this section. 74637

(C) Of the amounts deposited into the Hospital Assessment 74638  
Fund in fiscal year 2012 and fiscal year 2013: 74639

(1) Up to \$432,432,725 (state and federal) in fiscal year 74640

2012 and up to \$415,162,388 (state and federal) in fiscal year 74641  
2013 shall be used for the Hospital Inpatient and Outpatient 74642  
Supplemental Upper Payment Limit Program; 74643

(2) Up to \$162,000,000 (state and federal) in each fiscal 74644  
year shall be used for the Medicaid Managed Care Hospital 74645  
Incentive Payment Program; 74646

(3) Up to \$176,021,111 (state and federal) in fiscal year 74647  
2012 and up to \$195,158,394 (state and federal) in fiscal year 74648  
2013 shall be used for the program authorized by the section of 74649  
~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly titled 74650  
"CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND 74651  
OUTPATIENT SERVICES." 74652

(D)(1) If the Medicaid state plan amendment submitted under 74653  
division (B)(1) of this section is approved, the Department shall 74654  
implement the Hospital Inpatient and Outpatient Supplemental Upper 74655  
Payment Limit Program during fiscal year 2012 and fiscal year 74656  
2013. Under the Program, subject to division (D)(2) of this 74657  
section, supplemental Medicaid payments shall be made to hospitals 74658  
for Medicaid-covered inpatient and outpatient services. The 74659  
Department shall make the payments through amounts that are made 74660  
available for the Program under division (C) of this section and 74661  
any federal financial participation available for the Program. 74662

(2) The Department shall take all actions necessary to cease 74663  
implementation of the Program if the United States Secretary 74664  
determines that the assessment imposed under section 5112.41 of 74665  
the Revised Code is an impermissible healthcare-related tax under 74666  
section 1903(w) of the "Social Security Act," 105 Stat. 1793 74667  
(1991), 42 U.S.C. 1396b(w), as amended. 74668

(E)(1) If the Medicaid state plan amendment submitted under 74669  
division (B)(2) of this section is approved, the Department shall 74670  
implement the Medicaid Managed Care Hospital Incentive Payment 74671

Program. The purpose of the Program is to increase access to 74672  
hospital services for Medicaid recipients who are enrolled in 74673  
Medicaid managed care organizations. 74674

Under the Program, subject to division (E)(3) of this 74675  
section, funds shall be provided to Medicaid managed care 74676  
organizations, which shall use the funds to increase payments to 74677  
hospitals for providing services to Medicaid recipients who are 74678  
enrolled in the organizations. The Department shall provide the 74679  
funds through amounts that are made available for the Program 74680  
under division (C) of this section and any federal financial 74681  
participation available for the Program. 74682

(2) Not later than July 1, 2012, the Department shall select 74683  
an actuary to conduct a study of the contracted reimbursement 74684  
rates between Medicaid managed care organizations and hospitals. 74685  
The actuary shall determine if a reduction in the capitation rates 74686  
paid to Medicaid managed care organizations in fiscal year 2013 is 74687  
appropriate as a result of the contracted reimbursement rates 74688  
between the organizations and hospitals. The actuary shall notify 74689  
the Department of its determination. 74690

If the actuary determines that a reduction in the capitation 74691  
rates paid to Medicaid managed care organizations in fiscal year 74692  
2013 will not achieve \$22 million in state savings in fiscal year 74693  
2013, the state shall receive the difference between what the 74694  
actuary determines the state will save and \$22 million. The 74695  
Department, in consultation with the Ohio Association of Health 74696  
Plans and the Ohio Hospital Association, shall establish a 74697  
methodology under which the difference is paid equally by Medicaid 74698  
managed care organizations and hospitals in this state. 74699

Notwithstanding anything to the contrary specified in 74700  
division (E)(3)(b) or (c) of this section, the Medicaid managed 74701  
care organizations and hospitals shall pay the amounts determined 74702  
under the methodology, unless the Department waives the 74703



requirement to make the payments. The requirement may be waived if 74704  
spending for the Medicaid program in fiscal year 2013 is less than 74705  
the amount that is budgeted for that fiscal year. If payments are 74706  
made, the amount received by the Department shall be deposited 74707  
into the state treasury to the credit of the Health Care 74708  
Compliance Fund created under section ~~5111.171~~ 5111.946 of the 74709  
Revised Code. 74710

(3)(a) The Department shall not provide funds to Medicaid 74711  
managed care organizations under the Program unless an actuary 74712  
selected by the Department certifies that the Program would not 74713  
violate the actuarial soundness of the capitation rates paid to 74714  
Medicaid managed care organizations. 74715

(b) The Department shall not implement the Program in a 74716  
manner that causes a hospital to receive less money from the 74717  
Hospital Assessment Fund than the hospital would have received if 74718  
the Program were not implemented. 74719

(c) The Department shall not implement the Program in a 74720  
manner that causes a Medicaid managed care organization to receive 74721  
a lower capitation payment rate solely because funds are made 74722  
available to the organization under the Program. 74723

(d) The Department shall take all necessary actions to cease 74724  
implementation of the Program if the United States Secretary 74725  
determines that the assessment imposed under section 5112.41 of 74726  
the Revised Code is an impermissible healthcare-related tax under 74727  
section 1903(w) of the "Social Security Act," 105 Stat. 1793 74728  
(1991), 42 U.S.C. 1396b(w), as amended. 74729

(F) The Director of Budget and Management may authorize 74730  
additional expenditures from appropriation item 600623, Health 74731  
Care Federal, appropriation item 600525, Health Care/Medicaid, and 74732  
appropriation item 600656, Medicaid-Hospital, in order to 74733  
implement the programs authorized by this section and to implement 74734

the section of ~~this act~~ Am. Sub. H.B. 153 of the 129th General 74735  
Assembly titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL 74736  
INPATIENT AND OUTPATIENT SERVICES." Any amounts authorized are 74737  
hereby appropriated. 74738

(G) Nothing in this section reduces payments to children's 74739  
hospitals authorized under the section of ~~this act~~ Am. Sub. H.B. 74740  
153 of the 129th General Assembly titled "CHILDREN'S HOSPITALS 74741  
SUPPLEMENTAL FUNDING." 74742

**Sec. 309.30.53. MEDICAID MANAGED CARE EXEMPTIONS** 74743

(A) As used in this section, "disabled individual" means any 74744  
individual receiving services through the program for medically 74745  
handicapped children established under section 3701.023 of the 74746  
Revised Code who has one or more of the following conditions: 74747

(1) Cystic fibrosis; 74748

(2) Hemophilia; 74749

(3) Cancer. 74750

(B) Notwithstanding section 5111.16 of the Revised Code, as 74751  
amended by ~~this act~~ Am. Sub. H.B. 153 of the 129th General 74752  
Assembly, the Department of Job and Family Services shall not 74753  
include in the care management system established under that 74754  
section ~~in either fiscal year 2012 or fiscal year 2013 any~~ 74755  
individual receiving services through the program for medically 74756  
handicapped children established under section 3701.023 of the 74757  
Revised Code who has one or more of the following conditions and 74758  
who was not receiving services through the care management system 74759  
immediately before the effective date of this section: 74760

~~(1) Cystic fibrosis;~~ 74761

~~(2) Hemophilia;~~ 74762

~~(3) Cancer~~ any disabled individual who was not receiving 74763

services through the care management system immediately before 74764  
June 30, 2011, until the later of the following: 74765

(1) January 1, 2014; 74766

(2) One year after the date that the Department first 74767  
designates any individual who receives Medicaid on the basis of 74768  
being aged, blind, or disabled who is under twenty-one years of 74769  
age as an individual who is permitted or required to participate 74770  
in the care management system. 74771

**Sec. 309.35.73. HEALTHCARE COMPLIANCE APPROPRIATION** 74772

Notwithstanding the provisions of section ~~5111.171~~ 5111.946 74773  
 of the Revised Code specifying the uses of the ~~HealthCare~~ Health 74774  
Care Compliance Fund, appropriations in appropriation item 600625, 74775  
 HealthCare Compliance, may be used for expenses incurred in 74776  
 implementation or operation of Health Home programs, contracts for 74777  
consultants regarding Medicaid, and for the creation, 74778  
 modification, or replacement of any federally funded Medicaid 74779  
 healthcare systems in fiscal year 2012 and fiscal year 2013. 74780

**Sec. 315.10. JSC THE JUDICIARY/SUPREME COURT** 74781

|                             |                      |                       |                           |                           |       |
|-----------------------------|----------------------|-----------------------|---------------------------|---------------------------|-------|
| General Revenue Fund        |                      |                       |                           | 74782                     |       |
| GRF                         | 005321               | Operating Expenses -  | \$ 133,704,620            | \$ 132,565,410            | 74783 |
|                             |                      | Judiciary/Supreme     | <u>132,347,507</u>        | <u>133,922,523</u>        |       |
|                             |                      | Court                 |                           |                           |       |
| GRF                         | 005406               | Law-Related Education | \$ 236,172                | \$ 236,172                | 74784 |
| GRF                         | 005409               | Ohio Courts           | \$ 2,150,000              | \$ 2,150,000              | 74785 |
|                             |                      | Technology Initiative |                           |                           |       |
| TOTAL GRF                   | General Revenue Fund |                       | \$ <del>136,090,792</del> | \$ <del>134,951,582</del> | 74786 |
|                             |                      |                       | <u>134,733,679</u>        | <u>136,308,695</u>        |       |
| General Services Fund Group |                      |                       |                           | 74787                     |       |
| 6720                        | 005601               | Continuing Judicial   | \$ 172,142                | \$ 169,420                | 74788 |

Education

|                                    |    |                        |    |                        |       |
|------------------------------------|----|------------------------|----|------------------------|-------|
| TOTAL GSF General Services Fund    | \$ | 172,142                | \$ | 169,420                | 74789 |
| Group                              |    |                        |    |                        |       |
| Federal Special Revenue Fund Group |    |                        |    |                        | 74790 |
| 3J00 005603 Federal Grants         | \$ | 1,653,317              | \$ | 1,605,717              | 74791 |
| TOTAL FED Federal Special Revenue  | \$ | 1,653,317              | \$ | 1,605,717              | 74792 |
| Fund Group                         |    |                        |    |                        |       |
| State Special Revenue Fund Group   |    |                        |    |                        | 74793 |
| 4C80 005605 Attorney Services      | \$ | 3,718,328              | \$ | 3,695,192              | 74794 |
| 5HT0 005617 Court Interpreter      | \$ | 39,000                 | \$ | 39,000                 | 74795 |
| Certification                      |    |                        |    |                        |       |
| 5T80 005609 Grants and Awards      | \$ | 50,000                 | \$ | 50,000                 | 74796 |
| 6A80 005606 Supreme Court          | \$ | 1,223,340              | \$ | 1,205,056              | 74797 |
| Admissions                         |    |                        |    |                        |       |
| TOTAL SSR State Special Revenue    | \$ | 5,030,668              | \$ | 4,989,248              | 74798 |
| Fund Group                         |    |                        |    |                        |       |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | <del>142,946,919</del> | \$ | <del>141,715,967</del> | 74799 |
|                                    |    | <u>141,589,806</u>     |    | <u>143,073,080</u>     |       |

OPERATING EXPENSES - JUDICIARY/SUPREME COURT 74800

Of the foregoing appropriation item 005321, Operating 74801  
 Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal 74802  
 year may be used to support the functions of the State Criminal 74803  
 Sentencing Council. 74804

LAW-RELATED EDUCATION 74805

The foregoing appropriation item 005406, Law-Related 74806  
 Education, shall be distributed directly to the Ohio Center for 74807  
 Law-Related Education for the purposes of providing continuing 74808  
 citizenship education activities to primary and secondary 74809  
 students, expanding delinquency prevention programs, increasing 74810  
 activities for at-risk youth, and accessing additional public and 74811  
 private money for new programs. 74812

OHIO COURTS TECHNOLOGY INITIATIVE 74813

The foregoing appropriation item 005409, Ohio Courts 74814  
Technology Initiative, shall be used to fund an initiative by the 74815  
Supreme Court to facilitate the exchange of information and 74816  
warehousing of data by and between Ohio courts and other justice 74817  
system partners through the creation of an Ohio Courts Network, 74818  
the delivery of technology services to courts throughout the 74819  
state, including the provision of hardware, software, and the 74820  
development and implementation of educational and training 74821  
programs for judges and court personnel, and operation of the 74822  
Commission on Technology and the Courts by the Supreme Court for 74823  
the promulgation of statewide rules, policies, and uniform 74824  
standards, and to aid in the orderly adoption and comprehensive 74825  
use of technology in Ohio courts. 74826

CONTINUING JUDICIAL EDUCATION 74827

The Continuing Judicial Education Fund (Fund 6720) shall 74828  
consist of fees paid by judges and court personnel for attending 74829  
continuing education courses and other gifts and grants received 74830  
for the purpose of continuing judicial education. The foregoing 74831  
appropriation item 005601, Continuing Judicial Education, shall be 74832  
used to pay expenses for continuing education courses for judges 74833  
and court personnel. If it is determined by the Administrative 74834  
Director of the Supreme Court that additional appropriations are 74835  
necessary, the amounts are hereby appropriated. 74836

No money in Fund 6720 shall be transferred to any other fund 74837  
by the Director of Budget and Management or the Controlling Board. 74838  
Interest earned on money in Fund 6720 shall be credited to the 74839  
fund. 74840

FEDERAL GRANTS 74841

The Federal Grants Fund (Fund 3J00) shall consist of grants 74842  
and other moneys awarded to the Supreme Court (The Judiciary) by 74843

the United States Government or other entities that receive the 74844  
moneys directly from the United States Government and distribute 74845  
those moneys to the Supreme Court (The Judiciary). The foregoing 74846  
appropriation item 005603, Federal Grants, shall be used in a 74847  
manner consistent with the purpose of the grant or award. If it is 74848  
determined by the Administrative Director of the Supreme Court 74849  
that additional appropriations are necessary, the amounts are 74850  
hereby appropriated. 74851

No money in Fund 3J00 shall be transferred to any other fund 74852  
by the Director of Budget and Management or the Controlling Board. 74853  
However, interest earned on money in Fund 3J00 shall be credited 74854  
or transferred to the General Revenue Fund. 74855

ATTORNEY SERVICES 74856

The Attorney Services Fund (Fund 4C80), formerly known as the 74857  
Attorney Registration Fund, shall consist of money received by the 74858  
Supreme Court (The Judiciary) pursuant to the Rules for the 74859  
Government of the Bar of Ohio. In addition to funding other 74860  
activities considered appropriate by the Supreme Court, the 74861  
foregoing appropriation item 005605, Attorney Services, may be 74862  
used to compensate employees and to fund appropriate activities of 74863  
the following offices established by the Supreme Court: the Office 74864  
of Disciplinary Counsel, the Board of Commissioners on Grievances 74865  
and Discipline, the Clients' Security Fund, and the Attorney 74866  
Services Division. If it is determined by the Administrative 74867  
Director of the Supreme Court that additional appropriations are 74868  
necessary, the amounts are hereby appropriated. 74869

No money in Fund 4C80 shall be transferred to any other fund 74870  
by the Director of Budget and Management or the Controlling Board. 74871  
Interest earned on money in Fund 4C80 shall be credited to the 74872  
fund. 74873

COURT INTERPRETER CERTIFICATION 74874

The Court Interpreter Certification Fund (Fund 5HT0) shall 74875  
consist of money received by the Supreme Court (The Judiciary) 74876  
pursuant to Rules 80 through 87 of the Rules of Superintendence 74877  
for the Courts of Ohio. The foregoing appropriation item 005617, 74878  
Court Interpreter Certification, shall be used to provide 74879  
training, to provide the written examination, and to pay language 74880  
experts to rate, or grade, the oral examinations of those applying 74881  
to become certified court interpreters. If it is determined by the 74882  
Administrative Director that additional appropriations are 74883  
necessary, the amounts are hereby appropriated. 74884

No money in Fund 5HT0 shall be transferred to any other fund 74885  
by the Director of Budget and Management or the Controlling Board. 74886  
Interest earned on money in Fund 5HT0 shall be credited to the 74887  
fund. 74888

GRANTS AND AWARDS 74889

The Grants and Awards Fund (Fund 5T80) shall consist of 74890  
grants and other money awarded to the Supreme Court (The 74891  
Judiciary) by the State Justice Institute, the Division of 74892  
Criminal Justice Services, or other entities. The foregoing 74893  
appropriation item 005609, Grants and Awards, shall be used in a 74894  
manner consistent with the purpose of the grant or award. If it is 74895  
determined by the Administrative Director of the Supreme Court 74896  
that additional appropriations are necessary, the amounts are 74897  
hereby appropriated. 74898

No money in Fund 5T80 shall be transferred to any other fund 74899  
by the Director of Budget and Management or the Controlling Board. 74900  
However, interest earned on money in Fund 5T80 shall be credited 74901  
or transferred to the General Revenue Fund. 74902

SUPREME COURT ADMISSIONS 74903

The foregoing appropriation item 005606, Supreme Court 74904  
Admissions, shall be used to compensate Supreme Court employees 74905

who are primarily responsible for administering the attorney 74906  
admissions program under the Rules for the Government of the Bar 74907  
of Ohio, and to fund any other activities considered appropriate 74908  
by the court. Moneys shall be deposited into the Supreme Court 74909  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 74910  
Government of the Bar of Ohio. If it is determined by the 74911  
Administrative Director of the Supreme Court that additional 74912  
appropriations are necessary, the amounts are hereby appropriated. 74913

No money in Fund 6A80 shall be transferred to any other fund 74914  
by the Director of Budget and Management or the Controlling Board. 74915  
Interest earned on money in Fund 6A80 shall be credited to the 74916  
fund. 74917

**Sec. 327.10. LCO LIQUOR CONTROL COMMISSION** 74918

State Special Revenue Fund Group 74919

|             |                             |    |   |    |                |       |
|-------------|-----------------------------|----|---|----|----------------|-------|
| 5LP0 970601 | <u>Commission Operating</u> | \$ | 0 | \$ | <u>754,146</u> | 74920 |
|-------------|-----------------------------|----|---|----|----------------|-------|

Expense

|                                        |    |   |    |                |       |
|----------------------------------------|----|---|----|----------------|-------|
| <u>TOTAL SSR State Special Revenue</u> | \$ | 0 | \$ | <u>754,146</u> | 74921 |
|----------------------------------------|----|---|----|----------------|-------|

Fund Group

Liquor Control Fund Group 74922

|             |                    |    |         |    |                      |       |
|-------------|--------------------|----|---------|----|----------------------|-------|
| 7043 970321 | Operating Expenses | \$ | 753,933 | \$ | <del>754,146</del> 0 | 74923 |
|-------------|--------------------|----|---------|----|----------------------|-------|

|                                     |    |         |    |                      |       |
|-------------------------------------|----|---------|----|----------------------|-------|
| TOTAL LCF Liquor Control Fund Group | \$ | 753,933 | \$ | <del>754,146</del> 0 | 74924 |
|-------------------------------------|----|---------|----|----------------------|-------|

|                              |    |         |    |         |       |
|------------------------------|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 753,933 | \$ | 754,146 | 74925 |
|------------------------------|----|---------|----|---------|-------|

**Sec. 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD** 74927

General Services Fund Group 74928

|             |                    |    |         |    |                      |       |
|-------------|--------------------|----|---------|----|----------------------|-------|
| 4K90 915604 | Operating Expenses | \$ | 493,641 | \$ | <del>493,856</del> 0 | 74929 |
|-------------|--------------------|----|---------|----|----------------------|-------|

|                            |  |  |  |  |       |
|----------------------------|--|--|--|--|-------|
| TOTAL GSF General Services |  |  |  |  | 74930 |
|----------------------------|--|--|--|--|-------|

|            |    |         |    |                      |       |
|------------|----|---------|----|----------------------|-------|
| Fund Group | \$ | 493,641 | \$ | <del>493,856</del> 0 | 74931 |
|------------|----|---------|----|----------------------|-------|

|                              |    |         |    |                      |       |
|------------------------------|----|---------|----|----------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 493,641 | \$ | <del>493,856</del> 0 | 74932 |
|------------------------------|----|---------|----|----------------------|-------|

**Sec. 337.10. DMH DEPARTMENT OF MENTAL HEALTH** 74934



|                             |                      |                                     |                                                                |       |
|-----------------------------|----------------------|-------------------------------------|----------------------------------------------------------------|-------|
| General Revenue Fund        |                      |                                     |                                                                | 74935 |
| GRF                         | 332401               | Forensic Services                   | \$ 3,244,251 \$ 3,244,251                                      | 74936 |
| GRF                         | 333321               | Central Administration              | \$ 16,000,000 \$ 16,000,000                                    | 74937 |
| GRF                         | 333402               | Resident Trainees                   | \$ 450,000 \$ 450,000                                          | 74938 |
| GRF                         | 333403               | Pre-Admission Screening Expenses    | \$ 486,119 \$ <del>486,119</del><br><u>286,119</u>             | 74939 |
| GRF                         | 333415               | Lease-Rental Payments               | \$ 18,394,250 \$ <del>19,907,900</del><br><u>17,907,900</u>    | 74940 |
| GRF                         | 333416               | Research Program Evaluation         | \$ 421,724 \$ 421,998                                          | 74941 |
| GRF                         | 334412               | Hospital Services                   | \$ 194,918,888 \$ <del>192,051,209</del><br><u>191,051,209</u> | 74942 |
| GRF                         | 334506               | Court Costs                         | \$ 584,210 \$ 584,210                                          | 74943 |
| GRF                         | 335405               | Family & Children First             | \$ 1,386,000 \$ 1,386,000                                      | 74944 |
| GRF                         | 335419               | Community Medication Subsidy        | \$ 8,963,818 \$ 8,963,818                                      | 74945 |
| GRF                         | 335501               | Mental Health Medicaid Match        | \$ 186,400,000 \$ 0                                            | 74946 |
| GRF                         | 335505               | Local Mental Health Systems of Care | \$ 49,963,776 \$ <del>59,087,955</del><br><u>62,087,955</u>    | 74947 |
| GRF                         | 335506               | Residential State Supplement        | \$ 4,702,875 \$ 4,702,875                                      | 74948 |
| TOTAL GRF                   | General Revenue Fund |                                     | \$ 485,915,911 \$ <del>307,286,335</del><br><u>307,086,335</u> | 74949 |
| General Services Fund Group |                      |                                     |                                                                | 74950 |
| 1490                        | 333609               | Central Office Operating            | \$ 1,343,190 \$ 1,343,190                                      | 74951 |
| 1490                        | 334609               | Hospital - Operating Expenses       | \$ 28,190,000 \$ 28,190,000                                    | 74952 |
| 1500                        | 334620               | Special Education                   | \$ 150,000 \$ 150,000                                          | 74953 |

|                                    |                         |                                                       |    |             |    |                                              |       |
|------------------------------------|-------------------------|-------------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 4P90                               | 335604                  | Community Mental Health Projects                      | \$ | 4,061,100   | \$ | 250,000                                      | 74954 |
| 1510                               | 336601                  | Office of Support Services                            | \$ | 129,770,770 | \$ | <del>129,779,822</del><br><u>127,297,130</u> | 74955 |
| TOTAL GSF Group                    | General Services Fund   |                                                       | \$ | 163,515,060 | \$ | <del>159,713,012</del><br><u>157,230,320</u> | 74956 |
| Federal Special Revenue Fund Group |                         |                                                       |    |             |    |                                              | 74957 |
| 3240                               | 333605                  | Medicaid/Medicare                                     | \$ | 154,500     | \$ | 154,500                                      | 74958 |
| 3A60                               | 333608                  | Federal Miscellaneous                                 | \$ | 140,000     | \$ | 140,000                                      | 74959 |
| 3A70                               | 333612                  | Social Services Block Grant                           | \$ | 50,000      | \$ | 50,000                                       | 74960 |
| 3A80                               | 333613                  | Federal Grant - Administration                        | \$ | 4,717,000   | \$ | 4,717,000                                    | 74961 |
| 3A90                               | 333614                  | Mental Health Block Grant - Administration            | \$ | 748,470     | \$ | 748,470                                      | 74962 |
| 3B10                               | 333635                  | Community Medicaid Expansion                          | \$ | 13,691,682  | \$ | 13,691,682                                   | 74963 |
| 3240                               | 334605                  | Medicaid/Medicare                                     | \$ | 28,200,000  | \$ | 28,200,000                                   | 74964 |
| 3A60                               | 334608                  | Federal Miscellaneous                                 | \$ | 200,000     | \$ | 200,000                                      | 74965 |
| 3A80                               | 334613                  | Federal Letter of Credit                              | \$ | 200,000     | \$ | 200,000                                      | 74966 |
| 3A60                               | 335608                  | Federal Miscellaneous                                 | \$ | 2,170,000   | \$ | 2,170,000                                    | 74967 |
| 3A70                               | 335612                  | Social Services Block Grant                           | \$ | 8,400,000   | \$ | 8,400,000                                    | 74968 |
| 3A80                               | 335613                  | Federal Grant - Community Mental Health Board Subsidy | \$ | 2,500,000   | \$ | 2,500,000                                    | 74969 |
| 3A90                               | 335614                  | Mental Health Block Grant                             | \$ | 14,200,000  | \$ | 14,200,000                                   | 74970 |
| 3B10                               | 335635                  | Community Medicaid Expansion                          | \$ | 346,200,000 | \$ | 0                                            | 74971 |
| TOTAL FED                          | Federal Special Revenue |                                                       | \$ | 421,571,652 | \$ | 75,371,652                                   | 74972 |

Fund Group

|                                  |        |                       |                     |                              |
|----------------------------------|--------|-----------------------|---------------------|------------------------------|
| State Special Revenue Fund Group |        |                       |                     | 74973                        |
| 2320                             | 333621 | Family and Children   | \$ 448,286 \$       | 432,197 74974                |
| First Administration             |        |                       |                     |                              |
| 4850                             | 333632 | Mental Health         | \$ 134,233 \$       | 134,233 74975                |
| Operating                        |        |                       |                     |                              |
| 4X50                             | 333607 | Behavioral Health     | \$ 3,000,624 \$     | 3,000,624 74976              |
| Medicaid Services                |        |                       |                     |                              |
| 5V20                             | 333611 | Non-Federal           | \$ 100,000 \$       | 100,000 74977                |
| Miscellaneous                    |        |                       |                     |                              |
| 4850                             | 334632 | Mental Health         | \$ 2,477,500 \$     | 2,477,500 74978              |
| Operating                        |        |                       |                     |                              |
| 5AU0                             | 335615 | Behavioral Healthcare | \$ 6,690,000 \$     | 6,690,000 74979              |
| 6320                             | 335616 | Community Capital     | \$ 350,000 \$       | 350,000 74980                |
| Replacement                      |        |                       |                     |                              |
| TOTAL SSR State Special Revenue  |        |                       | \$ 13,200,643 \$    | 13,184,554 74981             |
| Fund Group                       |        |                       |                     |                              |
| TOTAL ALL BUDGET FUND GROUPS     |        |                       | \$ 1,084,203,266 \$ | <del>555,555,553</del> 74982 |
|                                  |        |                       |                     | <u>552,872,861</u>           |

**Sec. 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 74984

|                      |               |                               |                  |                        |
|----------------------|---------------|-------------------------------|------------------|------------------------|
| General Revenue Fund |               |                               |                  | 74985                  |
| GRF                  | 725401        | Wildlife-GRF Central          | \$ 1,800,000 \$  | 1,800,000 74986        |
| Support              |               |                               |                  |                        |
| GRF                  | 725413        | Lease Rental Payments         | \$ 20,568,600 \$ | 19,734,700 74987       |
| GRF                  | 725456        | Canal Lands                   | \$ 135,000 \$    | 135,000 74988          |
| GRF                  | 725502        | Soil and Water                | \$ 2,900,000 \$  | 2,900,000 74989        |
| Districts            |               |                               |                  |                        |
| <u>GRF</u>           | <u>725505</u> | <u>Healthy Lake Erie Fund</u> | <u>\$ 0 \$</u>   | <u>3,000,000</u> 74990 |
| GRF                  | 725903        | Natural Resources             | \$ 5,375,300 \$  | 25,209,100 74991       |
| General Obligation   |               |                               |                  |                        |
| Debt Service         |               |                               |                  |                        |

|                             |                      |                                            |    |            |    |                                            |       |
|-----------------------------|----------------------|--------------------------------------------|----|------------|----|--------------------------------------------|-------|
| GRF                         | 727321               | Division of Forestry                       | \$ | 4,878,338  | \$ | 4,880,000                                  | 74992 |
| GRF                         | 729321               | Office of Information<br>Technology        | \$ | 194,118    | \$ | 197,117                                    | 74993 |
| GRF                         | 730321               | Division of Parks and<br>Recreation        | \$ | 30,000,000 | \$ | 30,000,000                                 | 74994 |
| GRF                         | 736321               | Division of<br>Engineering                 | \$ | 3,024,459  | \$ | <del>3,025,078</del><br><u>2,995,078</u>   | 74995 |
| GRF                         | 737321               | Division of Soil and<br>Water Resources    | \$ | 4,982,961  | \$ | 4,983,356                                  | 74996 |
| GRF                         | 741321               | Division of Natural<br>Areas and Preserves | \$ | 1,200,000  | \$ | 1,200,000                                  | 74997 |
| TOTAL GRF                   | General Revenue Fund |                                            | \$ | 75,058,776 | \$ | <del>94,064,351</del><br><u>97,034,351</u> | 74998 |
| General Services Fund Group |                      |                                            |    |            |    |                                            | 74999 |
| 1550                        | 725601               | Departmental Projects                      | \$ | 3,365,651  | \$ | <del>2,725,484</del><br><u>2,512,977</u>   | 75000 |
| 1570                        | 725651               | Central Support<br>Indirect                | \$ | 5,854,167  | \$ | 5,857,800                                  | 75001 |
| 2040                        | 725687               | Information Services                       | \$ | 4,659,276  | \$ | 4,643,835                                  | 75002 |
| 2070                        | 725690               | Real Estate Services                       | \$ | 50,000     | \$ | 50,000                                     | 75003 |
| 2230                        | 725665               | Law Enforcement<br>Administration          | \$ | 2,106,776  | \$ | 2,126,432                                  | 75004 |
| 2270                        | 725406               | Parks Projects<br>Personnel                | \$ | 436,500    | \$ | 436,500                                    | 75005 |
| 4300                        | 725671               | Canal Lands                                | \$ | 907,618    | \$ | <del>907,879</del><br><u>883,879</u>       | 75006 |
| 4D50                        | 725618               | Recycled Materials                         | \$ | 50,000     | \$ | <del>50,000</del> 0                        | 75007 |
| 4S90                        | 725622               | NatureWorks Personnel                      | \$ | 400,358    | \$ | 400,358                                    | 75008 |
| 4X80                        | 725662               | Water Resources<br>Council                 | \$ | 138,011    | \$ | 138,005                                    | 75009 |
| 5100                        | 725631               | Maintenance -<br>State-owned<br>Residences | \$ | 303,611    | \$ | 303,611                                    | 75010 |

## As Reported by the House Finance and Appropriations Committee

|                                    |        |                       |    |            |    |                       |                   |
|------------------------------------|--------|-----------------------|----|------------|----|-----------------------|-------------------|
| 5160                               | 725620 | Water Management      | \$ | 2,541,565  | \$ | 2,559,292             | 75011             |
| 6350                               | 725664 | Fountain Square       | \$ | 3,544,623  | \$ | <del>3,548,445</del>  | 75012             |
|                                    |        | Facilities Management |    |            |    | <u>3,473,413</u>      |                   |
| 6970                               | 725670 | Submerged Lands       | \$ | 836,162    | \$ | 848,546               | 75013             |
| TOTAL GSF General Services         |        |                       |    |            |    |                       | 75014             |
| Fund Group                         |        |                       | \$ | 25,194,318 | \$ | <del>24,596,187</del> | 75015             |
|                                    |        |                       |    |            |    |                       | <u>24,234,648</u> |
| Federal Special Revenue Fund Group |        |                       |    |            |    |                       | 75016             |
| 3320                               | 725669 | Federal Mine Safety   | \$ | 258,102    | \$ | 258,102               | 75017             |
|                                    |        | Grant                 |    |            |    |                       |                   |
| 3B30                               | 725640 | Federal Forest        | \$ | 600,000    | \$ | 600,000               | 75018             |
|                                    |        | Pass-Thru             |    |            |    |                       |                   |
| 3B40                               | 725641 | Federal Flood         | \$ | 600,000    | \$ | 600,000               | 75019             |
|                                    |        | Pass-Thru             |    |            |    |                       |                   |
| 3B50                               | 725645 | Federal Abandoned     | \$ | 21,007,667 | \$ | 21,207,667            | 75020             |
|                                    |        | Mine Lands            |    |            |    |                       |                   |
| 3B60                               | 725653 | Federal Land and      | \$ | 1,150,000  | \$ | 1,150,000             | 75021             |
|                                    |        | Water Conservation    |    |            |    |                       |                   |
|                                    |        | Grants                |    |            |    |                       |                   |
| 3B70                               | 725654 | Reclamation -         | \$ | 3,200,000  | \$ | 3,200,000             | 75022             |
|                                    |        | Regulatory            |    |            |    |                       |                   |
| 3P10                               | 725632 | Geological Survey -   | \$ | 692,401    | \$ | 692,401               | 75023             |
|                                    |        | Federal               |    |            |    |                       |                   |
| 3P20                               | 725642 | Oil and Gas-Federal   | \$ | 234,509    | \$ | 234,509               | 75024             |
| 3P30                               | 725650 | Coastal Management -  | \$ | 3,290,633  | \$ | 3,290,633             | 75025             |
|                                    |        | Federal               |    |            |    |                       |                   |
| 3P40                               | 725660 | Federal - Soil and    | \$ | 1,213,048  | \$ | 1,209,957             | 75026             |
|                                    |        | Water Resources       |    |            |    |                       |                   |
| 3R50                               | 725673 | Acid Mine Drainage    | \$ | 2,025,001  | \$ | 2,025,001             | 75027             |
|                                    |        | Abatement/Treatment   |    |            |    |                       |                   |
| 3Z50                               | 725657 | Federal Recreation    | \$ | 1,850,000  | \$ | 1,850,000             | 75028             |
|                                    |        | and Trails            |    |            |    |                       |                   |
| TOTAL FED Federal Special Revenue  |        |                       |    |            |    |                       | 75029             |

|                                  |                        |    |            |    |                               |       |
|----------------------------------|------------------------|----|------------|----|-------------------------------|-------|
| Fund Group                       |                        | \$ | 36,121,361 | \$ | 36,318,270                    | 75030 |
| State Special Revenue Fund Group |                        |    |            |    |                               | 75031 |
| 4J20 725628                      | Injection Well Review  | \$ | 130,899    | \$ | 128,466                       | 75032 |
| 4M70 725686                      | Wildfire Suppression   | \$ | 100,000    | \$ | 100,000                       | 75033 |
| 4U60 725668                      | Scenic Rivers          | \$ | 100,000    | \$ | 100,000                       | 75034 |
|                                  | Protection             |    |            |    |                               |       |
| 5090 725602                      | State Forest           | \$ | 7,891,747  | \$ | 7,058,793                     | 75035 |
| 5110 725646                      | Ohio Geological        | \$ | 704,777    | \$ | 705,130                       | 75036 |
|                                  | Mapping                |    |            |    |                               |       |
| 5120 725605                      | State Parks Operations | \$ | 32,284,117 | \$ | 31,550,444                    | 75037 |
| 5140 725606                      | Lake Erie Shoreline    | \$ | 1,502,654  | \$ | 1,505,983                     | 75038 |
| 5180 725643                      | Oil and Gas Permit     | \$ | 5,821,970  | \$ | <del>5,623,645</del>          | 75039 |
|                                  | Fees                   |    |            |    | <u>9,823,645</u>              |       |
| 5180 725677                      | Oil and Gas Well       | \$ | 800,000    | \$ | 800,000                       | 75040 |
|                                  | Plugging               |    |            |    |                               |       |
| 5210 725627                      | Off-Road Vehicle       | \$ | 143,490    | \$ | 143,490                       | 75041 |
|                                  | Trails                 |    |            |    |                               |       |
| 5220 725656                      | Natural Areas and      | \$ | 546,580    | \$ | 546,639                       | 75042 |
|                                  | Preserves              |    |            |    |                               |       |
| 5260 725610                      | Strip Mining           | \$ | 2,000,000  | \$ | 2,000,000                     | 75043 |
|                                  | Administration Fee     |    |            |    |                               |       |
| 5270 725637                      | Surface Mining         | \$ | 1,940,977  | \$ | 1,941,532                     | 75044 |
|                                  | Administration         |    |            |    |                               |       |
| 5290 725639                      | Unreclaimed Land Fund  | \$ | 2,004,180  | \$ | 2,004,180                     | 75045 |
| 5310 725648                      | Reclamation Forfeiture | \$ | 1,423,000  | \$ | <del>1,423,000</del>          | 75046 |
|                                  |                        |    |            |    | <u>500,000</u>                |       |
| 5320 725644                      | Litter Control and     | \$ | 4,926,730  | \$ | <del>4,911,575</del> <u>0</u> | 75047 |
|                                  | Recycling              |    |            |    |                               |       |
| 5860 725633                      | Scrap Tire Program     | \$ | 1,497,645  | \$ | <del>1,497,645</del> <u>0</u> | 75048 |
| 5B30 725674                      | Mining Regulation      | \$ | 28,135     | \$ | 28,135                        | 75049 |
| 5BV0 725658                      | Heidelberg Water       | \$ | 250,000    | \$ | 250,000                       | 75050 |
|                                  | Quality Lab            |    |            |    |                               |       |
| 5BV0 725683                      | Soil and Water         | \$ | 8,000,000  | \$ | 8,000,000                     | 75051 |

|                                    |        | Districts             |    |            |                                |
|------------------------------------|--------|-----------------------|----|------------|--------------------------------|
| 5CU0                               | 725647 | Mine Safety           | \$ | 3,000,000  | \$ 3,000,000 75052             |
| 5EJ0                               | 725608 | Forestry Law          | \$ | 1,000      | \$ 1,000 75053                 |
|                                    |        | Enforcement           |    |            |                                |
| 5EK0                               | 725611 | Natural Areas &       | \$ | 1,000      | \$ 1,000 75054                 |
|                                    |        | Preserves Law         |    |            |                                |
|                                    |        | Enforcement           |    |            |                                |
| 5EL0                               | 725612 | Wildlife Law          | \$ | 12,000     | \$ 12,000 75055                |
|                                    |        | Enforcement           |    |            |                                |
| 5EM0                               | 725613 | Park Law Enforcement  | \$ | 34,000     | \$ 34,000 75056                |
| 5EN0                               | 725614 | Watercraft Law        | \$ | 2,500      | \$ 2,500 75057                 |
|                                    |        | Enforcement           |    |            |                                |
| 5HK0                               | 725625 | Ohio Nature Preserves | \$ | 1,000      | \$ 1,000 75058                 |
| 6150                               | 725661 | Dam Safety            | \$ | 925,344    | \$ 926,028 75059               |
| TOTAL SSR State Special Revenue    |        |                       |    |            | 75060                          |
| Fund Group                         |        |                       | \$ | 76,073,745 | \$ <del>74,296,185</del> 75061 |
|                                    |        |                       |    |            | <u>71,163,965</u>              |
| Clean Ohio Conservation Fund Group |        |                       |    |            | 75062                          |
| 7061                               | 725405 | Clean Ohio Operating  | \$ | 300,775    | \$ 300,775 75063               |
| TOTAL CLF Clean Ohio Conservation  |        |                       | \$ | 300,775    | \$ 300,775 75064               |
| Fund Group                         |        |                       |    |            |                                |
| Wildlife Fund Group                |        |                       |    |            | 75065                          |
| 5P20                               | 725634 | Wildlife Boater       | \$ | 4,000,000  | \$ 4,000,000 75066             |
|                                    |        | Angler Administration |    |            |                                |
| 7015                               | 740401 | Division of Wildlife  | \$ | 52,721,044 | \$ 51,669,158 75067            |
|                                    |        | Conservation          |    |            |                                |
| 8150                               | 725636 | Cooperative           | \$ | 120,449    | \$ 120,449 75068               |
|                                    |        | Management Projects   |    |            |                                |
| 8160                               | 725649 | Wetlands Habitat      | \$ | 966,885    | \$ 966,885 75069               |
| 8170                               | 725655 | Wildlife Conservation | \$ | 3,240,000  | \$ 3,240,000 75070             |
|                                    |        | Checkoff Fund         |    |            |                                |
| 8180                               | 725629 | Cooperative Fisheries | \$ | 1,500,000  | \$ 1,500,000 75071             |

|                |        |                                           |    |             |    |                              |
|----------------|--------|-------------------------------------------|----|-------------|----|------------------------------|
|                |        | Research                                  |    |             |    |                              |
| 8190           | 725685 | Ohio River Management                     | \$ | 128,584     | \$ | 128,584 75072                |
| TOTAL          | WLF    | Wildlife Fund Group                       | \$ | 62,676,962  | \$ | 61,625,076 75073             |
|                |        | Waterways Safety Fund Group               |    |             |    | 75074                        |
| 7086           | 725414 | Waterways Improvement                     | \$ | 5,692,601   | \$ | 5,693,671 75075              |
| 7086           | 725418 | Buoy Placement                            | \$ | 52,182      | \$ | 52,182 75076                 |
| 7086           | 725501 | Waterway Safety                           | \$ | 120,000     | \$ | 120,000 75077                |
|                |        | Grants                                    |    |             |    |                              |
| 7086           | 725506 | Watercraft Marine                         | \$ | 576,153     | \$ | 576,153 75078                |
|                |        | Patrol                                    |    |             |    |                              |
| 7086           | 725513 | Watercraft                                | \$ | 366,643     | \$ | 366,643 75079                |
|                |        | Educational Grants                        |    |             |    |                              |
| 7086           | 739401 | Division of                               | \$ | 18,040,593  | \$ | 17,552,370 75080             |
|                |        | Watercraft                                |    |             |    |                              |
| TOTAL          | WSF    | Waterways Safety Fund                     |    |             |    | 75081                        |
| Group          |        |                                           | \$ | 24,848,172  | \$ | 24,361,019 75082             |
|                |        | Accrued Leave Liability Fund Group        |    |             |    | 75083                        |
| 4M80           | 725675 | FOP Contract                              | \$ | 20,219      | \$ | 20,219 75084                 |
| TOTAL          | ALF    | Accrued Leave                             |    |             |    | 75085                        |
| Liability      |        | Fund Group                                | \$ | 20,219      | \$ | 20,219 75086                 |
|                |        | Holding Account Redistribution Fund Group |    |             |    | 75087                        |
| R017           | 725659 | Performance Cash Bond                     | \$ | 296,263     | \$ | 296,263 75088                |
|                |        | Refunds                                   |    |             |    |                              |
| R043           | 725624 | Forestry                                  | \$ | 2,000,000   | \$ | 2,154,750 75089              |
| TOTAL          | 090    | Holding Account                           |    |             |    | 75090                        |
| Redistribution |        | Fund Group                                | \$ | 2,296,263   | \$ | 2,451,013 75091              |
| TOTAL          | ALL    | BUDGET FUND GROUPS                        | \$ | 302,590,591 | \$ | <del>318,033,095</del> 75092 |
|                |        |                                           |    |             |    | <u>317,509,336</u>           |

**Sec. 343.40. LEASE RENTAL PAYMENTS** 75094

The foregoing appropriation item 725413, Lease Rental 75095

Payments, shall be used to meet all payments at the times they are 75096



required to be made during the period from July 1, 2011, through 75097  
June 30, 2013, by the Department of Natural Resources pursuant to 75098  
leases and agreements made under section 154.22 of the Revised 75099  
Code. These appropriations are the source of funds pledged for 75100  
bond service charges or obligations issued pursuant to Chapter 75101  
154. of the Revised Code. 75102

CANAL LANDS 75103

The foregoing appropriation item 725456, Canal Lands, shall 75104  
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 75105  
provide operating expenses for the State Canal Lands Program. The 75106  
transfer shall be made using an intrastate transfer voucher and 75107  
shall be subject to the approval of the Director of Budget and 75108  
Management. 75109

HEALTHY LAKE ERIE FUND 75110

The foregoing appropriation item 725505, Healthy Lake Erie 75111  
Fund, shall be used by the Director of Natural Resources, in 75112  
consultation with the Director of Agriculture and the Director of 75113  
Environmental Protection, to implement nonstatutory 75114  
recommendations of the Agriculture Nutrients and Water Quality 75115  
Working Group. The Director shall give priority to recommendations 75116  
that encourage farmers to adopt agricultural production guidelines 75117  
commonly known as 4R nutrient stewardship practices. Funds may 75118  
also be used for enhanced soil testing in the Western Lake Erie 75119  
Basin, monitoring the quality of Lake Erie and its tributaries, 75120  
and establishing pilot projects that have the goal of reducing 75121  
algae blooms in Lake Erie. 75122

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 75123

The foregoing appropriation item 725903, Natural Resources 75124  
General Obligation Debt Service, shall be used to pay all debt 75125  
service and related financing costs during the period July 1, 75126  
2011, through June 30, 2013, on obligations issued under sections 75127

|                                                             |    |            |                                  |       |
|-------------------------------------------------------------|----|------------|----------------------------------|-------|
| 151.01 and 151.05 of the Revised Code.                      |    |            |                                  | 75128 |
| <b>Sec. 365.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b> |    |            |                                  | 75129 |
| General Services Fund Group                                 |    |            |                                  | 75130 |
| 5F60 870622 Utility and Railroad                            | \$ | 30,637,234 | \$ 31,638,708                    | 75131 |
| Regulation                                                  |    |            |                                  |       |
| 5F60 870624 NARUC/NRRI Subsidy                              | \$ | 158,000    | \$ <del>158,000</del>            | 75132 |
|                                                             |    |            | <u>100,000</u>                   |       |
| 5F60 870625 Motor Transportation                            | \$ | 4,976,641  | \$ <del>5,971,218</del> <u>0</u> | 75133 |
| Regulation                                                  |    |            |                                  |       |
| 5Q50 870626 Telecommunications                              | \$ | 5,000,000  | \$ 5,000,000                     | 75134 |
| Relay Service                                               |    |            |                                  |       |
| TOTAL GSF General Services                                  |    |            |                                  | 75135 |
| Fund Group                                                  | \$ | 40,771,875 | \$ <del>42,767,926</del>         | 75136 |
|                                                             |    |            | <u>36,738,708</u>                |       |
| Federal Special Revenue Fund Group                          |    |            |                                  | 75137 |
| 3330 870601 Gas Pipeline Safety                             | \$ | 597,959    | \$ 597,959                       | 75138 |
| 3500 870608 Motor Carrier Safety                            | \$ | 7,351,660  | \$ 7,351,660                     | 75139 |
| 3CU0 870627 Electric Market                                 | \$ | 91,183     | \$ 0                             | 75140 |
| Modeling                                                    |    |            |                                  |       |
| 3EA0 870630 Energy Assurance                                | \$ | 384,000    | \$ 384,000                       | 75141 |
| Planning                                                    |    |            |                                  |       |
| 3ED0 870631 State Regulators                                | \$ | 231,824    | \$ 231,824                       | 75142 |
| Assistance                                                  |    |            |                                  |       |
| 3V30 870604 Commercial Vehicle                              | \$ | 100,000    | \$ 100,000                       | 75143 |
| Information                                                 |    |            |                                  |       |
| Systems/Networks                                            |    |            |                                  |       |
| TOTAL FED Federal Special Revenue                           |    |            |                                  | 75144 |
| Fund Group                                                  | \$ | 8,756,626  | \$ 8,665,443                     | 75145 |
| State Special Revenue Fund Group                            |    |            |                                  | 75146 |
| 4A30 870614 Grade Crossing                                  | \$ | 1,347,357  | \$ 1,347,357                     | 75147 |
| Protection                                                  |    |            |                                  |       |

|             |               |                               |           |            |           |                       |       |
|-------------|---------------|-------------------------------|-----------|------------|-----------|-----------------------|-------|
|             |               | Devices-State                 |           |            |           |                       |       |
| 4L80        | 870617        | Pipeline Safety-State         | \$        | 181,992    | \$        | 181,992               | 75148 |
| 4S60        | 870618        | Hazardous Material            | \$        | 450,395    | \$        | <del>450,395</del> 0  | 75149 |
|             |               | Registration                  |           |            |           |                       |       |
| 4S60        | 870621        | Hazardous Materials           | \$        | 373,346    | \$        | <del>373,346</del> 0  | 75150 |
|             |               | Base State                    |           |            |           |                       |       |
|             |               | Registration                  |           |            |           |                       |       |
| 4U80        | 870620        | Civil Forfeitures             | \$        | 277,347    | \$        | <del>277,496</del> 0  | 75151 |
| 5590        | 870605        | Public Utilities              | \$        | 3,880      | \$        | <del>3,880</del> 0    | 75152 |
|             |               | Territorial                   |           |            |           |                       |       |
|             |               | Administration                |           |            |           |                       |       |
| 5600        | 870607        | Special Assessment            | \$        | 97,000     | \$        | <del>97,000</del> 0   | 75153 |
| 5610        | 870606        | Power Siting Board            | \$        | 631,508    | \$        | <del>631,618</del>    | 75154 |
|             |               |                               |           |            |           | <u>581,618</u>        |       |
| 5BP0        | 870623        | Wireless 9-1-1                | \$        | 36,440,000 | \$        | <del>18,220,000</del> | 75155 |
|             |               | Administration                |           |            |           | <u>17,757,250</u>     |       |
| 5HD0        | 870629        | Radioactive Waste             | \$        | 98,800     | \$        | <del>98,800</del> 0   | 75156 |
|             |               | Transportation                |           |            |           |                       |       |
| <u>5LT0</u> | <u>870640</u> | <u>Intrastate</u>             | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>180,000</u>        | 75157 |
|             |               | <u>Registration</u>           |           |            |           |                       |       |
| <u>5LT0</u> | <u>870641</u> | <u>Unified Carrier</u>        | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>420,000</u>        | 75158 |
|             |               | <u>Registration</u>           |           |            |           |                       |       |
| <u>5LT0</u> | <u>870642</u> | <u>Hazardous Materials</u>    | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>823,741</u>        | 75159 |
|             |               | <u>Registration</u>           |           |            |           |                       |       |
| <u>5LT0</u> | <u>870643</u> | <u>Nonhazardous Materials</u> | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>277,496</u>        | 75160 |
|             |               | <u>Civil Forfeiture</u>       |           |            |           |                       |       |
| <u>5LT0</u> | <u>870644</u> | <u>Hazardous Materials</u>    | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>898,800</u>        | 75161 |
|             |               | <u>Civil Forfeiture</u>       |           |            |           |                       |       |
| <u>5LT0</u> | <u>870645</u> | <u>Motor Carrier</u>          | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>5,401,318</u>      | 75162 |
|             |               | <u>Enforcement</u>            |           |            |           |                       |       |
| 6380        | 870611        | Biofuels/Municipal            | \$        | 570        | \$        | 0                     | 75163 |
|             |               | Waste Technology              |           |            |           |                       |       |
| 6610        | 870612        | Hazardous Materials           | \$        | 898,800    | \$        | <del>898,800</del> 0  | 75164 |

Transportation

|                                 |    |            |                          |       |
|---------------------------------|----|------------|--------------------------|-------|
| TOTAL SSR State Special Revenue |    |            |                          | 75165 |
| Fund Group                      | \$ | 40,800,995 | \$ <del>22,580,684</del> | 75166 |
|                                 |    |            | <u>27,869,572</u>        |       |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 90,329,496 | \$ <del>74,014,053</del> | 75167 |
|                                 |    |            | <u>73,273,723</u>        |       |

COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM 75168

The Community-voicemail Service Pilot Program assessments 75169  
 authorized by Section 6 of Sub. S.B. 162 of the 128th General 75170  
 Assembly shall cease. These assessments shall be refunded without 75171  
 interest to those assessed under the program by the Public 75172  
 Utilities Commission within 60 days of the effective date of this 75173  
 section. 75174

FUND ADJUSTMENTS 75175

On July 1, 2012, or as soon as practicable thereafter, the 75176  
Director of Budget and Management shall transfer the cash balances 75177  
in the Hazardous Materials Registration Fund (Fund 4S60) and the 75178  
Base State Registration Fund (Fund 4G40) to the Public Utilities 75179  
Transportation Safety Fund (Fund 5LT0). The Director shall cancel 75180  
any existing encumbrances against appropriation items 870618, 75181  
Hazardous Material Registration, and 870621, Hazardous Materials 75182  
Base State Registration, and reestablish them against 75183  
appropriation item 870642, Hazardous Materials Registration. The 75184  
amounts of the reestablished encumbrances are hereby appropriated. 75185  
Upon completion of these transfers, the Hazardous Materials 75186  
Registration Fund (Fund 4S60) and the Base State Registration Fund 75187  
(Fund 4G40) are hereby abolished. 75188

On July 1, 2012, or as soon as practicable thereafter, the 75189  
Director of Budget and Management shall transfer the cash balance 75190  
in the Transportation Enforcement Fund (Fund 4U80) to the Public 75191  
Utilities Transportation Safety Fund (Fund 5LT0). The Director 75192  
shall cancel any existing encumbrances against appropriation item 75193

870620, Civil Forfeitures, and reestablish them against 75194  
appropriation item 870643, Nonhazardous Materials Civil 75195  
Forfeitures. The amounts of the reestablished encumbrances are 75196  
hereby appropriated. Upon completion of these transfers, the 75197  
Transportation Enforcement Fund (Fund 4U80) is hereby abolished. 75198

On July 1, 2012, or as soon as practicable thereafter, the 75199  
Director of Budget and Management shall transfer the cash balance 75200  
in the Radioactive Waste Transportation Fund (Fund 5HD0) to the 75201  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 75202  
Director shall cancel any existing encumbrances against 75203  
appropriation item 870629, Radioactive Waste Transportation, and 75204  
reestablish them against appropriation item 870645, Motor Carrier 75205  
Enforcement. The amounts of the reestablished encumbrances are 75206  
hereby appropriated. Upon completion of these transfers, the 75207  
Radioactive Waste Transportation Fund (Fund 5HD0) is hereby 75208  
abolished. 75209

On July 1, 2012, or as soon as practicable thereafter, the 75210  
Director of Budget and Management shall transfer the cash balance 75211  
in the Hazardous Materials Transportation Fund (Fund 6610) to the 75212  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 75213  
Director shall cancel any existing encumbrances against 75214  
appropriation item 870612, Hazardous Materials Transportation, and 75215  
reestablish them against appropriation item 870644, Hazardous 75216  
Materials Civil Forfeitures. The amounts of the reestablished 75217  
encumbrances are hereby appropriated. Upon completion of these 75218  
transfers, the Hazardous Materials Transportation Fund (Fund 6610) 75219  
is hereby abolished. 75220

On July 1, 2012, or as soon as practicable thereafter, the 75221  
Director of Budget and Management shall transfer cash in an amount 75222  
up to \$21,000,000 from the Public Utilities Fund (Fund 5F60) to 75223  
the Public Utilities Transportation Safety Fund (Fund 5LT0). The 75224  
Director shall cancel any existing encumbrances against 75225

appropriation item 870625, Motor Transportation Regulation, and 75226  
reestablish encumbrances or parts of encumbrances as needed in the 75227  
fiscal year in the appropriate fund and appropriation item for the 75228  
same purpose and to the same vendor. The amounts of the 75229  
reestablished encumbrances are hereby appropriated. 75230

The fund created by division (E) of section 4921.21 of the 75231  
Revised Code is the same fund, with the same name, as the Motor 75232  
Carrier Safety Fund (Fund 3500). 75233

The fund created by division (D) of section 4921.21 of the 75234  
Revised Code is the same fund, with the same name, as the 75235  
Commercial Vehicle Transportation Systems Fund (Fund 3V30). 75236

**Sec. 367.10. PWC PUBLIC WORKS COMMISSION** 75237

General Revenue Fund 75238

GRF 150904 Conservation General \$ 21,953,000 \$ 29,297,300 75239  
 Obligation Debt  
 Service

GRF 150907 State Capital \$ 106,770,600 \$ ~~215,571,100~~ 75240  
 Improvements 208,571,100  
 General Obligation 75241  
 Debt Service

TOTAL GRF General Revenue Fund \$ 128,723,600 \$ ~~244,868,400~~ 75242  
237,868,400

Clean Ohio Conservation Fund Group 75243

7056 150403 Clean Ohio Operating \$ 300,000 \$ 288,980 75244  
 Expenses

TOTAL 056 Clean Ohio Conservation \$ 300,000 \$ 288,980 75245

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 129,023,600 \$ ~~245,157,380~~ 75246  
238,157,380

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 75247

The foregoing appropriation item 150904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2011, through June 30, 2013, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code.

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 75254

The foregoing appropriation item 150907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2011, through June 30, 2013, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code.

CLEAN OHIO OPERATING EXPENSES 75261

The foregoing appropriation item 150403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

REIMBURSEMENT TO THE GENERAL REVENUE FUND 75266

(A) On or before July 15, 2013, the Director of the Public Works Commission shall certify to the Director of Budget and Management the following:

(1) The total amount disbursed from appropriation item 700409, Farmland Preservation, during the FY 2012-FY 2013 biennium; and

(2) The amount of interest earnings that have been credited to the Clean Ohio Conservation Fund (Fund 7056) that are in excess of the amount needed for other purposes as calculated by the Director of the Public Works Commission.

(B) If the Director of Budget and Management determines under

division (A)(2) of this section that there are excess interest 75278  
earnings, the Director of Budget and Management shall, on or 75279  
before July 15, 2013, transfer the excess interest earnings to the 75280  
General Revenue Fund in an amount equal to the total amount 75281  
disbursed under division (A)(1) of this section from the Clean 75282  
Ohio Conservation Fund (Fund 7056). 75283

**Sec. 369.10. RAC STATE RACING COMMISSION** 75284

State Special Revenue Fund Group 75285

5620 875601 Thoroughbred Race \$ 1,796,328 \$ 1,696,456 75286  
Fund

5630 875602 Standardbred \$ 1,697,418 \$ 1,697,452 75287  
Development Fund

5640 875603 Quarter Horse \$ 1,000 \$ 1,000 75288  
Development Fund

5650 875604 Racing Commission \$ 3,095,331 \$ 2,934,178 75289  
Operating

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 75290  
Racing Purse

5JK0 875610 Racing Commission \$ 339,919 \$ 8,169,547 75291  
Fund

TOTAL SSR State Special Revenue 75292

Fund Group \$ ~~18,590,078~~ \$ ~~18,329,087~~ 75293  
18,929,996 26,498,633

Holding Account Redistribution Fund Group 75294

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 75295

TOTAL 090 Holding Account 75296

Redistribution  
Fund Group \$ 100,000 \$ 100,000 75297

TOTAL ALL BUDGET FUND GROUPS \$ ~~18,690,078~~ \$ ~~18,429,087~~ 75298  
19,029,996 26,598,633



|                   |                                                              |           |            |           |                |       |
|-------------------|--------------------------------------------------------------|-----------|------------|-----------|----------------|-------|
|                   | <b>Sec. 371.10. BOR BOARD OF REGENTS</b>                     |           |            |           | 75300          |       |
|                   | General Revenue Fund                                         |           |            |           | 75301          |       |
| GRF 235321        | Operating Expenses                                           | \$        | 2,300,000  | \$        | 2,300,000      | 75302 |
| GRF 235401        | Lease Rental Payments                                        | \$        | 83,151,600 | \$        | 57,634,400     | 75303 |
| GRF 235402        | Sea Grants                                                   | \$        | 285,000    | \$        | 285,000        | 75304 |
| GRF 235406        | Articulation and<br>Transfer                                 | \$        | 2,000,000  | \$        | 2,000,000      | 75305 |
| GRF 235408        | Midwest Higher<br>Education Compact                          | \$        | 95,000     | \$        | 95,000         | 75306 |
| GRF 235409        | <u>HEI</u> Information System                                | \$        | 800,000    | \$        | 800,000        | 75307 |
| GRF 235414        | State Grants and<br>Scholarship<br>Administration            | \$        | 1,230,000  | \$        | 1,230,000      | 75308 |
| GRF 235417        | <del>Ohio Learning Network</del><br><u>eStudent Services</u> | \$        | 2,532,688  | \$        | 2,532,688      | 75309 |
| GRF 235428        | Appalachian New<br>Economy Partnership                       | \$        | 737,366    | \$        | 737,366        | 75310 |
| GRF 235433        | Economic Growth<br>Challenge                                 | \$        | 440,000    | \$        | 440,000        | 75311 |
| GRF 235438        | Choose Ohio First<br>Scholarship                             | \$        | 15,750,085 | \$        | 15,750,085     | 75312 |
| GRF 235443        | Adult Basic and<br>Literacy Education -<br>State             | \$        | 7,302,416  | \$        | 7,302,416      | 75313 |
| GRF 235444        | Post-Secondary Adult<br>Career-Technical<br>Education        | \$        | 15,317,547 | \$        | 15,317,547     | 75314 |
| GRF 235474        | Area Health Education<br>Centers Program<br>Support          | \$        | 900,000    | \$        | 900,000        | 75315 |
| <u>GRF 235478</u> | <u>Statehouse News Bureau</u>                                | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>215,561</u> | 75316 |
| <u>GRF 235479</u> | <u>Ohio Government</u>                                       | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>702,089</u> | 75317 |

|            |                               |    |               |                         |       |
|------------|-------------------------------|----|---------------|-------------------------|-------|
|            | <u>Telecommunications</u>     |    |               |                         |       |
|            | <u>Services</u>               |    |               |                         |       |
| GRF 235480 | <u>General Technology</u>     | \$ | 0             | \$ 752,516              | 75318 |
|            | <u>Operations</u>             |    |               |                         |       |
| GRF 235481 | <u>Technology Operations</u>  | \$ | 0             | \$ 2,091,823            | 75319 |
| GRF 235482 | <u>Content Development,</u>   | \$ | 0             | \$ 2,607,094            | 75320 |
|            | <u>Acquisition, and</u>       |    |               |                         |       |
|            | <u>Distribution</u>           |    |               |                         |       |
| GRF 235483 | <u>Technology Integration</u> | \$ | 0             | \$ 4,252,671            | 75321 |
|            | <u>and Professional</u>       |    |               |                         |       |
|            | <u>Development</u>            |    |               |                         |       |
| GRF 235484 | <u>Information Technology</u> | \$ | 0             | \$ 829,963              | 75322 |
| GRF 235501 | State Share of                | \$ | 1,735,530,031 | \$ 1,751,225,497        | 75323 |
|            | <u>Instruction</u>            |    |               |                         |       |
| GRF 235502 | Student Support               | \$ | 632,974       | \$ 632,974              | 75324 |
|            | <u>Services</u>               |    |               |                         |       |
| GRF 235504 | War Orphans                   | \$ | 4,787,833     | \$ 4,787,833            | 75325 |
|            | <u>Scholarships</u>           |    |               |                         |       |
| GRF 235507 | OhioLINK                      | \$ | 6,100,000     | \$ <del>6,100,000</del> | 75326 |
|            |                               |    |               | \$ 5,950,000            |       |
| GRF 235508 | Air Force Institute of        | \$ | 1,740,803     | \$ 1,740,803            | 75327 |
|            | <u>Technology</u>             |    |               |                         |       |
| GRF 235510 | Ohio Supercomputer            | \$ | 3,347,418     | \$ 3,347,418            | 75328 |
|            | <u>Center</u>                 |    |               |                         |       |
| GRF 235511 | Cooperative Extension         | \$ | 22,220,910    | \$ 22,220,910           | 75329 |
|            | <u>Service</u>                |    |               |                         |       |
| GRF 235514 | Central State                 | \$ | 11,503,651    | \$ 10,928,468           | 75330 |
|            | <u>Supplement</u>             |    |               |                         |       |
| GRF 235515 | Case Western Reserve          | \$ | 2,146,253     | \$ 2,146,253            | 75331 |
|            | <u>University School of</u>   |    |               |                         |       |
|            | <u>Medicine</u>               |    |               |                         |       |
| GRF 235519 | Family Practice               | \$ | 3,166,185     | \$ 3,166,185            | 75332 |
| GRF 235520 | Shawnee State                 | \$ | 2,448,523     | \$ 2,326,097            | 75333 |

|            |                                                           |    |            |    |                                            |
|------------|-----------------------------------------------------------|----|------------|----|--------------------------------------------|
|            | Supplement                                                |    |            |    |                                            |
| GRF 235524 | Police and Fire<br>Protection                             | \$ | 107,814    | \$ | 107,814                                    |
| GRF 235525 | Geriatric Medicine                                        | \$ | 522,151    | \$ | 522,151                                    |
| GRF 235526 | Primary Care<br>Residencies                               | \$ | 1,500,000  | \$ | 1,500,000                                  |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center   | \$ | 33,100,000 | \$ | 33,100,000                                 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching         | \$ | 9,668,941  | \$ | 9,668,941                                  |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching          | \$ | 7,952,573  | \$ | 7,952,573                                  |
| GRF 235538 | University of Toledo<br>Clinical Teaching                 | \$ | 6,198,600  | \$ | 6,198,600                                  |
| GRF 235539 | Wright State<br>University Clinical<br>Teaching           | \$ | 3,011,400  | \$ | 3,011,400                                  |
| GRF 235540 | Ohio University<br>Clinical Teaching                      | \$ | 2,911,212  | \$ | 2,911,212                                  |
| GRF 235541 | Northeast Ohio Medical<br>University Clinical<br>Teaching | \$ | 2,994,178  | \$ | 2,994,178                                  |
| GRF 235552 | Capital Component                                         | \$ | 20,638,274 | \$ | <del>20,638,274</del><br><u>13,628,639</u> |
| GRF 235555 | Library Depositories                                      | \$ | 1,440,342  | \$ | 1,440,342                                  |
| GRF 235556 | Ohio Academic<br>Resources Network                        | \$ | 3,172,519  | \$ | 3,172,519                                  |
| GRF 235558 | Long-term Care<br>Research                                | \$ | 195,300    | \$ | 195,300                                    |
| GRF 235563 | Ohio College                                              | \$ | 80,284,265 | \$ | 80,284,265                                 |

|                    |  |                                      |    |               |    |                          |       |
|--------------------|--|--------------------------------------|----|---------------|----|--------------------------|-------|
|                    |  | Opportunity Grant                    |    |               |    |                          |       |
| GRF 235572         |  | The Ohio State                       | \$ | 766,533       | \$ | 766,533                  | 75349 |
|                    |  | University Clinic                    |    |               |    |                          |       |
|                    |  | Support                              |    |               |    |                          |       |
| GRF 235599         |  | National Guard                       | \$ | 16,912,271    | \$ | 18,143,293               | 75350 |
|                    |  | Scholarship Program                  |    |               |    |                          |       |
| GRF 235909         |  | Higher Education                     | \$ | 108,262,500   | \$ | 201,555,000              | 75351 |
|                    |  | General Obligation                   |    |               |    |                          |       |
|                    |  | Debt Service                         |    |               |    |                          |       |
| TOTAL GRF          |  | General Revenue Fund                 | \$ | 2,226,105,156 | \$ | <del>2,310,109,335</del> | 75352 |
|                    |  |                                      |    |               |    | <u>2,314,401,417</u>     |       |
|                    |  | General Services Fund Group          |    |               |    |                          | 75353 |
| 2200 235614        |  | Program Approval and                 | \$ | 1,311,567     | \$ | 1,457,959                | 75354 |
|                    |  | Reauthorization                      |    |               |    |                          |       |
| 4560 235603        |  | Sales and Services                   | \$ | 199,250       | \$ | 199,250                  | 75355 |
| <u>4F30 235679</u> |  | <u>Technology Affiliate</u>          | \$ | <u>0</u>      | \$ | <u>50,000</u>            | 75356 |
|                    |  | <u>Services</u>                      |    |               |    |                          |       |
| <u>4T20 235680</u> |  | <u>Government</u>                    | \$ | <u>0</u>      | \$ | <u>25,000</u>            | 75357 |
|                    |  | <u>Television/Telecommunications</u> |    |               |    |                          |       |
|                    |  | <u>Operating</u>                     |    |               |    |                          |       |
| 5JC0 235649        |  | Co-op Internship                     | \$ | 12,000,000    | \$ | 12,000,000               | 75358 |
|                    |  | Program                              |    |               |    |                          |       |
| 5JC0 235667        |  | Ohio College                         | \$ | 6,000,000     | \$ | 6,000,000                | 75359 |
|                    |  | Opportunity                          |    |               |    |                          |       |
|                    |  | Grant-Proprietary                    |    |               |    |                          |       |
| 5JC0 235668        |  | Air Force Institute                  | \$ | 4,000,000     | \$ | 4,000,000                | 75360 |
|                    |  | of Technology -                      |    |               |    |                          |       |
|                    |  | Defense/Aerospace                    |    |               |    |                          |       |
|                    |  | Graduate Studies                     |    |               |    |                          |       |
|                    |  | Institute                            |    |               |    |                          |       |
| TOTAL GSF          |  | General Services                     |    |               |    |                          | 75361 |
| Fund Group         |  |                                      | \$ | 23,510,817    | \$ | <del>23,657,209</del>    | 75362 |
|                    |  |                                      |    |               |    | <u>23,732,209</u>        |       |

|                                                 |               |                                                              |                                        |       |
|-------------------------------------------------|---------------|--------------------------------------------------------------|----------------------------------------|-------|
| Federal Special Revenue Fund Group              |               |                                                              |                                        | 75363 |
| 3120                                            | 235609        | Tech Prep                                                    | \$ 183,850 \$ <del>183,850</del> 0     | 75364 |
| 3120                                            | 235611        | Gear-up Grant                                                | \$ 3,900,000 \$ <del>3,900,000</del>   | 75365 |
|                                                 |               |                                                              | <u>50,000</u>                          |       |
| 3120                                            | 235612        | Carl D. Perkins<br>Grant/Plan<br>Administration              | \$ 912,961 \$ 912,961                  | 75366 |
| 3120                                            | 235617        | Improving Teacher<br>Quality Grant                           | \$ 3,200,000 \$ 3,200,000              | 75367 |
| 3120                                            | 235641        | Adult Basic and<br>Literacy Education -<br>Federal           | \$ 14,835,671 \$ 14,835,671            | 75368 |
| 3120                                            | 235659        | Race to the Top<br>Scholarship Program                       | \$ 2,400,000 \$ <del>3,780,000</del> 0 | 75369 |
| 3120                                            | 235660        | Race to the Top<br>Educator Preparation<br>Reform Initiative | \$ 448,000 \$ <del>1,120,000</del> 0   | 75370 |
| 3120                                            | 235661        | Americorps Grant                                             | \$ 260,000 \$ <del>260,000</del> 0     | 75371 |
| 3H20                                            | 235608        | Human Services<br>Project                                    | \$ 3,500,000 \$ 3,500,000              | 75372 |
| 3N60                                            | 235638        | College Access<br>Challenge Grant                            | \$ 4,381,431 \$ 4,381,431              | 75373 |
| TOTAL FED Federal Special Revenue<br>Fund Group |               |                                                              |                                        | 75374 |
|                                                 |               |                                                              | \$ 34,021,913 \$ <del>36,073,913</del> | 75375 |
|                                                 |               |                                                              | <u>26,880,063</u>                      |       |
| State Special Revenue Fund Group                |               |                                                              |                                        | 75376 |
| 4E80                                            | 235602        | Higher Educational<br>Facility Commission<br>Administration  | \$ 29,100 \$ 29,100                    | 75377 |
| <u>4W90</u>                                     | <u>235673</u> | <u>Telecommunity</u>                                         | <u>\$ 0</u> \$ <u>25,000</u>           | 75378 |
| <u>4X10</u>                                     | <u>235674</u> | <u>Distance Learning</u>                                     | <u>\$ 0</u> \$ <u>24,150</u>           | 75379 |
| <u>5D40</u>                                     | <u>235675</u> | <u>Conference/Special</u>                                    | <u>\$ 0</u> \$ <u>2,000,000</u>        | 75380 |

|                                                  |        | <u>Purposes</u>               |               |           |                          |                        |
|--------------------------------------------------|--------|-------------------------------|---------------|-----------|--------------------------|------------------------|
| 5FK0                                             | 235676 | <u>Media Services</u>         | \$            | <u>0</u>  | \$                       | <u>637,956</u> 75381   |
| 5FR0                                             | 235640 | <del>Joyce Foundation</del>   | \$            | 919,719   | \$                       | 919,719 75382          |
|                                                  |        | <u>Shifting Gears Grant</u>   |               |           |                          |                        |
| 5FR0                                             | 235647 | Developmental                 | \$            | 135,000   | \$                       | 135,000 75383          |
|                                                  |        | Education Initiatives         |               |           |                          |                        |
| 5FR0                                             | 235657 | Win-Win Grant                 | \$            | 37,000    | \$                       | 15,000 75384           |
| 5JU0                                             | 235677 | <u>Information Technology</u> | \$            | <u>0</u>  | \$                       | <u>1,455,000</u> 75385 |
|                                                  |        | <u>Services</u>               |               |           |                          |                        |
| 5P30                                             | 235663 | Variable Savings Plan         | \$            | 8,946,994 | \$                       | 9,072,136 75386        |
| 5T30                                             | 235978 | <u>Gates Foundation</u>       | \$            | <u>0</u>  | \$                       | <u>171,112</u> 75387   |
|                                                  |        | <u>Grants</u>                 |               |           |                          |                        |
| 6450                                             | 235664 | Guaranteed Savings            | \$            | 900,293   | \$                       | 907,514 75388          |
|                                                  |        | Plan                          |               |           |                          |                        |
| 6820                                             | 235606 | Nursing Loan Program          | \$            | 891,320   | \$                       | 891,320 75389          |
| TOTAL SSR State Special Revenue                  |        |                               |               |           |                          | 75390                  |
| Fund Group                                       |        | \$                            | 11,859,426    | \$        | <del>11,969,789</del>    | 75391                  |
|                                                  |        |                               |               |           |                          | <u>16,283,007</u>      |
| Third Frontier Research & Development Fund Group |        |                               |               |           |                          | 75392                  |
| 7011                                             | 235634 | Research Incentive            | \$            | 8,000,000 | \$                       | 8,000,000 75393        |
|                                                  |        | Third Frontier Fund           |               |           |                          |                        |
| TOTAL 011 Third Frontier Research &              |        | \$                            | 8,000,000     | \$        | 8,000,000                | 75394                  |
| Development Fund Group                           |        |                               |               |           |                          |                        |
| TOTAL ALL BUDGET FUND GROUPS                     |        | \$                            | 2,303,497,312 | \$        | <del>2,389,810,246</del> | 75395                  |
|                                                  |        |                               |               |           |                          | <u>2,389,296,696</u>   |

**Sec. 371.50.61. CO-OP INTERNSHIP PROGRAM** 75397

Of the foregoing appropriation item 235649, Co-op Internship 75398  
 Program, \$75,000 in each fiscal year shall be used by the 75399  
 Chancellor of the Board of Regents to support the operations of 75400  
 Ohio University's Voinovich School. 75401

Of the foregoing appropriation item 235649, Co-op Internship 75402

Program, \$75,000 in each fiscal year, shall be used by the 75403  
Chancellor of the Board of Regents to support the operations of 75404  
The Ohio State University's John Glenn School of Public Affairs. 75405

Of the foregoing appropriation item 235649, Co-op Internship 75406  
Program, \$75,000 in each fiscal year shall be used to support the 75407  
Bliss Institute of Applied Politics at the University of Akron. 75408

Of the foregoing appropriation item 235649, Co-op Internship 75409  
Program, \$75,000 in each fiscal year shall be used to support the 75410  
Center for Public Management and Regional Affairs at Miami 75411  
University. 75412

Of the foregoing appropriation item 235649, Co-op Internship 75413  
Program, \$75,000 in each fiscal year shall be used to support the 75414  
Washington Center Internship Program. 75415

Of the foregoing appropriation item 235649, Co-op Internship 75416  
Program, \$75,000 in each fiscal year shall be used to support the 75417  
~~Maxine Goodman Levin College of Urban Affairs mentoring program of~~ 75418  
the Ohio Center for the Advancement of Women in Public Service at 75419  
the Cleveland State University. 75420

Of the foregoing appropriation item 235649, Co-op Internship 75421  
Program, \$75,000 in each fiscal year shall be used to support the 75422  
University of Cincinnati Internship Program. 75423

**Sec. 371.60.70. TECHNOLOGY PROGRAMS AND DISTANCE LEARNING** 75424  
**CLEARINGHOUSE** 75425

**STATEHOUSE NEWS BUREAU** 75426

The foregoing appropriation item 235478, Statehouse News 75427  
Bureau, shall be used solely to support the operations of the Ohio 75428  
Statehouse News Bureau. 75429

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 75430

The foregoing appropriation item 235479, Ohio Government 75431

Telecommunications Services, shall be used solely to support the 75432  
operations of Ohio Government Telecommunications Services which 75433  
include providing multimedia support to the state government and 75434  
its affiliated organizations and broadcasting the activities of 75435  
the legislative, judicial, and executive branches of state 75436  
government, among its other functions. 75437

TECHNOLOGY OPERATIONS 75438

The foregoing appropriation item 235481, Technology 75439  
Operations, shall be used by the Chancellor to pay expenses of 75440  
Ohio's technology network infrastructure, which includes the 75441  
television and radio transmission infrastructure and 75442  
infrastructure that shall link all public K-12 classrooms to each 75443  
other and to the Internet, and provide access to voice, video, 75444  
other communication services, and data educational resources for 75445  
students and teachers. The foregoing appropriation item 235481, 75446  
Technology Operations, may also be used to cover student costs for 75447  
taking advanced placement courses and courses that the Chancellor 75448  
has determined to be eligible for postsecondary credit through the 75449  
Ohio Learns Gateway. To the extent that funds remain available for 75450  
this purpose, public school students taking advanced placement or 75451  
postsecondary courses through the OhioLearns Gateway shall be 75452  
eligible to receive a fee waiver to cover the cost of 75453  
participating in one course. The fee waivers shall be distributed 75454  
until the funds appropriated to support the waivers have been 75455  
exhausted. 75456

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 75457

The foregoing appropriation item 235482, Content Development, 75458  
Acquisition, and Distribution, shall be used for the development, 75459  
acquisition, and distribution of information resources by public 75460  
media and radio reading services and for educational use in the 75461  
classroom and online. 75462



Of the foregoing appropriation item 235482, Content 75463  
Development, Acquisition, and Distribution, up to \$658,099 in 75464  
fiscal year 2013 shall be allocated equally among the 12 Ohio 75465  
educational television stations and used with the advice and 75466  
approval of the Chancellor. Funds shall be used for the production 75467  
of interactive instructional programming series with priority 75468  
given to resources aligned with state academic content standards 75469  
in consultation with the Ohio Department of Education and for 75470  
teleconferences to support Ohio technology programs. The 75471  
programming shall be targeted to the needs of the poorest two 75472  
hundred school districts as determined by the district's adjusted 75473  
valuation per pupil as defined in former section 3317.0213 of the 75474  
Revised Code as that section existed prior to June 30, 2005. 75475

Of the foregoing appropriation item 235482, Content 75476  
Development, Acquisition, and Distribution, up to \$1,749,283 in 75477  
fiscal year 2013 shall be distributed by the Chancellor to Ohio's 75478  
qualified public educational television stations and educational 75479  
radio stations to support their operations. The funds shall be 75480  
distributed pursuant to an allocation formula used by the Ohio 75481  
Educational Telecommunications Network Commission unless a 75482  
substitute formula is developed by the Chancellor in consultation 75483  
with Ohio's qualified public educational television stations and 75484  
educational radio stations. 75485

Of the foregoing appropriation item 235482, Content 75486  
Development, Acquisition, and Distribution, up to \$199,712 in 75487  
fiscal year 2013 shall be distributed by the Chancellor to Ohio's 75488  
qualified radio reading services to support their operations. The 75489  
funds shall be distributed pursuant to an allocation formula used 75490  
by the Ohio Educational Telecommunications Network Commission 75491  
unless a substitute formula is developed by the Chancellor in 75492  
consultation with Ohio's qualified radio reading services. 75493

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT 75494

The foregoing appropriation item 235483, Technology 75495  
Integration and Professional Development, shall be used by the 75496  
Chancellor for the provision of staff development, hardware, 75497  
software, telecommunications services, and information resources 75498  
to support educational uses of technology in the classroom and at 75499  
a distance and for professional development for teachers, 75500  
administrators, and technology staff on the use of educational 75501  
technology in qualifying public schools, including the State 75502  
School for the Blind, the State School for the Deaf, and the 75503  
Department of Youth Services. 75504

Of the foregoing appropriation item 235483, Technology 75505  
Integration and Professional Development, up to \$1,691,701 in 75506  
fiscal year 2013 shall be used by the Chancellor to contract with 75507  
educational television to provide Ohio public schools with 75508  
instructional resources and services with priority given to 75509  
resources and services aligned with state academic content 75510  
standards and such resources and services shall be based upon the 75511  
advice and approval of the Chancellor, based on a formula used by 75512  
the Ohio SchoolNet Commission unless and until a substitute 75513  
formula is developed by the Chancellor in consultation with Ohio's 75514  
educational technology agencies and noncommercial educational 75515  
television stations. 75516

Of the foregoing appropriation item 235483, Technology 75517  
Integration and Professional Development, up to \$2,560,970 in 75518  
fiscal year 2013 shall be used to support the distance learning 75519  
clearinghouse, pursuant to divisions (A) to (E) of this section. 75520

TELECOMMUNITY 75521

The foregoing appropriation item 235673, Telecommunity, shall 75522  
be distributed by the Chancellor on a grant basis to eligible 75523  
school districts to establish "distance learning" through 75524  
interactive video technologies in the school district. Funds to 75525  
administer the program shall be expended by the Board of Regents 75526

up to the amount specified. 75527

DISTANCE LEARNING 75528

The foregoing appropriation item 235674, Distance Learning, 75529  
shall be distributed by the Chancellor on a grant basis to 75530  
eligible school districts to establish "distance learning" in the 75531  
school district. Per an agreement with Ameritech, school districts 75532  
are eligible for funds if they are within an Ameritech service 75533  
area. Funds to administer the program shall be expended by the 75534  
Board of Regents up to the amount specified in the agreement with 75535  
Ameritech. 75536

GATES FOUNDATION GRANTS 75537

The foregoing appropriation item 235678, Gates Foundation 75538  
Grants, shall be administered by the Chancellor. 75539

DISTANCE LEARNING CLEARINGHOUSE 75540

(A) Notwithstanding anything to the contrary in sections 75541  
3333.81 to 3333.88 of the Revised Code, the distance learning 75542  
clearinghouse required to be established under those sections 75543  
shall be located at the Ohio Resource Center for Mathematics, 75544  
Science, and Reading administered by the College of Education and 75545  
Human Ecology at The Ohio State University. The College shall 75546  
provide access to its online repository of educational content to 75547  
offer courses from multiple providers at competitive prices for 75548  
Ohio students in grades kindergarten to twelve. 75549

(B) The College shall review the content of each course 75550  
offered to assess the course's alignment with the academic 75551  
standards adopted under division (A) of section 3301.079 of the 75552  
Revised Code and shall publish its determination about the degree 75553  
of alignment. 75554

(C) The College shall indicate, for each course offered, the 75555  
academic credit that a student may reasonably expect to earn upon 75556

successful completion of the course. However, in accordance with 75557  
section 3333.85 of the Revised Code, the school district or school 75558  
in which the student is enrolled retains full authority to 75559  
determine the credit awarded to the student. 75560

(D) As prescribed by section 3333.84 of the Revised Code, the 75561  
fee charged for a course shall be set by the course provider. The 75562  
College may retain a percentage of the fee to offset the cost of 75563  
maintaining the course repository. 75564

(E) The College may establish policies to protect the 75565  
proprietary interest in or intellectual property of the 75566  
educational content and courses that are housed in the course 75567  
repository. The College may require end users to agree to the 75568  
terms of any such policies prior to accessing the repository. 75569

**Sec. 371.60.80.** (A) The Ohio Digital Learning Task Force is 75570  
hereby established to develop a strategy for the expansion of 75571  
digital learning that enables students to customize their 75572  
education, produces cost savings, and meets the needs of Ohio's 75573  
economy. The Task Force shall consist of the following members: 75574

(1) The Chancellor of the Ohio Board of Regents or the 75575  
Chancellor's designee; 75576

(2) The Superintendent of Public Instruction or the 75577  
Superintendent's designee; 75578

(3) The Director of the Governor's Office of 21st Century 75579  
Education or the Director's designee; 75580

(4) Up to six members appointed by the Governor, who shall be 75581  
representatives of school districts or community schools, 75582  
established under Chapter 3314. of the Revised Code, that are 75583  
high-performing of their type and have demonstrated the ability to 75584  
incorporate technology into the classroom successfully; 75585

(5) A member appointed by the President of the Senate; 75586

(6) A member appointed by the Speaker of the House of Representatives. 75587  
75588

(B) Members of the Task Force shall be appointed not later than sixty days after the effective date of this section. 75589  
75590  
Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without 75591  
75592  
compensation. 75593

(C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson. 75594  
75595  
75596

(D) The Task Force shall do all of the following: 75597

(1) Request information from textbook publishers about the development of digital textbooks and other new digital content distribution methods for use by primary, secondary, and post-secondary schools and institutions and examine that information; 75598  
75599  
75600  
75601  
75602

(2) Examine potential cost savings and efficiency of utilizing digital textbooks and other new digital content distribution methods in primary, secondary, and post-secondary schools and institutions; 75603  
75604  
75605  
75606

(3) Examine potential academic benefits of utilizing digital textbooks and other new digital content distribution methods, including, but not limited to, the ability to individualize content to specific student learning styles, accessibility for individuals with disabilities, and the integration of formative and other online assessments; 75607  
75608  
75609  
75610  
75611  
75612

(4) Examine digital content pilot programs and initiatives currently operating at primary, secondary, and post-secondary schools and institutions in Ohio, including, but not limited to, those financed in part with federal funds; 75613  
75614  
75615  
75616

- (5) Examine any state-level initiatives to provide or facilitate use of digital content in primary, secondary, and post-secondary schools and institutions in Ohio. 75617  
75618  
75619
- (E) The Task Force shall make recommendations regarding all of the following: 75620  
75621
- (1) The creation of high quality digital content and instruction in grades kindergarten to twelve for free access by public and nonpublic schools and students receiving home instruction; 75622  
75623  
75624  
75625
- (2) High quality professional development for teachers and principals providing online instruction or blended learning programs; 75626  
75627  
75628
- (3) Funding strategies that create incentives for high performance, innovation, and options in course providers and delivery; 75629  
75630  
75631
- (4) Student assessment and accountability; 75632
- (5) Infrastructure to support digital learning; 75633
- (6) Mobile learning and mobile learning applications; 75634
- (7) The clearinghouse established under section 3333.82 of the Revised Code; 75635  
75636
- (8) Ways to align the resources and digital learning initiatives of state agencies and offices; 75637  
75638
- (9) Methods for removing redundancy and inefficiency in, and for providing coordination, of all digital learning programs, including the provision of free online instruction to public and nonpublic schools on a statewide basis; 75639  
75640  
75641  
75642
- (10) Methods of addressing future changes in technology and learning. 75643  
75644
- ~~(E)~~(F) Not later than March 1, 2012, the Task Force shall 75645

issue a report of its findings and recommendations to the 75646  
 Governor, the President of the Senate, and the Speaker of the 75647  
 House of Representatives. ~~Upon issuance of~~ After issuing its 75648  
 report, the Task Force shall monitor the implementation of its 75649  
recommendations. Not later than June 30, 2012, the Task Force 75650  
shall report to the Governor, the President of the Senate, and the 75651  
Speaker of the House of Representatives whether digital learning 75652  
is advancing in Ohio schools and submit any recommendations to 75653  
further enhance the full deployment of useful digital learning 75654  
programs and services. The Task Force shall cease to exist on June 75655  
30, 2012. 75656

**Sec. 373.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION** 75657

General Revenue Fund 75658

|            |                        |    |             |    |             |       |
|------------|------------------------|----|-------------|----|-------------|-------|
| GRF 501321 | Institutional          | \$ | 909,547,156 | \$ | 866,592,589 | 75659 |
|            | Operations             |    |             |    |             |       |
| GRF 501403 | Prisoner Compensation  | \$ | 8,599,255   | \$ | 8,599,255   | 75660 |
| GRF 501405 | Halfway House          | \$ | 43,637,069  | \$ | 43,622,104  | 75661 |
| GRF 501406 | Lease Rental Payments  | \$ | 42,863,100  | \$ | 104,301,500 | 75662 |
| GRF 501407 | Community              | \$ | 25,859,382  | \$ | 25,839,390  | 75663 |
|            | Nonresidential         |    |             |    |             |       |
|            | Programs               |    |             |    |             |       |
| GRF 501408 | Community Misdemeanor  | \$ | 14,906,800  | \$ | 14,906,800  | 75664 |
|            | Programs               |    |             |    |             |       |
| GRF 501501 | Community Residential  | \$ | 62,692,785  | \$ | 62,477,785  | 75665 |
|            | Programs - CBCF        |    |             |    |             |       |
| GRF 502321 | Mental Health Services | \$ | 58,525,816  | \$ | 51,778,513  | 75666 |
| GRF 503321 | Parole and Community   | \$ | 68,197,272  | \$ | 63,783,848  | 75667 |
|            | Operations             |    |             |    |             |       |
| GRF 504321 | Administrative         | \$ | 21,996,504  | \$ | 20,085,474  | 75668 |
|            | Operations             |    |             |    |             |       |
| GRF 505321 | Institution Medical    | \$ | 209,231,014 | \$ | 195,241,961 | 75669 |
|            | Services               |    |             |    |             |       |

|                                    |                                                                                                       |                  |                                            |       |
|------------------------------------|-------------------------------------------------------------------------------------------------------|------------------|--------------------------------------------|-------|
| GRF 506321                         | Institution Education<br>Services                                                                     | \$ 20,237,576    | \$ 18,086,492                              | 75670 |
| GRF 507321                         | Institution Recovery<br>Services                                                                      | \$ 5,786,109     | \$ 5,375,737                               | 75671 |
| TOTAL GRF                          | General Revenue Fund                                                                                  | \$ 1,492,079,838 | \$ 1,480,691,448                           | 75672 |
| General Services Fund Group        |                                                                                                       |                  |                                            | 75673 |
| 1480 501602                        | <del>Services and</del><br><del>Agricultural</del><br><del>Institutional</del><br><del>Services</del> | \$ 3,579,250     | \$ 3,584,263                               | 75674 |
| 2000 501607                        | Ohio Penal Industries                                                                                 | \$ 38,000,000    | \$ 38,000,000                              | 75675 |
| 4830 501605                        | Property Receipts                                                                                     | \$ 182,723       | \$ 182,086                                 | 75676 |
| 4B00 501601                        | Sewer Treatment<br>Services                                                                           | \$ 2,145,630     | <del>2,157,682</del><br><u>2,057,682</u>   | 75677 |
| 4D40 501603                        | Prisoner Programs                                                                                     | \$ 14,900,000    | \$ 14,900,000                              | 75678 |
| 4L40 501604                        | Transitional Control                                                                                  | \$ 1,168,843     | <del>1,213,120</del><br><u>1,113,120</u>   | 75679 |
| 4S50 501608                        | Education Services                                                                                    | \$ 2,376,041     | \$ 2,359,775                               | 75680 |
| 5710 501606                        | Training Academy<br>Receipts                                                                          | \$ 125,000       | \$ 125,000                                 | 75681 |
| 5930 501618                        | Laboratory Services                                                                                   | \$ 6,665,137     | \$ 6,664,729                               | 75682 |
| 5AF0 501609                        | State and Non-Federal<br>Awards                                                                       | \$ 1,440,000     | \$ 1,440,000                               | 75683 |
| 5H80 501617                        | Offender Financial<br>Responsibility                                                                  | \$ 2,000,000     | \$ 2,000,000                               | 75684 |
| 5L60 501611                        | Information<br>Technology Services                                                                    | \$ 600,000       | <del>600,000</del><br><u>350,000</u>       | 75685 |
| TOTAL GSF                          | General Services Fund<br>Group                                                                        | \$ 73,182,624    | <del>73,226,655</del><br><u>72,776,655</u> | 75686 |
| Federal Special Revenue Fund Group |                                                                                                       |                  |                                            | 75687 |
| 3230 501619                        | Federal Grants                                                                                        | \$ 9,013,558     | \$ 9,180,703                               | 75688 |
| TOTAL FED                          | Federal Special Revenue                                                                               |                  |                                            | 75689 |



|                              |    |               |    |                          |       |
|------------------------------|----|---------------|----|--------------------------|-------|
| Fund Group                   | \$ | 9,013,558     | \$ | 9,180,703                | 75690 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,574,276,020 | \$ | <del>1,563,098,806</del> | 75691 |
|                              |    |               |    | <u>1,562,648,806</u>     |       |

TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL SENTENCING REFORMS 75692  
75693

For the purposes of implementing criminal sentencing reforms, 75694  
and notwithstanding any other provision of law to the contrary, 75695  
the Director of Budget and Management, at the request of the 75696  
Director of Rehabilitation and Correction, may transfer up to 75697  
\$14,000,000 in appropriations, in each of fiscal years 2012 and 75698  
2013, from appropriation item 501321, Institutional Operations, to 75699  
any combination of appropriation items 501405, Halfway House; 75700  
501407, Community Residential Programs; 501408, Community 75701  
Misdemeanor Programs; and 501501, Community Residential Programs - 75702  
CBCF. 75703

OHIO BUILDING AUTHORITY LEASE PAYMENTS 75704

The foregoing appropriation item 501406, Lease Rental 75705  
Payments, shall be used to meet all payments at the times they are 75706  
required to be made during the period from July 1, 2011, through 75707  
June 30, 2013, by the Department of Rehabilitation and Correction 75708  
to the Ohio Building Authority under the primary leases and 75709  
agreements for those buildings made under Chapter 152. of the 75710  
Revised Code. These appropriations are the source of funds pledged 75711  
for bond service charges or obligations issued pursuant to Chapter 75712  
152. of the Revised Code. 75713

OSU MEDICAL CHARGES 75714

Notwithstanding section 341.192 of the Revised Code, at the 75715  
request of the Department of Rehabilitation and Correction, The 75716  
Ohio State University Medical Center, including the James Cancer 75717  
Hospital and Solove Research Institute and the Richard M. Ross 75718  
Heart Hospital, shall provide necessary care to persons who are 75719

confined in state adult correctional facilities. The provision of 75720  
 necessary care shall be billed to the Department at a rate not to 75721  
 exceed the authorized reimbursement rate for the same service 75722  
 established by the Department of Job and Family Services under the 75723  
 Medical Assistance Program. 75724

CASH TRANSFER FROM INSTITUTIONAL SERVICES FUND TO OHIO PENAL 75725  
INDUSTRIES FUND 75726

The Director of Budget and Management may transfer an amount 75727  
not to exceed \$4,000,000 in cash in fiscal year 2013 from the 75728  
Institutional Services Fund (Fund 1480) to the Ohio Penal 75729  
Industries Fund (Fund 2000). 75730

**Sec. 375.10. RSC REHABILITATION SERVICES COMMISSION 75731**

General Revenue Fund 75732

GRF 415402 Independent Living \$ 252,000 \$ 252,000 75733  
 Council

GRF 415406 Assistive Technology \$ 26,618 \$ 26,618 75734

GRF 415431 Office for People \$ 126,567 \$ 126,567 75735  
 with Brain Injury

GRF 415506 Services for People \$ 12,777,884 \$ 12,777,884 75736  
 with Disabilities

GRF 415508 Services for the Deaf \$ 28,000 \$ 28,000 75737

TOTAL GRF General Revenue Fund \$ 13,211,069 \$ 13,211,069 75738

General Services Fund Group 75739

4670 415609 Business Enterprise \$ 1,308,431 \$ 1,303,090 75740  
 Operating Expenses

TOTAL GSF General Services 75741

Fund Group \$ 1,308,431 \$ 1,303,090 75742

Federal Special Revenue Fund Group 75743

3170 415620 Disability \$ 97,579,095 \$ ~~97,579,095~~ 75744  
 Determination 87,579,095

|                                  |        |                                                                |    |             |    |                                              |       |
|----------------------------------|--------|----------------------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 3790                             | 415616 | Federal - Vocational<br>Rehabilitation                         | \$ | 103,160,426 | \$ | 103,150,102                                  | 75745 |
| 3L10                             | 415601 | Social Security<br>Personal Care<br>Assistance                 | \$ | 3,370,000   | \$ | 3,370,000                                    | 75746 |
| 3L10                             | 415605 | Social Security<br>Community Centers for<br>the Deaf           | \$ | 772,000     | \$ | 772,000                                      | 75747 |
| 3L10                             | 415608 | Social Security<br>Special<br>Programs/Assistance              | \$ | 1,521,406   | \$ | 1,520,184                                    | 75748 |
| 3L40                             | 415612 | Federal Independent<br>Living Centers or<br>Services           | \$ | 652,222     | \$ | 652,222                                      | 75749 |
| 3L40                             | 415615 | Federal - Supported<br>Employment                              | \$ | 929,755     | \$ | 929,755                                      | 75750 |
| 3L40                             | 415617 | Independent<br>Living/Vocational<br>Rehabilitation<br>Programs | \$ | 2,137,338   | \$ | 2,137,338                                    | 75751 |
| TOTAL FED Federal Special        |        |                                                                |    |             |    |                                              | 75752 |
| Revenue Fund Group               |        |                                                                | \$ | 210,122,242 | \$ | <del>210,110,696</del><br><u>200,110,696</u> | 75753 |
| State Special Revenue Fund Group |        |                                                                |    |             |    |                                              | 75754 |
| 4680                             | 415618 | Third Party Funding                                            | \$ | 10,802,589  | \$ | 10,802,589                                   | 75755 |
| 4L10                             | 415619 | Services for<br>Rehabilitation                                 | \$ | 3,700,000   | \$ | 3,700,000                                    | 75756 |
| 4W50                             | 415606 | Program Management<br>Expenses                                 | \$ | 11,636,730  | \$ | 11,587,201                                   | 75757 |
| TOTAL SSR State Special          |        |                                                                |    |             |    |                                              | 75758 |
| Revenue Fund Group               |        |                                                                | \$ | 26,139,319  | \$ | 26,089,790                                   | 75759 |
| TOTAL ALL BUDGET FUND GROUPS     |        |                                                                | \$ | 250,781,061 | \$ | <del>250,714,645</del><br><u>240,714,645</u> | 75760 |

INDEPENDENT LIVING COUNCIL 75761

The foregoing appropriation item 415402, Independent Living 75762  
Council, shall be used to fund the operations of the State 75763  
Independent Living Council and to support state independent living 75764  
centers and independent living services under Title VII of the 75765  
Independent Living Services and Centers for Independent Living of 75766  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 75767  
U.S.C. 796d. 75768

Of the foregoing appropriation item 415402, Independent 75769  
Living Council, \$67,662 in each fiscal year shall be used as state 75770  
matching funds for vocational rehabilitation innovation and 75771  
expansion activities. 75772

ASSISTIVE TECHNOLOGY 75773

The total amount of the foregoing appropriation item 415406, 75774  
Assistive Technology, shall be provided to Assistive Technology of 75775  
Ohio to provide grants and assistive technology services for 75776  
people with disabilities in the State of Ohio. 75777

OFFICE FOR PEOPLE WITH BRAIN INJURY 75778

The foregoing appropriation item 415431, Office for People 75779  
with Brain Injury, shall be used to plan and coordinate 75780  
head-injury-related services provided by state agencies and other 75781  
government or private entities, to assess the needs for such 75782  
services, and to set priorities in this area. 75783

Of the foregoing appropriation item 415431, Office for People 75784  
with Brain Injury, \$44,067 in each fiscal year shall be used as 75785  
state matching funds to provide vocational rehabilitation services 75786  
to eligible consumers. 75787

VOCATIONAL REHABILITATION SERVICES 75788

The foregoing appropriation item 415506, Services for People 75789  
with Disabilities, shall be used as state matching funds to 75790

provide vocational rehabilitation services to eligible consumers. 75791

At the request of the Chancellor of the Board of Regents, the 75792  
Director of Budget and Management may transfer any unexpended, 75793  
unencumbered appropriation in fiscal year 2012 or fiscal year 2013 75794  
from appropriation item 235502, Student Support Services, to 75795  
appropriation item 415506, Services for People with Disabilities. 75796  
Any appropriation so transferred shall be used by the Ohio 75797  
Rehabilitation Services Commission to obtain additional federal 75798  
matching funds to serve disabled students. 75799

SERVICES FOR THE DEAF 75800

The foregoing appropriation item 415508, Services for the 75801  
Deaf, shall be used to provide grants to community centers for the 75802  
deaf. 75803

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 75804

The foregoing appropriation item 415617, Independent 75805  
Living/Vocational Rehabilitation Programs, shall be used to 75806  
support vocational rehabilitation programs. 75807

SOCIAL SECURITY REIMBURSEMENT FUNDS 75808

Reimbursement funds received from the Social Security 75809  
Administration, United States Department of Health and Human 75810  
Services, for the costs of providing services and training to 75811  
return disability recipients to gainful employment shall be 75812  
expended from the Social Security Reimbursement Fund (Fund 3L10), 75813  
to the extent funds are available, as follows: 75814

(A) Appropriation item 415601, Social Security Personal Care 75815  
Assistance, to provide personal care services in accordance with 75816  
section 3304.41 of the Revised Code; 75817

(B) Appropriation item 415605, Social Security Community 75818  
Centers for the Deaf, to provide grants to community centers for 75819  
the deaf in Ohio for services to individuals with hearing 75820

|                                                                    |    |           |    |             |       |
|--------------------------------------------------------------------|----|-----------|----|-------------|-------|
| impairments; and                                                   |    |           |    |             | 75821 |
| (C) Appropriation item 415608, Social Security Special             |    |           |    |             | 75822 |
| Programs/Assistance, to provide vocational rehabilitation services |    |           |    |             | 75823 |
| to individuals with severe disabilities who are Social Security    |    |           |    |             | 75824 |
| beneficiaries, to enable them to achieve competitive employment.   |    |           |    |             | 75825 |
| This appropriation item shall also be used to pay a portion of     |    |           |    |             | 75826 |
| indirect costs of the Personal Care Assistance Program and the     |    |           |    |             | 75827 |
| Independent Living Programs as mandated by federal OMB Circular    |    |           |    |             | 75828 |
| A-87.                                                              |    |           |    |             | 75829 |
| <br>                                                               |    |           |    |             |       |
| PROGRAM MANAGEMENT EXPENSES                                        |    |           |    |             | 75830 |
| The foregoing appropriation item 415606, Program Management        |    |           |    |             | 75831 |
| Expenses, shall be used to support the administrative functions of |    |           |    |             | 75832 |
| the commission related to the provision of vocational              |    |           |    |             | 75833 |
| rehabilitation, disability determination services, and ancillary   |    |           |    |             | 75834 |
| programs.                                                          |    |           |    |             | 75835 |
| <br>                                                               |    |           |    |             |       |
| <b>Sec. 379.10. RDF REVENUE DISTRIBUTION FUNDS</b>                 |    |           |    |             | 75836 |
| <br>                                                               |    |           |    |             |       |
| Volunteer Firefighters' Dependents Fund                            |    |           |    |             | 75837 |
| 7085 800985 Volunteer Firemen's                                    | \$ | 300,000   | \$ | 300,000     | 75838 |
| Dependents Fund                                                    |    |           |    |             |       |
| TOTAL 085 Volunteer Firefighters'                                  |    |           |    |             | 75839 |
| Dependents Fund                                                    | \$ | 300,000   | \$ | 300,000     | 75840 |
| Agency Fund Group                                                  |    |           |    |             | 75841 |
| 4P80 001698 Cash Management                                        | \$ | 3,100,000 | \$ | 3,100,000   | 75842 |
| Improvement Fund                                                   |    |           |    |             |       |
| 5JG0 110633 Gross Casino Revenue                                   | \$ | 5,778,617 | \$ | 138,882,294 | 75843 |
| County Fund                                                        |    |           |    |             |       |
| 5JH0 110634 Gross Casino Revenue                                   | \$ | 3,852,412 | \$ | 92,588,196  | 75844 |
| County Student Fund                                                |    |           |    |             |       |
| 5JJ0 110636 Gross Casino Revenue                                   | \$ | 566,531   | \$ | 13,615,911  | 75845 |
| Host City Fund                                                     |    |           |    |             |       |

|           |                                        |                                                                |    |                          |    |                          |       |
|-----------|----------------------------------------|----------------------------------------------------------------|----|--------------------------|----|--------------------------|-------|
| 5JK0      | 875610                                 | <del>Ohio State Racing<br/>Commission Fund</del>               | \$ | <del>339,919</del>       | \$ | <del>8,169,547</del>     | 75846 |
| 5JL0      | 038629                                 | <del>Problem Casino<br/>Gambling and<br/>Addictions Fund</del> | \$ | <del>226,612</del>       | \$ | <del>5,446,364</del>     | 75847 |
| 5JN0      | 055654                                 | <del>Ohio Law Enforcement<br/>Training Fund</del>              | \$ | <del>226,612</del>       | \$ | <del>5,446,364</del>     | 75848 |
| 6080      | 001699                                 | Investment Earnings                                            | \$ | 50,000,000               | \$ | 150,000,000              | 75849 |
| 7062      | 110962                                 | Resort Area Excise<br>Tax                                      | \$ | 1,000,000                | \$ | 1,000,000                | 75850 |
| 7063      | 110963                                 | Permissive Tax<br>Distribution                                 | \$ | 1,904,500,000            | \$ | 1,980,700,000            | 75851 |
| 7067      | 110967                                 | School District<br>Income Tax                                  | \$ | 317,000,000              | \$ | 330,000,000              | 75852 |
| TOTAL AGY | Agency Fund Group                      |                                                                | \$ | <del>2,286,590,703</del> | \$ | <del>2,728,948,676</del> | 75853 |
|           |                                        |                                                                |    | <u>2,285,797,560</u>     |    | <u>2,709,886,401</u>     |       |
|           |                                        | Holding Account Redistribution                                 |    |                          |    |                          | 75854 |
| R045      | 110617                                 | International Fuel<br>Tax Distribution                         | \$ | 40,000,000               | \$ | 40,000,000               | 75855 |
| TOTAL 090 | Holding Account<br>Redistribution Fund |                                                                |    |                          |    |                          | 75856 |
|           |                                        | Revenue Distribution Fund Group                                | \$ | 40,000,000               | \$ | 40,000,000               | 75857 |
| 7049      | 038900                                 | Indigent Drivers<br>Alcohol Treatment                          | \$ | 2,200,000                | \$ | 2,200,000                | 75858 |
| 7050      | 762900                                 | International<br>Registration Plan<br>Distribution             | \$ | 30,000,000               | \$ | 30,000,000               | 75859 |
| 7051      | 762901                                 | Auto Registration<br>Distribution                              | \$ | 539,000,000              | \$ | 539,000,000              | 75860 |
| 7054      | 110954                                 | Local Government<br>Property Tax<br>Replacement - Utility      | \$ | 16,000,000               | \$ | 11,000,000               | 75861 |
| 7060      | 110960                                 | Gasoline Excise Tax                                            | \$ | 393,000,000              | \$ | 395,000,000              | 75862 |

|                                |        |                       |                             |                             |  |       |
|--------------------------------|--------|-----------------------|-----------------------------|-----------------------------|--|-------|
|                                |        | Fund                  |                             |                             |  |       |
| 7065                           | 110965 | Public Library Fund   | \$ 354,000,000              | \$ 345,000,000              |  | 75863 |
| 7066                           | 800966 | Undivided Liquor      | \$ 14,100,000               | \$ 14,100,000               |  | 75864 |
|                                |        | Permits               |                             |                             |  |       |
| 7068                           | 110968 | State and Local       | \$ 193,000,000              | \$ 196,000,000              |  | 75865 |
|                                |        | Government Highway    |                             |                             |  |       |
|                                |        | Distribution          |                             |                             |  |       |
| 7069                           | 110969 | Local Government Fund | \$ 577,000,000              | \$ 348,000,000              |  | 75866 |
| 7081                           | 110981 | Local Government      | \$ 291,000,000              | \$ 181,000,000              |  | 75867 |
|                                |        | Property Tax          |                             |                             |  |       |
|                                |        | Replacement-Business  |                             |                             |  |       |
| 7082                           | 110982 | Horse Racing Tax      | \$ 100,000                  | \$ 100,000                  |  | 75868 |
| 7083                           | 700900 | Ohio Fairs Fund       | \$ 1,400,000                | \$ 1,400,000                |  | 75869 |
| TOTAL RDF Revenue Distribution |        |                       |                             |                             |  | 75870 |
| Fund Group                     |        |                       | \$ 2,410,800,000            | \$ 2,062,800,000            |  | 75871 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                       | \$ <del>4,737,690,703</del> | \$ <del>4,832,048,676</del> |  | 75872 |
|                                |        |                       | <u>4,736,897,560</u>        | <u>4,812,986,401</u>        |  |       |

ADDITIONAL APPROPRIATIONS 75873

Appropriation items in this section shall be used for the 75874  
 purpose of administering and distributing the designated revenue 75875  
 distribution funds according to the Revised Code. If it is 75876  
 determined that additional appropriations are necessary for this 75877  
 purpose, such amounts are hereby appropriated. 75878

GENERAL REVENUE FUND TRANSFERS 75879

Notwithstanding any provision of law to the contrary, in 75880  
 fiscal year 2012 and fiscal year 2013, the Director of Budget and 75881  
 Management may transfer from the General Revenue Fund to the Local 75882  
 Government Tangible Property Tax Replacement Fund (Fund 7081) in 75883  
 the Revenue Distribution Fund Group, those amounts necessary to 75884  
 reimburse local taxing units under section 5751.22 of the Revised 75885  
 Code. Also, in fiscal year 2012 and fiscal year 2013, the Director 75886  
 of Budget and Management may make temporary transfers from the 75887



General Revenue Fund to ensure sufficient balances in the Local 75888  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 75889  
to replenish the General Revenue Fund for such transfers. 75890

**Sec. 387.10. SFC SCHOOL FACILITIES COMMISSION** 75891

General Revenue Fund 75892

GRF 230908 Common Schools \$ 150,604,900 \$ ~~341,919,400~~ 75893  
General Obligation 329,919,400  
Debt Service

TOTAL GRF General Revenue Fund \$ 150,604,900 \$ ~~341,919,400~~ 75894  
329,919,400

State Special Revenue Fund Group 75895

5E30 230644 Operating Expenses \$ 8,950,000 \$ 8,550,000 75896

TOTAL SSR State Special Revenue 75897

Fund Group \$ 8,950,000 \$ 8,550,000 75898

TOTAL ALL BUDGET FUND GROUPS \$ 159,554,900 \$ ~~350,469,400~~ 75899  
338,469,400

**Sec. 403.10. TAX DEPARTMENT OF TAXATION** 75901

General Revenue Fund 75902

GRF 110321 Operating Expenses \$ 73,500,000 \$ ~~73,550,000~~ 75903  
72,814,500

GRF 110404 Tobacco Settlement \$ 200,000 \$ ~~200,000~~ 75904  
Enforcement 198,000

GRF 110412 Child Support \$ 15,804 \$ ~~15,804~~ 15,646 75905  
Administration

GRF 110901 Property Tax \$ 610,900,000 \$ 616,000,000 75906  
Allocation - Taxation

TOTAL GRF General Revenue Fund \$ 684,615,804 \$ ~~689,765,804~~ 75907  
689,028,146

General Services Fund Group 75908

2280 110628 Tax Reform System \$ 13,638,008 \$ ~~13,642,176~~ 75909

|                                  |        |                                                  |    |            |                   |                                       |
|----------------------------------|--------|--------------------------------------------------|----|------------|-------------------|---------------------------------------|
|                                  |        | Implementation                                   |    |            | <u>13,505,754</u> |                                       |
| 4330                             | 110602 | Tape File Account                                | \$ | 197,802    | \$                | <del>197,878</del> 75910              |
|                                  |        |                                                  |    |            |                   | <u>195,899</u>                        |
| 5AP0                             | 110632 | Discovery Project                                | \$ | 2,445,799  | \$                | <del>2,445,657</del> 75911            |
|                                  |        |                                                  |    |            |                   | <u>2,421,200</u>                      |
| 5BW0                             | 110630 | Tax Amnesty Promotion<br>and Administration      | \$ | 2,500,000  | \$                | 0 75912                               |
| 5CZ0                             | 110631 | Vendor's License<br>Application                  | \$ | 250,000    | \$                | 250,000 75913                         |
| 5N50                             | 110605 | Municipal Income Tax<br>Administration           | \$ | 339,798    | \$                | <del>339,975</del> 75914              |
|                                  |        |                                                  |    |            |                   | <u>336,575</u>                        |
| 5N60                             | 110618 | Kilowatt Hour Tax<br>Administration              | \$ | 150,000    | \$                | <del>150,000</del> 75915              |
|                                  |        |                                                  |    |            |                   | <u>148,500</u>                        |
| 5V80                             | 110623 | Property Tax<br>Administration                   | \$ | 12,195,733 | \$                | <del>12,099,303</del> 75916           |
|                                  |        |                                                  |    |            |                   | <u>11,978,310</u>                     |
| 5W40                             | 110625 | Centralized Tax<br>Filing and Payment            | \$ | 200,000    | \$                | <del>200,000</del> 75917              |
|                                  |        |                                                  |    |            |                   | <u>198,000</u>                        |
| 5W70                             | 110627 | Exempt Facility<br>Administration                | \$ | 50,000     | \$                | <del>50,000</del> <u>49,500</u> 75918 |
| TOTAL                            | GSF    | General Services                                 |    |            |                   | 75919                                 |
| Fund Group                       |        |                                                  | \$ | 31,967,140 | \$                | <del>29,374,989</del> 75920           |
|                                  |        |                                                  |    |            |                   | <u>29,083,738</u>                     |
| State Special Revenue Fund Group |        |                                                  |    |            |                   | 75921                                 |
| 4350                             | 110607 | Local Tax<br>Administration                      | \$ | 19,028,339 | \$                | <del>19,225,941</del> 75922           |
|                                  |        |                                                  |    |            |                   | <u>19,033,682</u>                     |
| 4360                             | 110608 | Motor Vehicle Audit                              | \$ | 1,474,081  | \$                | <del>1,474,353</del> 75923            |
|                                  |        |                                                  |    |            |                   | <u>1,459,609</u>                      |
| 4370                             | 110606 | Litter/Natural<br>Resource Tax<br>Administration | \$ | 20,000     | \$                | <del>20,000</del> <u>19,800</u> 75924 |
| 4380                             | 110609 | School District Income<br>Tax                    | \$ | 5,859,041  | \$                | <del>5,860,650</del> 75925            |
|                                  |        |                                                  |    |            |                   | <u>5,802,044</u>                      |
| 4C60                             | 110616 | International                                    | \$ | 689,296    | \$                | <del>689,308</del> 75926              |

|                                                               |                      |    |               |                      |                                                    |
|---------------------------------------------------------------|----------------------|----|---------------|----------------------|----------------------------------------------------|
|                                                               | Registration Plan    |    |               | <u>682,415</u>       |                                                    |
| 4R60 110610                                                   | Tire Tax             | \$ | 245,462       | \$                   | <del>246,660</del> 75927                           |
|                                                               | Administration       |    |               | <u>244,193</u>       |                                                    |
| 5V70 110622                                                   | Motor Fuel Tax       | \$ | 5,384,254     | \$                   | <del>5,086,236</del> 75928                         |
|                                                               | Administration       |    |               | <u>5,035,374</u>     |                                                    |
| 6390 110614                                                   | Cigarette Tax        | \$ | 1,384,217     | \$                   | <del>1,384,314</del> 75929                         |
|                                                               | Enforcement          |    |               | <u>1,370,471</u>     |                                                    |
| 6420 110613                                                   | Ohio Political Party | \$ | 500,000       | \$                   | 500,000 75930                                      |
|                                                               | Distributions        |    |               |                      |                                                    |
| 6880 110615                                                   | Local Excise Tax     | \$ | 782,630       | \$                   | <del>782,843</del> 75931                           |
|                                                               | Administration       |    |               | <u>775,015</u>       |                                                    |
| TOTAL SSR State Special Revenue                               |                      |    |               |                      | 75932                                              |
| Fund Group                                                    |                      | \$ | 35,367,320    | \$                   | <del>35,270,305</del> 75933                        |
|                                                               |                      |    |               | <u>34,922,603</u>    |                                                    |
| Agency Fund Group                                             |                      |    |               |                      | 75934                                              |
| 4250 110635                                                   | Tax Refunds          | \$ | 1,546,800,000 | \$                   | 1,546,800,000 75935                                |
| 7095 110995                                                   | Municipal Income Tax | \$ | 21,000,000    | \$                   | 21,000,000 75936                                   |
| TOTAL AGY Agency Fund Group                                   |                      |    |               |                      | \$ 1,567,800,000 \$ 1,567,800,000 75937            |
| Holding Account Redistribution Fund Group                     |                      |    |               |                      | 75938                                              |
| R010 110611                                                   | Tax Distributions    | \$ | 50,000        | \$                   | 50,000 75939                                       |
| R011 110612                                                   | Miscellaneous Income | \$ | 50,000        | \$                   | 50,000 75940                                       |
| Tax Receipts                                                  |                      |    |               |                      |                                                    |
| TOTAL 090 Holding Account                                     |                      |    |               |                      | 75941                                              |
| Redistribution Fund Group                                     |                      | \$ | 100,000       | \$                   | 100,000 75942                                      |
| TOTAL ALL BUDGET FUND GROUPS                                  |                      |    |               |                      | \$ 2,319,850,264 \$ <del>2,322,311,098</del> 75943 |
|                                                               |                      |    |               | <u>2,320,934,487</u> |                                                    |
| HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK                    |                      |    |               |                      | 75944                                              |
| The foregoing appropriation item 110901, Property Tax         |                      |    |               |                      | 75945                                              |
| Allocation - Taxation, is hereby appropriated to pay for the  |                      |    |               |                      | 75946                                              |
| state's costs incurred due to the Homestead Exemption, the    |                      |    |               |                      | 75947                                              |
| Manufactured Home Property Tax Rollback, and the Property Tax |                      |    |               |                      | 75948                                              |
| Rollback. The Tax Commissioner shall distribute these funds   |                      |    |               |                      | 75949                                              |

directly to the appropriate local taxing districts, except for 75950  
school districts, notwithstanding the provisions in sections 75951  
321.24 and 323.156 of the Revised Code, which provide for payment 75952  
of the Homestead Exemption, the Manufactured Home Property Tax 75953  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 75954  
appropriate county treasurer and the subsequent redistribution of 75955  
these funds to the appropriate local taxing districts by the 75956  
county auditor. 75957

Upon receipt of these amounts, each local taxing district 75958  
shall distribute the amount among the proper funds as if it had 75959  
been paid as real property taxes. Payments for the costs of 75960  
administration shall continue to be paid to the county treasurer 75961  
and county auditor as provided for in sections 319.54, 321.26, and 75962  
323.156 of the Revised Code. 75963

Any sums, in addition to the amounts specifically 75964  
appropriated in appropriation item 110901, Property Tax Allocation 75965  
- Taxation, for the Homestead Exemption, the Manufactured Home 75966  
Property Tax Rollback, and the Property Tax Rollback payments, 75967  
which are determined to be necessary for these purposes, are 75968  
hereby appropriated. 75969

TAX AMNESTY PROMOTION AND ADMINISTRATION 75970

The foregoing appropriation item 110630, Tax Amnesty 75971  
Promotion and Administration, shall be used to pay expenses 75972  
incurred to promote and administer the tax amnesty program to be 75973  
conducted from May 1, 2012, through June 15, 2012, by the 75974  
Department of Taxation pursuant to Section 757.40 of ~~this act~~ Am. 75975  
Sub. H.B. 153 of the 129th General Assembly. 75976

MUNICIPAL INCOME TAX 75977

The foregoing appropriation item 110995, Municipal Income 75978  
Tax, shall be used to make payments to municipal corporations 75979  
under section 5745.05 of the Revised Code. If it is determined 75980

that additional appropriations are necessary to make such 75981  
payments, such amounts are hereby appropriated. 75982

TAX REFUNDS 75983

The foregoing appropriation item 110635, Tax Refunds, shall 75984  
be used to pay refunds under section 5703.052 of the Revised Code. 75985  
If it is determined that additional appropriations are necessary 75986  
for this purpose, such amounts are hereby appropriated. 75987

INTERNATIONAL REGISTRATION PLAN AUDIT 75988

The foregoing appropriation item 110616, International 75989  
Registration Plan, shall be used under section 5703.12 of the 75990  
Revised Code for audits of persons with vehicles registered under 75991  
the International Registration Plan. 75992

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 75993

Of the foregoing appropriation item 110607, Local Tax 75994  
Administration, the Tax Commissioner may disburse funds, if 75995  
available, for the purposes of paying travel expenses incurred by 75996  
members of Ohio's delegation to the Streamlined Sales Tax Project, 75997  
as appointed under section 5740.02 of the Revised Code. Any travel 75998  
expense reimbursement paid for by the Department of Taxation shall 75999  
be done in accordance with applicable state laws and guidelines. 76000

CENTRALIZED TAX FILING AND PAYMENT FUND 76001

The Director of Budget and Management, under a plan submitted 76002  
by the Tax Commissioner, or as otherwise determined by the 76003  
Director of Budget and Management, shall set a schedule to 76004  
transfer cash from the General Revenue Fund to the credit of the 76005  
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 76006  
of cash shall not exceed \$400,000 in the biennium. 76007

TOBACCO SETTLEMENT ENFORCEMENT 76008

The foregoing appropriation item 110404, Tobacco Settlement 76009  
Enforcement, shall be used by the Tax Commissioner to pay costs 76010

incurred in the enforcement of divisions (F) and (G) of section 76011  
5743.03 of the Revised Code. 76012

**Sec. 411.10.** DVS DEPARTMENT OF VETERANS SERVICES 76013

General Revenue Fund 76014

GRF 900321 Veterans' Homes \$ 27,369,946 \$ 27,369,946 76015

GRF 900402 Hall of Fame \$ 107,075 \$ 107,075 76016

GRF 900408 Department of \$ 1,901,823 \$ ~~1,901,823~~ 76017  
Veterans Services 2,001,823

GRF 900901 Persian Gulf, \$ 5,486,600 \$ 10,112,100 76018  
Afghanistan, and Iraq  
Compensation Debt  
Service

TOTAL GRF General Revenue Fund \$ 34,865,444 \$ ~~39,490,944~~ 76019  
39,590,944

General Services Fund Group 76020

4840 900603 Veterans' Homes \$ 305,806 \$ 312,458 76021  
Services

TOTAL GSF General Services Fund \$ 305,806 \$ 312,458 76022  
Group

Federal Special Revenue Fund Group 76023

3680 900614 Veterans Training \$ 769,500 \$ 754,377 76024

3740 900606 Troops to Teachers \$ 136,786 \$ 133,461 76025

3BX0 900609 Medicare Services \$ 2,500,000 \$ 2,490,169 76026

3L20 900601 Veterans' Homes \$ 23,455,379 \$ 23,476,269 76027  
Operations - Federal

TOTAL FED Federal Special Revenue 76028

Fund Group \$ 26,861,665 \$ 26,854,276 76029

State Special Revenue Fund Group 76030

4E20 900602 Veterans' Homes \$ 10,117,680 \$ 10,319,078 76031  
Operating

|                                                             |                       |    |            |    |                        |       |
|-------------------------------------------------------------|-----------------------|----|------------|----|------------------------|-------|
| 6040 900604                                                 | Veterans' Homes       | \$ | 347,598    | \$ | 398,731                | 76032 |
|                                                             | Improvement           |    |            |    |                        |       |
| TOTAL SSR State Special Revenue                             |                       |    |            |    |                        | 76033 |
| Fund Group                                                  |                       | \$ | 10,465,278 | \$ | 10,717,809             | 76034 |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group |                       |    |            |    |                        | 76035 |
| 7041 900615                                                 | Veteran Bonus Program | \$ | 1,605,410  | \$ | 1,147,703              | 76036 |
|                                                             | - Administration      |    |            |    |                        |       |
| 7041 900641                                                 | Persian Gulf,         | \$ | 25,425,000 | \$ | 24,300,000             | 76037 |
|                                                             | Afghanistan, and Iraq |    |            |    |                        |       |
|                                                             | Compensation          |    |            |    |                        |       |
| TOTAL 041 Persian Gulf,                                     |                       |    |            |    |                        | 76038 |
| Afghanistan, and Iraq                                       |                       |    |            |    |                        | 76039 |
| Compensation Fund Group                                     |                       |    |            |    |                        | 76040 |
|                                                             |                       | \$ | 27,030,410 | \$ | 25,447,703             | 76040 |
| TOTAL ALL BUDGET FUND GROUPS                                |                       |    |            |    |                        | 76041 |
|                                                             |                       | \$ | 99,528,603 | \$ | <del>102,823,190</del> | 76041 |
|                                                             |                       |    |            |    | <u>102,923,190</u>     |       |

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL 76042  
OBLIGATION DEBT SERVICE 76043

The foregoing appropriation item 900901, Persian Gulf, 76044  
Afghanistan and Iraq Compensation Debt Service, shall be used to 76045  
pay all debt service and related financing costs during the period 76046  
from July 1, 2011, through June 30, 2013, on obligations issued 76047  
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 76048  
purposes under sections 151.01 and 151.12 of the Revised Code. 76049

**Sec. 415.10. DYS DEPARTMENT OF YOUTH SERVICES 76050**

|                      |                       |    |             |    |             |       |
|----------------------|-----------------------|----|-------------|----|-------------|-------|
| General Revenue Fund |                       |    |             |    |             | 76051 |
| GRF 470401           | RECLAIM Ohio          | \$ | 168,716,967 | \$ | 162,362,228 | 76052 |
| GRF 470412           | Lease Rental Payments | \$ | 10,221,800  | \$ | 27,230,100  | 76053 |
| GRF 470510           | Youth Services        | \$ | 16,702,728  | \$ | 16,702,728  | 76054 |
| GRF 472321           | Parole Operations     | \$ | 10,830,019  | \$ | 10,583,118  | 76055 |
| GRF 477321           | Administrative        | \$ | 12,222,051  | \$ | 11,855,389  | 76056 |
|                      | Operations            |    |             |    |             |       |

|                                    |    |             |    |                      |       |
|------------------------------------|----|-------------|----|----------------------|-------|
| TOTAL GRF General Revenue Fund     | \$ | 218,693,565 | \$ | 228,733,563          | 76057 |
| General Services Fund Group        |    |             |    |                      | 76058 |
| 1750 470613 Education              | \$ | 8,160,277   | \$ | <del>8,151,056</del> | 76059 |
| Reimbursement                      |    |             |    | <u>6,251,056</u>     |       |
| 4790 470609 Employee Food Service  | \$ | 150,000     | \$ | 150,000              | 76060 |
| 4A20 470602 Child Support          | \$ | 450,000     | \$ | 400,000              | 76061 |
| 4G60 470605 General Operational    | \$ | 125,000     | \$ | 125,000              | 76062 |
| Funds                              |    |             |    |                      |       |
| 5BN0 470629 E-Rate Program         | \$ | 535,000     | \$ | 535,000              | 76063 |
| TOTAL GSF General Services         |    |             |    |                      | 76064 |
| Fund Group                         | \$ | 9,420,277   | \$ | <del>9,361,056</del> | 76065 |
|                                    |    |             |    | <u>7,461,056</u>     |       |
| Federal Special Revenue Fund Group |    |             |    |                      | 76066 |
| 3210 470601 Education              | \$ | 1,774,469   | \$ | 1,517,840            | 76067 |
| 3210 470603 Juvenile Justice       | \$ | 300,000     | \$ | 300,000              | 76068 |
| Prevention                         |    |             |    |                      |       |
| 3210 470606 Nutrition              | \$ | 1,747,432   | \$ | <del>1,704,022</del> | 76069 |
|                                    |    |             |    | <u>1,400,000</u>     |       |
| 3210 470610 Rehabilitation         | \$ | 36,000      | \$ | <del>36,000</del> 0  | 76070 |
| Programs                           |    |             |    |                      |       |
| 3210 470614 Title IV-E             | \$ | 6,000,000   | \$ | 6,000,000            | 76071 |
| Reimbursements                     |    |             |    |                      |       |
| 3BY0 470635 Federal Juvenile       | \$ | 56,471      | \$ | 2,000                | 76072 |
| Programs FFY 07                    |    |             |    |                      |       |
| 3BZ0 470636 Federal Juvenile       | \$ | 82,000      | \$ | 1,618                | 76073 |
| Programs FFY 08                    |    |             |    |                      |       |
| 3CP0 470638 Federal Juvenile       | \$ | 500,000     | \$ | 300,730              | 76074 |
| Programs FFY 09                    |    |             |    |                      |       |
| 3CR0 470639 Federal Juvenile       | \$ | 800,000     | \$ | 479,900              | 76075 |
| Programs FFY 10                    |    |             |    |                      |       |
| 3FB0 470641 Federal Juvenile       | \$ | 135,000     | \$ | 600,000              | 76076 |
| Programs FFY 11                    |    |             |    |                      |       |



|                       |                                               |    |             |    |                                              |       |
|-----------------------|-----------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 3FC0 470642           | Federal Juvenile<br>Programs FFY 12           | \$ | 0           | \$ | 135,000                                      | 76077 |
| 3V50 470604           | Juvenile<br>Justice/Delinquency<br>Prevention | \$ | 2,010,000   | \$ | 2,000,000                                    | 76078 |
| TOTAL FED             | Federal Special Revenue                       |    |             |    |                                              | 76079 |
| Fund Group            |                                               | \$ | 13,441,372  | \$ | <del>13,077,110</del><br><u>12,737,088</u>   | 76080 |
| State Special Revenue | Fund Group                                    |    |             |    |                                              | 76081 |
| 1470 470612           | Vocational Education                          | \$ | 762,126     | \$ | 758,210                                      | 76082 |
| TOTAL SSR             | State Special Revenue                         |    |             |    |                                              | 76083 |
| Fund Group            |                                               | \$ | 762,126     | \$ | 758,210                                      | 76084 |
| TOTAL ALL BUDGET      | FUND GROUPS                                   | \$ | 242,317,340 | \$ | <del>251,929,939</del><br><u>249,689,917</u> | 76085 |

COMMUNITY PROGRAMS 76086

For purposes of implementing juvenile sentencing reforms, and 76087  
notwithstanding any provision of law to the contrary, the 76088  
Department of Youth Services may use up to forty-five per cent of 76089  
the unexpended, unencumbered balance of the portion of 76090  
appropriation item 470401, RECLAIM Ohio, that is allocated to 76091  
juvenile correctional facilities in each fiscal year to expand 76092  
Targeted RECLAIM, the Behavioral Health Juvenile Justice 76093  
Initiative, and other evidence-based community programs. 76094

OHIO BUILDING AUTHORITY LEASE PAYMENTS 76095

The foregoing appropriation item 470412, Lease Rental 76096  
Payments, shall be used to meet all payments at the times they are 76097  
required to be made for the period from July 1, 2011, through June 76098  
30, 2013, by the Department of Youth Services to the Ohio Building 76099  
Authority under the leases and agreements for facilities made 76100  
under Chapter 152. of the Revised Code. This appropriation is the 76101  
source of funds pledged for bond service charges on related 76102  
obligations issued pursuant to Chapter 152. of the Revised Code. 76103

EDUCATION REIMBURSEMENT 76104

The foregoing appropriation item 470613, Education 76105  
Reimbursement, shall be used to fund the operating expenses of 76106  
providing educational services to youth supervised by the 76107  
Department of Youth Services. Operating expenses include, but are 76108  
not limited to, teachers' salaries, maintenance costs, and 76109  
educational equipment. This appropriation item may be used for 76110  
capital expenses related to the education program. 76111

EMPLOYEE FOOD SERVICE AND EQUIPMENT 76112

Notwithstanding section 125.14 of the Revised Code, the 76113  
foregoing appropriation item 470609, Employee Food Service, may be 76114  
used to purchase any food operational items with funds received 76115  
into the fund from reimbursements for state surplus property. 76116

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 76117

In collaboration with the county family and children first 76118  
council, the juvenile court of that county that receives 76119  
allocations from one or both of the foregoing appropriation items 76120  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 76121  
portions of those allocations to a flexible funding pool as 76122  
authorized by the section of ~~this act~~ Am. Sub. H.B. 153 of the 76123  
129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 76124  
FUNDING POOL." 76125

**Sec. 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 76126  
BALANCES OF OPERATING APPROPRIATIONS 76127

(A) An unexpended balance of an operating appropriation or 76128  
reappropriation that a state agency lawfully encumbered prior to 76129  
the close of a fiscal year is hereby reappropriated on the first 76130  
day of July of the following fiscal year from the fund from which 76131  
it was originally appropriated or reappropriated for the following 76132  
period and shall remain available only for the purpose of 76133

discharging the encumbrance: 76134

(1) For an encumbrance for personal services, maintenance, 76135  
equipment, or items for resale, other than an encumbrance for an 76136  
item of special order manufacture not available on term contract 76137  
or in the open market or for reclamation of land or oil and gas 76138  
wells, for a period of not more than five months from the end of 76139  
the fiscal year; 76140

(2) For an encumbrance for an item of special order 76141  
manufacture not available on term contract or in the open market, 76142  
for a period of not more than five months from the end of the 76143  
fiscal year or, with the written approval of the Director of 76144  
Budget and Management, for a period of not more than twelve months 76145  
from the end of the fiscal year; 76146

(3) For an encumbrance for reclamation of land or oil and gas 76147  
wells, for a period ending when the encumbered appropriation is 76148  
expended or for a period of two years, whichever is less; 76149

(4) For an encumbrance for any other expense, for such period 76150  
as the Director approves, provided such period does not exceed two 76151  
years. 76152

(B) Any operating appropriations for which unexpended 76153  
balances are reappropriated beyond a five-month period from the 76154  
end of the fiscal year by division (A)(2) of this section shall be 76155  
reported to the Controlling Board by the Director of Budget and 76156  
Management by the thirty-first day of December of each year. The 76157  
report on each such item shall include the item, the cost of the 76158  
item, and the name of the vendor. The report shall be updated on a 76159  
quarterly basis for encumbrances remaining open. 76160

(C) Upon the expiration of the reappropriation period set out 76161  
in division (A) of this section, a reappropriation made by this 76162  
section lapses, and the Director of Budget and Management shall 76163  
cancel the encumbrance of the unexpended reappropriation not later 76164

than the end of the weekend following the expiration of the 76165  
reappropriation period. 76166

(D) Notwithstanding division (C) of this section, with the 76167  
approval of the Director of Budget and Management, an unexpended 76168  
balance of an encumbrance that was reappropriated on the first day 76169  
of July by this section for a period specified in division (A)(3) 76170  
or (4) of this section and that remains encumbered at the close of 76171  
the fiscal biennium is hereby reappropriated on the first day of 76172  
July of the following fiscal biennium from the fund from which it 76173  
was originally appropriated or reappropriated for the applicable 76174  
period specified in division (A)(3) or (4) of this section and 76175  
shall remain available only for the purpose of discharging the 76176  
encumbrance. 76177

(E) The Director of Budget and Management may correct 76178  
accounting errors committed by the staff of the Office of Budget 76179  
and Management, such as re-establishing encumbrances or 76180  
appropriations cancelled in error, during the cancellation of 76181  
operating encumbrances in November and of nonoperating 76182  
encumbrances in December. 76183

(F) The Director of Budget and Management may at any time 76184  
correct accounting errors committed by the staff of a state 76185  
institution of higher education, as defined in section 3345.011 of 76186  
the Revised Code, such as reestablishing prior year nonoperating 76187  
encumbrances canceled or modified in error. The reestablished 76188  
encumbrance amounts are hereby appropriated. 76189

(G) If the Controlling Board approved a purchase, that 76190  
approval remains in effect so long as the appropriation used to 76191  
make that purchase remains encumbered. 76192

**Sec. 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS** 76193

(A) The Office of Internal Auditing within the Office of 76194

Budget and Management shall, in connection with its duties under sections 126.45 to 126.48 of the Revised Code, monitor and measure the effectiveness of funds allocated to the state as part of the federal American Recovery and Reinvestment Act of 2009. As such, the Office of Internal Auditing shall review how funds allocated to each state agency are spent. For purposes of this section, "state agency" has the same meaning as in division (A) of section 126.45 of the Revised Code.

In addition to the reports required under section 126.47 of the Revised Code, the Office of Internal Auditing shall ~~submit~~ prepare a report of its findings for the period beginning July 1, 2011, and ending December 31, 2011. The Office shall submit the report to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and the Chairs of the committees in the Senate and House of Representatives handling finance and appropriations. ~~The report shall be submitted every six months at the following intervals:~~

~~(1) For the six month period ending December 31, 2011, not later than by February 1, 2012;~~

~~(2) For the six month period ending June 30, 2012, not later than August 1, 2012;~~

~~(3) For the six month period ending December 31, 2012, not later than February 1, 2013;~~

~~(4) For the six month period ending June 30, 2013, not later than August 1, 2013.~~

(B) When, as part of its compliance with the federal American Recovery and Reinvestment Act of 2009 requirements to monitor and measure the effectiveness of funds for which the state of Ohio is the prime recipient, and for which reporting authority has not been delegated to a ~~sub-recipient~~ subrecipient, the Office of

Budget and Management submits quarterly reports to the federal 76226  
government, the Office of Budget and Management shall also submit 76227  
those reports to the President of the Senate, Minority Leader of 76228  
the Senate, Speaker of the House of Representatives, Minority 76229  
Leader of the House of Representatives, and Chairs and ranking 76230  
members of the committees in the Senate and House of 76231  
Representatives handling finance and appropriations. The Office of 76232  
Budget and Management shall continue to submit quarterly reports 76233  
to the legislature for the duration of the period in which the 76234  
state of Ohio is required to make reports to the federal 76235  
government concerning Ohio's use of the federal American Recovery 76236  
and Reinvestment Act of 2009 funds. 76237

**Sec. 701.40.** (A) There is hereby created the Ohio Housing 76238  
Study Committee with the purpose of formulating a comprehensive 76239  
review of the policies and results of the Ohio Housing Finance 76240  
Agency, its programs and its working relationships to ensure that 76241  
all Agency programs are evaluated by an objective process to 76242  
ensure all Ohioans receive optimal and measurable benefits 76243  
afforded to them through the authority of the Agency. 76244

(B) The Committee shall do all of the following: 76245

(1) Perform a comprehensive review of Chapter 175. of the 76246  
Revised Code to determine the relevance of the chapter and 76247  
determine whether it should be formally reviewed or amended by the 76248  
General Assembly, up to and including appropriate legislative 76249  
oversight and accountability; 76250

(2) Review the Agency's relationships to ensure an equitable 76251  
and level playing field regarding its single- and multi-family 76252  
housing programs; 76253

(3) Review the Agency's policy leadership and the measurable 76254  
economic impact and other effects of its programs; 76255

(4) Review the Agency's Qualified Allocation Plan development process and underlying policies to understand whether objective and measurable results are achieved to fulfill clearly articulated public policy goals;

(5) Create a quantitative report measuring the economic benefits of the Agency's single- and multi-family programming over the last ten years;

(6) Evaluate the possible efficiencies of combining existing Ohio Department of Development housing-related programming with those of the Agency.

The Chairperson of the Committee may include other relevant areas of study as necessary.

(C) The Committee shall commence on ~~the effective date of this act~~ September 29, 2011, and shall provide a report expressing its findings and financial, policy, or legislative recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before ~~March~~ December 31, 2012. The Committee shall cease to exist on December 31, 2012.

(D) The Committee shall be comprised of the Auditor of State, or the Auditor's designee, the Director of Commerce, or the Director's designee, the Director of Development, or the Director's designee, and four members of the General Assembly. Two members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the President of the Senate.

The Governor, Speaker of the House of Representatives, and the President of the Senate shall determine the chairperson of the Committee.

(E) The Committee shall meet on a reasonable basis at the discretion of the chairperson.

(F) All reasonable expenses incurred by the Committee in 76286  
carrying out its responsibilities shall be paid by Ohio Housing 76287  
Finance Agency funds. In addition to reasonable expenses, the 76288  
Committee shall have the discretion to allocate Agency funds to 76289  
contract with the Auditor of State for services rendered in 76290  
relation to the Committee carrying out its responsibilities, 76291  
including financial- and performance-based audits and other 76292  
services. The Auditor of State may contract with an independent 76293  
auditor. 76294

The Committee may also contract with other independent 76295  
entities for services rendered in relation to the Committee 76296  
carrying out its responsibilities. Expenditures to pay for the 76297  
services of the Auditor of State, independent auditor, or other 76298  
services shall not exceed two hundred thousand dollars. 76299

No entity contracting with the Committee for services 76300  
rendered shall have a financial or vested interest in the Ohio 76301  
Housing Finance Agency, its affiliates, or its nonprofit partners. 76302

**Section 601.41.** That existing Sections 205.10, 207.10, 76303  
207.10.80, 207.20.10, 207.20.30, 207.20.90, 209.10, 209.20, 76304  
209.30, 211.10, 215.10, 215.20, 223.10, 229.10, 243.10, 261.10.40, 76305  
261.10.70, 261.20.10, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 76306  
261.20.90, 261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 76307  
261.30.70, 261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30, 76308  
263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 76309  
267.10.40, 267.30.20, 267.30.40, 279.10, 283.10, 283.20, 283.30, 76310  
291.10, 307.10, 309.10, 309.30.30, 309.30.33, 309.30.53, 76311  
309.35.73, 315.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 76312  
367.10, 369.10, 371.10, 371.50.61, 371.60.70, 371.60.80, 373.10, 76313  
375.10, 379.10, 387.10, 403.10, 411.10, 415.10, 503.50, 521.70, 76314  
and 701.40 of Am. Sub. H.B. 153 of the 129th General Assembly are 76315  
hereby repealed. 76316



Section 601.43. That Section 247.10 of Am. Sub. H.B. 153 of 76317  
the 129th General Assembly, as amended by Sub. H.B. 319 of the 76318  
129th General Assembly, be amended to read as follows: 76319

Sec. 247.10. CEB CONTROLLING BOARD 76320

General Revenue Fund 76321

GRF 911404 Mandate Assistance \$ 2,750,000 \$ 0 76322

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 76323

Costs

TOTAL GRF General Revenue Fund \$ 3,225,000 \$ 475,000 76324

General Services Fund Group 76325

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 76326

TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 76327

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,225,000 \$ 10,475,000 76328

FEDERAL SHARE 76329

In transferring appropriations to or from appropriation items 76330  
that have federal shares identified in this act, the Controlling 76331  
Board shall add or subtract corresponding amounts of federal 76332  
matching funds at the percentages indicated by the state and 76333  
federal division of the appropriations in this act. Such changes 76334  
are hereby appropriated. 76335

REDISTRICTING IMPLEMENTATION 76336

The foregoing appropriation item 911404, Mandate Assistance, 76337  
shall be used in a method prescribed by the Secretary of State and 76338  
transferred by the Director of Budget and Management to implement 76339  
this act, which includes remapping and reprecincting counties, and 76340  
reprogramming database systems and voting machines. At the end of 76341  
fiscal year 2012, an amount equal to the unexpended, unencumbered 76342  
portion of appropriation item 911404, Mandate Assistance, is 76343  
hereby reappropriated in fiscal year 2013 for the same purpose. 76344

DISASTER SERVICES 76345

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist.

Upon the request of the Department of Public Safety, the Controlling Board may release up to \$3,000,000 for Blanchard River flood mitigation projects.

BALLOT ADVERTISING COSTS 76372

Pursuant to section 3501.17 of the Revised Code, and upon requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation

item 911441, Ballot Advertising Costs, to appropriation item 76376  
 050621, Statewide Ballot Advertising, in order to pay for the cost 76377  
 of public notices associated with statewide ballot initiatives. 76378

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 76379  
 ELIGIBILITY 76380

A state agency director shall request that the Controlling 76381  
 Board increase the amount of the agency's capital appropriations 76382  
 if the director determines such an increase is necessary for the 76383  
 agency to receive and use funds under the federal American 76384  
 Recovery and Reinvestment Act of 2009. The Controlling Board may 76385  
 increase the capital appropriations pursuant to the request up to 76386  
 the exact amount necessary under the federal act if the Board 76387  
 determines it is necessary for the agency to receive and use those 76388  
 federal funds. 76389

**Section 601.44.** That existing Section 247.10 of Am. Sub. H.B. 76390  
 153 of the 129th General Assembly, as amended by Sub. H.B. 319 of 76391  
 the 129th General Assembly, is hereby repealed. 76392

**Section 601.46.** That Sections 261.10 and 261.20.93 of Am. 76393  
 Sub. H.B. 153 of the 129th General Assembly, as amended by Sub. 76394  
 H.B. 371 of the 129th General Assembly, be amended to read as 76395  
 follows: 76396

**Sec. 261.10.** DEV ~~DEPARTMENT OF~~ DEVELOPMENT SERVICES AGENCY 76397  
 General Revenue Fund 76398  
 GRF 195401 Thomas Edison Program \$ 14,820,354 \$ 0 76399  
 GRF 195402 Coal ~~Development~~ \$ 260,983 \$ 261,205 76400  
Office Research  
Operating  
 GRF 195404 Small Business \$ 1,565,770 \$ 0 76401  
 Development

|            |                   |                                                                                                                                   |               |              |               |                               |       |
|------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|-------------------------------|-------|
| GRF        | 195405            | Minority Business<br>Enterprise Division                                                                                          | \$            | 1,118,528    | \$            | 0                             | 76402 |
| GRF        | 195407            | Travel and Tourism                                                                                                                | \$            | 5,000,000    | \$            | <del>0</del> <u>5,000,000</u> | 76403 |
| GRF        | 195412            | Rapid Outreach Grants                                                                                                             | \$            | 9,000,000    | \$            | 0                             | 76404 |
| GRF        | 195415            | <del>Strategie</del> Business<br><del>Investment Division</del><br><del>and Regional Offices</del><br><u>Development Services</u> | \$            | 4,500,000    | \$            | <del>0</del> <u>2,413,387</u> | 76405 |
| GRF        | 195416            | Governor's Office of<br>Appalachia                                                                                                | \$            | 3,700,000    | \$            | <del>3,700,000</del> <u>0</u> | 76406 |
| GRF        | 195422            | Technology Action                                                                                                                 | \$            | 547,341      | \$            | 0                             | 76407 |
| GRF        | 195426            | Clean Ohio<br>Implementation                                                                                                      | \$            | 468,365      | \$            | <del>0</del> <u>468,365</u>   | 76408 |
| GRF        | 195432            | Global Markets                                                                                                                    | \$            | 3,500,000    | \$            | 0                             | 76409 |
| GRF        | 195434            | Industrial Training<br>Grants                                                                                                     | \$            | 10,000,000   | \$            | 0                             | 76410 |
| GRF        | 195497            | CDBG Operating Match                                                                                                              | \$            | 1,015,000    | \$            | <del>0</del> <u>1,015,000</u> | 76411 |
| GRF        | 195501            | Appalachian Local<br>Development Districts                                                                                        | \$            | 391,482      | \$            | <del>391,482</del> <u>0</u>   | 76412 |
| GRF        | 195502            | Appalachian Regional<br>Commission Dues                                                                                           | \$            | 195,000      | \$            | <del>195,000</del> <u>0</u>   | 76413 |
| GRF        | <del>195528</del> | <del>Economic Development</del><br><del>Projects</del>                                                                            | <del>\$</del> | <del>0</del> | <del>\$</del> | <del>26,943,518</del>         | 76414 |
| <u>GRF</u> | <u>195530</u>     | <u>Economic Gardening</u><br><u>Pilot Program</u>                                                                                 | <u>\$</u>     | <u>0</u>     | <u>\$</u>     | <u>250,000</u>                | 76415 |
| <u>GRF</u> | <u>195532</u>     | <u>Technology Programs</u><br><u>and Grants</u>                                                                                   | <u>\$</u>     | <u>0</u>     | <u>\$</u>     | <u>13,547,341</u>             | 76416 |
| <u>GRF</u> | <u>195533</u>     | <u>Business Assistance</u>                                                                                                        | <u>\$</u>     | <u>0</u>     | <u>\$</u>     | <u>5,899,465</u>              | 76417 |
| <u>GRF</u> | <u>195535</u>     | <u>Appalachia Assistance</u>                                                                                                      | <u>\$</u>     | <u>0</u>     | <u>\$</u>     | <u>4,286,482</u>              | 76418 |
| GRF        | 195901            | Coal Research &<br>Development General<br>Obligation Debt<br>Service                                                              | \$            | 7,861,100    | \$            | 5,577,700                     | 76419 |

|                                    |                                |                                                                                                       |    |             |    |                                              |                |
|------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|----|-------------|----|----------------------------------------------|----------------|
| GRF                                | 195905                         | Third Frontier<br>Research &<br>Development General<br>Obligation Debt<br>Service                     | \$ | 29,323,300  | \$ | 63,640,300                                   | 76420          |
| GRF                                | 195912                         | Job Ready Site<br>Development General<br>Obligation Debt<br>Service                                   | \$ | 9,859,200   | \$ | 15,680,500                                   | 76421          |
| TOTAL GRF                          | General Revenue Fund           |                                                                                                       | \$ | 103,126,423 | \$ | <del>116,389,705</del><br><u>118,039,745</u> | 76422          |
| General Services Fund Group        |                                |                                                                                                       |    |             |    |                                              | 76423          |
| 1350                               | 195684                         | <del>Supportive</del><br><u>Development Services</u><br><u>Operations</u>                             | \$ | 11,700,000  | \$ | 11,700,000                                   | 76424          |
| 4W10                               | 195646                         | Minority Business<br>Enterprise Loan                                                                  | \$ | 2,500,000   | \$ | 2,500,000                                    | 76425          |
| 5AD0                               | 195633                         | Legacy Projects                                                                                       | \$ | 15,000,000  | \$ | <del>15,000,000</del><br><u>18,600,000</u>   | 76426          |
| 5AD0                               | 195677                         | Economic Development<br>Contingency                                                                   | \$ | 10,000,000  | \$ | 0                                            | 76427          |
| 5W50                               | 195690                         | Travel and Tourism<br>Cooperative Projects                                                            | \$ | 50,000      | \$ | 50,000                                       | 76428          |
| 6850                               | 195636                         | <del>Direct Cost Recovery</del><br><u>Development Services</u><br><u>Reimbursable</u><br>Expenditures | \$ | 750,000     | \$ | 750,000                                      | 76429          |
| TOTAL GSF                          | General Services Fund<br>Group |                                                                                                       | \$ | 40,000,000  | \$ | <del>30,000,000</del><br><u>33,600,000</u>   | 76430<br>76431 |
| Federal Special Revenue Fund Group |                                |                                                                                                       |    |             |    |                                              | 76432          |
| 3080                               | 195602                         | Appalachian Regional                                                                                  | \$ | 475,000     | \$ | 475,000                                      | 76433          |

|             |               |                                                                                         |    |             |    |                               |
|-------------|---------------|-----------------------------------------------------------------------------------------|----|-------------|----|-------------------------------|
|             |               | Commission                                                                              |    |             |    |                               |
| 3080        | 195603        | Housing <del>and Urban</del><br>Development<br><u>Assistance Programs</u>               | \$ | 6,000,000   | \$ | 6,000,000 76434               |
| 3080        | 195605        | Federal Projects                                                                        | \$ | 85,028,606  | \$ | <del>85,470,106</del> 0 76435 |
| 3080        | 195609        | Small Business<br>Administration <u>Grants</u>                                          | \$ | 6,438,143   | \$ | 5,511,381 76436               |
| 3080        | 195618        | Energy <del>Federal</del> Grants                                                        | \$ | 38,000,000  | \$ | 3,400,000 76437               |
| <u>3080</u> | <u>195670</u> | <u>Home Weatherization</u><br><u>Program</u>                                            | \$ | 0           | \$ | <u>72,670,106</u> 76438       |
| <u>3080</u> | <u>195671</u> | <u>Brownfield</u><br><u>Redevelopment</u>                                               | \$ | 0           | \$ | <u>6,800,000</u> 76439        |
| <u>3080</u> | <u>195672</u> | <u>Manufacturing</u><br><u>Extension Partnership</u>                                    | \$ | 0           | \$ | <u>6,000,000</u> 76440        |
| 3350        | 195610        | Energy <del>Conservation</del><br><del>and Emerging</del><br><u>Technology Programs</u> | \$ | 1,100,000   | \$ | 1,100,000 76441               |
| 3AE0        | 195643        | Workforce Development<br>Initiatives                                                    | \$ | 16,300,000  | \$ | 16,300,000 76442              |
| 3DB0        | 195642        | Federal Stimulus -<br>Energy Efficiency &<br>Conservation Block<br>Grants               | \$ | 3,000,000   | \$ | 42,485 76443                  |
| 3EG0        | 195608        | <del>Federal</del> Energy <u>Sector</u><br>Training <u>Grants</u>                       | \$ | 5,000,000   | \$ | 1,344,056 76444               |
| 3K80        | 195613        | Community Development<br>Block Grant                                                    | \$ | 76,795,818  | \$ | 65,210,000 76445              |
| 3K90        | 195611        | Home Energy<br>Assistance Block<br>Grant                                                | \$ | 115,743,608 | \$ | 115,743,608 76446             |
| 3K90        | 195614        | HEAP Weatherization                                                                     | \$ | 22,000,000  | \$ | 22,000,000 76447              |
| 3L00        | 195612        | Community Services<br>Block Grant                                                       | \$ | 27,240,217  | \$ | 27,240,217 76448              |

|                                  |               |                                                                      |    |             |    |                        |       |
|----------------------------------|---------------|----------------------------------------------------------------------|----|-------------|----|------------------------|-------|
| 3V10                             | 195601        | HOME Program                                                         | \$ | 40,000,000  | \$ | 40,000,000             | 76449 |
| TOTAL FED                        |               | Federal Special Revenue                                              |    |             |    |                        | 76450 |
| Fund Group                       |               |                                                                      | \$ | 443,121,392 | \$ | 389,836,853            | 76451 |
| State Special Revenue Fund Group |               |                                                                      |    |             |    |                        | 76452 |
| 4500                             | 195624        | Minority Business Bonding Program Administration                     | \$ | 160,110     | \$ | 159,069                | 76453 |
| 4510                             | 195625        | Economic Development Financing Operating                             | \$ | 3,000,000   | \$ | <del>3,000,000</del> 0 | 76454 |
| <u>4510</u>                      | <u>195649</u> | <u>Business Assistance Programs</u>                                  | \$ | 0           | \$ | <u>3,700,800</u>       | 76455 |
| 4F20                             | 195639        | State Special Projects                                               | \$ | 180,437     | \$ | 180,436                | 76456 |
| 4F20                             | 195676        | Marketing Initiatives                                                | \$ | 5,000,000   | \$ | 0                      | 76457 |
| 4F20                             | 195699        | Utility <del>Provided Funds</del> Community Assistance               | \$ | 500,000     | \$ | 500,000                | 76458 |
| 4S00                             | 195630        | Tax Incentive Programs                                               | \$ | 650,800     | \$ | <del>650,800</del> 0   | 76459 |
| 5CG0                             | 195679        | Alternative Fuel Transportation                                      | \$ | 750,000     | \$ | 750,000                | 76460 |
| 5HJ0                             | 195604        | Motion Picture Tax Credit Program                                    | \$ | 50,000      | \$ | <del>50,000</del> 0    | 76461 |
| 5HR0                             | 195526        | <del>Ohio Incumbent</del> Workforce <del>Job</del> Training Vouchers | \$ | 20,000,000  | \$ | 30,000,000             | 76462 |
| 5HR0                             | 195622        | Defense Development Assistance                                       | \$ | 5,000,000   | \$ | 5,000,000              | 76463 |
| <u>5JR0</u>                      | <u>195635</u> | <u>Redevelopment Program Support</u>                                 | \$ | 0           | \$ | <u>100,000</u>         | 76464 |
| 5JR0                             | 195656        | New Market Tax Credit Program                                        | \$ | 50,000      | \$ | <del>50,000</del> 0    | 76465 |
| 5KD0                             | 195621        | Brownfield Stormwater Loan                                           | \$ | 50,000      | \$ | <del>50,000</del> 0    | 76466 |
| 5KN0                             | 195640        | Local Government Innovation                                          | \$ | 175,000     | \$ | 44,825,000             | 76467 |

|                                                  |        |                                 |    |             |    |                        |                    |
|--------------------------------------------------|--------|---------------------------------|----|-------------|----|------------------------|--------------------|
| 5LK0                                             | 195655 | <u>Workforce Development</u>    | \$ | 0           | \$ | <u>10,000,000</u>      | 76468              |
|                                                  |        | <u>Programs</u>                 |    |             |    |                        |                    |
| 5M40                                             | 195659 | Low Income Energy               | \$ | 245,000,000 | \$ | 245,000,000            | 76469              |
|                                                  |        | Assistance ( <u>USF</u> )       |    |             |    |                        |                    |
| 5M50                                             | 195660 | Advanced Energy <u>Loan</u>     | \$ | 8,000,000   | \$ | 0                      | 76470              |
|                                                  |        | Programs                        |    |             |    |                        |                    |
| 5W60                                             | 195691 | International Trade             | \$ | 160,000     | \$ | 160,000                | 76471              |
|                                                  |        | Cooperative Projects            |    |             |    |                        |                    |
| 6170                                             | 195654 | Volume Cap                      | \$ | 94,397      | \$ | 92,768                 | 76472              |
|                                                  |        | Administration                  |    |             |    |                        |                    |
| 6460                                             | 195638 | Low- and Moderate-              | \$ | 53,000,000  | \$ | 53,000,000             | 76473              |
|                                                  |        | Income Housing Trust            |    |             |    |                        |                    |
|                                                  |        | Fund                            |    |             |    |                        |                    |
| TOTAL SSR State Special Revenue                  |        |                                 |    |             |    |                        | 76474              |
| Fund Group                                       |        |                                 | \$ | 341,820,744 | \$ | <del>383,468,073</del> | 76475              |
|                                                  |        |                                 |    |             |    |                        | <u>393,468,073</u> |
| Facilities Establishment Fund Group              |        |                                 |    |             |    |                        | 76476              |
| 5S90                                             | 195628 | Capital Access Loan             | \$ | 1,500,000   | \$ | 1,500,000              | 76477              |
|                                                  |        | Program                         |    |             |    |                        |                    |
| 7009                                             | 195664 | Innovation Ohio                 | \$ | 15,000,000  | \$ | 15,000,000             | 76478              |
| 7010                                             | 195665 | Research and                    | \$ | 22,000,000  | \$ | 22,000,000             | 76479              |
|                                                  |        | Development                     |    |             |    |                        |                    |
| 7037                                             | 195615 | Facilities                      | \$ | 50,000,000  | \$ | 50,000,000             | 76480              |
|                                                  |        | Establishment                   |    |             |    |                        |                    |
| TOTAL 037 Facilities                             |        |                                 |    |             |    |                        | 76481              |
| Establishment Fund Group                         |        |                                 | \$ | 88,500,000  | \$ | 88,500,000             | 76482              |
| Clean Ohio Revitalization Fund                   |        |                                 |    |             |    |                        | 76483              |
| 7003                                             | 195663 | Clean Ohio <del>Operating</del> | \$ | 950,000     | \$ | 950,000                | 76484              |
|                                                  |        | <u>Program</u>                  |    |             |    |                        |                    |
| TOTAL 7003 Clean Ohio                            |        |                                 | \$ | 950,000     | \$ | 950,000                | 76485              |
| Revitalization Fund                              |        |                                 |    |             |    |                        |                    |
| Third Frontier Research & Development Fund Group |        |                                 |    |             |    |                        | 76486              |



|                              |        |                                                      |    |               |    |                                                  |       |
|------------------------------|--------|------------------------------------------------------|----|---------------|----|--------------------------------------------------|-------|
| 7011                         | 195686 | Third Frontier<br>Operating                          | \$ | 1,149,750     | \$ | 1,149,750                                        | 76487 |
| 7011                         | 195687 | Third Frontier<br>Research &<br>Development Projects | \$ | 183,850,250   | \$ | 133,850,250                                      | 76488 |
| 7014                         | 195620 | Third Frontier<br>Operating - Tax                    | \$ | 1,700,000     | \$ | 1,700,000                                        | 76489 |
| 7014                         | 195692 | Research &<br>Development Taxable<br>Bond Projects   | \$ | 38,300,000    | \$ | 38,300,000                                       | 76490 |
| TOTAL 011                    |        | Third Frontier Research &<br>Development Fund Group  | \$ | 225,000,000   | \$ | 175,000,000                                      | 76491 |
|                              |        | Job Ready Site Development Fund Group                |    |               |    |                                                  | 76492 |
| 7012                         | 195688 | Job Ready Site<br><del>Operating Program</del>       | \$ | 800,000       | \$ | 800,000                                          | 76493 |
| TOTAL 012                    |        | Job Ready Site<br>Development Fund Group             | \$ | 800,000       | \$ | 800,000                                          | 76494 |
|                              |        | Tobacco Master Settlement Agreement Fund Group       |    |               |    |                                                  | 76495 |
| M087                         | 195435 | Biomedical Research<br>and Technology<br>Transfer    | \$ | 1,999,224     | \$ | 1,999,224                                        | 76496 |
| TOTAL TSF                    |        | Tobacco Master Settlement<br>Agreement Fund Group    | \$ | 1,999,224     | \$ | 1,999,224                                        | 76497 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                      | \$ | 1,245,317,783 | \$ | <del>1,186,943,855</del><br><u>1,202,193,895</u> | 76498 |

**Sec. 261.20.93.** LOCAL GOVERNMENT INNOVATION FUND 76500

The foregoing appropriation item 195640, Local Government 76501  
Innovation, shall be used for the purposes of making loans and 76502  
grants to political subdivisions under the Local Government 76503  
Innovation Program in accordance with sections 189.01 to 189.10 of 76504  
the Revised Code. Of the foregoing appropriation item 195640, 76505

Local Government Innovation, up to \$175,000 in fiscal year 2012 76506  
and \$175,000 in fiscal year 2013 shall be used for administrative 76507  
costs incurred by the ~~Department of Development~~ Services Agency. 76508

On the effective date of this amendment, or as soon as 76509  
possible thereafter, the Director of Budget and Management shall 76510  
transfer \$175,000 in cash from the General Revenue Fund to the 76511  
Local Government Innovation Fund (Fund 5KN0). On July 1, 2012, or 76512  
as soon as possible thereafter, the Director of Budget and 76513  
Management shall transfer \$44,825,000 in cash from the General 76514  
Revenue Fund to the Local Government Innovation Fund (Fund 5KN0). 76515

**Section 601.47.** That existing Sections 261.10 and 261.20.93 76516  
of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 76517  
Sub. H.B. 371 of the 129th General Assembly, are hereby repealed. 76518

**Section 601.50.** That Section 4 of Sub. S.B. 171 of the 129th 76519  
General Assembly be amended to read as follows: 76520

**Sec. 4.** The following agencies are retained under division 76521  
(D) of section 101.83 of the Revised Code and expire on December 76522  
31, 2016: 76523

| AGENCY NAME                                                                                                | REVISED CODE OR<br>UNCODIFIED<br>SECTION |       |
|------------------------------------------------------------------------------------------------------------|------------------------------------------|-------|
| Academic Distress Commission                                                                               | 3302.10                                  | 76525 |
| Advisory Board of Governor's Office of<br>Faith-Based and Community Initiatives                            | 107.12                                   | 76526 |
| Advisory Board to Assist and Advise in the<br>Operation of the Ohio Center for Autism and Low<br>Incidence | 3323.33, 3323.34                         | 76527 |
| Advisory Council on Amusement Ride Safety                                                                  | 1711.51, 1711.52                         | 76528 |
| Advisory Council of Directors for Prison Labor                                                             | 5145.162                                 | 76529 |
| Advisory Council for Wild, Scenic, or                                                                      | 1547.84                                  | 76530 |

|                                                                                         |                                          |       |
|-----------------------------------------------------------------------------------------|------------------------------------------|-------|
| Recreational River Area(s)                                                              |                                          |       |
| Advisory Committee on Livestock Exhibitions                                             | 901.71                                   | 76531 |
| Agricultural Commodity Marketing Programs                                               | 924.07                                   | 76532 |
| Operating Committees                                                                    |                                          |       |
| Agricultural Commodity Marketing Programs                                               | 924.14                                   | 76533 |
| Coordinating Committee                                                                  |                                          |       |
| Alternative Energy Advisory Committee                                                   | 4928.64(D)                               | 76534 |
| AMBER Alert Advisory Committee                                                          | 5502.521                                 | 76535 |
| Apprenticeship Council                                                                  | Chapter 4139.                            | 76536 |
| Armory Board of Control                                                                 | 5911.09, 5911.12                         | 76537 |
| Automated Title Processing Board                                                        | 4505.09(C)(1)                            | 76538 |
| Backflow Advisory Board                                                                 | 3703.21                                  | 76539 |
| Banking Commission                                                                      | 1123.01                                  | 76540 |
| Board of Directors of the Great Lakes Protection Fund                                   | 1506.22<br>(6161.04)                     | 76541 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631                                 | 76542 |
| Board of Directors of the Ohio Appalachian Center for Higher Education                  | 3333.58                                  | 76543 |
| Board of Directors of the Ohio Health Reinsurance Program                               | 3924.08 -<br>3924.11                     | 76544 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association           | 3930.03                                  | 76545 |
| Board of Governors of the Medical Liability Underwriting Association                    | 3929.64                                  | 76546 |
| Board of Voting Machines Examiners                                                      | 3506.05                                  | 76547 |
| Budget Planning and Management Commission                                               | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 76548 |
| Brain Injury Advisory Committee                                                         | 3304.231                                 | 76549 |
| Bureau of Workers' Compensation Board of Directors                                      | 4121.12                                  | 76550 |
| Capitol Square Review and Advisory Board                                                | 105.41                                   | 76551 |

|                                                                       |                  |       |
|-----------------------------------------------------------------------|------------------|-------|
| Child Care Advisory Council                                           | 5104.08          | 76552 |
| Child Support Guideline Advisory Council                              | 3119.024         | 76553 |
| Children's Trust Fund Board                                           | 3109.15 -        | 76554 |
|                                                                       | 3109.17          |       |
| Citizen's Advisory Council                                            | 5123.092,        | 76555 |
|                                                                       | 5123.093         |       |
| Clean Ohio Trail Advisory Board                                       | 1519.06          | 76556 |
| Coastal Resources Advisory Council                                    | 1506.12          | 76557 |
| Commission on African-American Males                                  | 4112.12, 4112.13 | 76558 |
| Commission on Hispanic-Latino Affairs                                 | 121.31           | 76559 |
| Commission on Minority Health                                         | 3701.78          | 76560 |
| Committee on Prescriptive Governance                                  | 4723.49 -        | 76561 |
|                                                                       | 4723.492         |       |
| Commodity Advisory Commission                                         | 926.32           | 76562 |
| Consumer Advisory Committee to the Rehabilitation Services Commission | 3304.24          | 76563 |
| Continuing Education Committee                                        | 109.80(B)        | 76564 |
| Council on Alcohol and Drug Addiction Services                        | 3793.09          | 76565 |
| Council on Unreclaimed Strip Mined Lands                              | 1513.29          | 76566 |
| County Sheriff's Standard Car Marking and Uniform Commission          | 311.25 - 311.27  | 76567 |
| Credential Review Board                                               | 3319.65          | 76568 |
| Credit Union Council                                                  | 1733.329         | 76569 |
| Criminal Sentencing Advisory Committee                                | 181.22           | 76570 |
| Data Collection and Analysis Group                                    | 3727.32          | 76571 |
| Dentist Loan Repayment Advisory Board                                 | 3702.92          | 76572 |
| Department Advisory Council(s)                                        | 107.18, 121.13   | 76573 |
| Development Financing Advisory Council                                | 122.40, 122.41   | 76574 |
| Early Childhood Advisory Council                                      | 3301.90          | 76575 |
| Education Commission of the States (Interstate Compact for Education) | 3301.48, 3301.49 | 76576 |
| Education Management Information System Advisory Board                | 3301.0713        | 76577 |

|                                                   |                  |       |
|---------------------------------------------------|------------------|-------|
| Educator Standards Board                          | 3319.60          | 76578 |
| Electrical Safety Inspector Advisory Committee    | 3783.08          | 76579 |
| Emergency Response Commission                     | 3750.02          | 76580 |
| Engineering Experiment Station Advisory Committee | 3335.27          | 76581 |
| Environmental Education Council                   | 3745.21          | 76582 |
| Environmental Protection Agency Advisory Board(s) | 121.13, 3704.03, | 76583 |
|                                                   | 3745.01          |       |
| eTech Ohio Commission                             | 3353.02 -        | 76584 |
|                                                   | 3353.04          |       |
| Ex-Offender Reentry Coalition                     | 5120.07          | 76585 |
| Farmland Preservation Advisory Board              | 901.23           | 76586 |
| Financial Planning and Supervision Commission(s)  | 118.05           | 76587 |
| for Municipal Corporation, County, or Township    |                  |       |
| Financial Planning and Supervision Commission for | 3316.05          | 76588 |
| a school district                                 |                  |       |
| Forestry Advisory Council                         | 1503.40          | 76589 |
| Governance Authority for a State University or    | 3345.75          | 76590 |
| College                                           |                  |       |
| Governor's Council on People with Disabilities    | 3303.41          | 76591 |
| Governor's Policy Information Working Group       | Section 313,     | 76592 |
|                                                   | H.B. 420, 127th  |       |
|                                                   | G.A.             |       |
| Governor's Residence Advisory Commission          | 107.40           | 76593 |
| Grain Marketing Program Operating Committee       | 924.20 - 924.30  | 76594 |
| Great Lakes Commission (Great Lakes Basin         | 6161.01          | 76595 |
| Compact)                                          |                  |       |
| Gubernatorial Transition Committee                | 107.29, 126.26   | 76596 |
| Help Me Grow Advisory Council                     | 3701.611         | 76597 |
| Hemophilia Advisory Subcommittee of the Medically | 3701.0210        | 76598 |
| Handicapped Children's Medical Advisory Council   |                  |       |
| Homeland Security Advisory Council                | 5502.011(E)      | 76599 |
| Hospital Measures Advisory Council                | 3727.31          | 76600 |
| Housing Trust Fund Advisory Committee             | 174.06           | 76601 |

|                                                                                        |                                           |       |
|----------------------------------------------------------------------------------------|-------------------------------------------|-------|
| Industrial Commission Nominating Council                                               | 4121.04                                   | 76602 |
| Industrial Technology and Enterprise Advisory<br>Council                               | 122.29, 122.30                            | 76603 |
| Infant Hearing Screening Subcommittee                                                  | 3701.507                                  | 76604 |
| Infection Control Group                                                                | 3727.312(D)                               | 76605 |
| Insurance Agent Education Advisory Council                                             | 3905.483                                  | 76606 |
| Interstate Rail Passenger Advisory Council                                             | 4981.35                                   | 76607 |
| Joint Select Committee on Volume Cap                                                   | 133.021                                   | 76608 |
| Labor-Management Government Advisory Council                                           | 4121.70                                   | 76609 |
| Legislative Programming Committee of the Ohio<br>Government Telecommunications Service | 3353.07                                   | 76610 |
| Legislative Task Force on Redistricting,<br>Reapportionment, and Demographic Research  | 103.51                                    | 76611 |
| Maternity and Newborn Advisory Council                                                 | 3711.20, 3711.21                          | 76612 |
| Medically Handicapped Children's Medical Advisory<br>Council                           | 3701.025                                  | 76613 |
| Midwest Interstate Passenger Rail Compact<br>Commission                                | 4981.361                                  | 76614 |
| Milk Sanitation Board                                                                  | 917.03 - 917.032                          | 76615 |
| Mine Subsidence Insurance Governing Board                                              | 3929.51                                   | 76616 |
| Minority Development Financing Advisory Board                                          | 122.72, 122.73                            | 76617 |
| Multi-Agency Radio Communications System (MARCS)<br>Steering Committee                 | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 76618 |
| National Museum of Afro-American History and<br>Culture Planning Committee             | 149.303                                   | 76619 |
| New African Immigrants Commission                                                      | 4112.31, 4112.32                          | 76620 |
| Ohio Accountability Task Force                                                         | 3302.021(E)                               | 76621 |
| Ohio Advisory Council for the Aging                                                    | 173.03                                    | 76622 |
| Ohio Agriculture License Plate Scholarship Fund<br>Board                               | 901.90                                    | 76623 |
| Ohio Arts Council                                                                      | Chapter 3379.                             | 76624 |
| Ohio Business Gateway Steering Committee                                               | 5703.57                                   | 76625 |

|                                                                                   |                                          |       |
|-----------------------------------------------------------------------------------|------------------------------------------|-------|
| Ohio Cemetery Dispute Resolution Commission                                       | 4767.05, 4767.06                         | 76626 |
| Ohio Civil Rights Commission Advisory Agencies<br>and Conciliation Councils       | 4112.04(B)(4)                            | 76627 |
| Ohio Commercial Market Assistance Plan Executive<br>Committee                     | 3930.02                                  | 76628 |
| Ohio Commission on Dispute Resolution and<br>Conflict Management                  | 179.02 - 179.04                          | 76629 |
| Ohio Commission on Fatherhood                                                     | 5101.34                                  | 76630 |
| Ohio Community Service Council                                                    | 121.40 - 121.404                         | 76631 |
| Ohio Council for Interstate Adult Offender<br>Supervision                         | 5149.22                                  | 76632 |
| Ohio Cultural Facilities Commission                                               | Chapter 3383.                            | 76633 |
| Ohio Cystic Fibrosis Legislative Task Force                                       | 101.38                                   | 76634 |
| Ohio Developmental Disabilities Council                                           | 5123.35                                  | 76635 |
| Ohio Expositions Commission                                                       | 991.02                                   | 76636 |
| Ohio Family and Children First Cabinet Council                                    | 121.37                                   | 76637 |
| Ohio Geographically Referenced Information<br>Program Council                     | 125.901, 125.902                         | 76638 |
| Ohio Geology Advisory Council                                                     | 1501.11                                  | 76639 |
| Ohio Grape Industries Committee                                                   | 924.51 - 924.55                          | 76640 |
| Ohio Historic Site Preservation Advisory Board                                    | 149.301                                  | 76641 |
| Ohio Historical Society Board of Trustees                                         | 149.30                                   | 76642 |
| Ohio Judicial Conference                                                          | 105.91 - 105.97                          | 76643 |
| Ohio Lake Erie Commission                                                         | 1506.21                                  | 76644 |
| Ohio Legislative Commission on the Education and<br>Preservation of State History | Section 701.05,<br>H.B. 1, 128th<br>G.A. | 76645 |
| Ohio Medical Quality Foundation                                                   | 3701.89                                  | 76646 |
| Ohio Parks and Recreation Council                                                 | 1541.40                                  | 76647 |
| Ohio Peace Officer Training Commission                                            | 109.71, 109.72                           | 76648 |
| Ohio Private Investigation and Security Services<br>Commission                    | 4749.021,<br>4743.01                     | 76649 |
| Ohio Public Defender Commission                                                   | 120.01 - 120.03                          | 76650 |

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|----------------------------------------------------------------------------------|---------------------|-------|
| Ohio Public Library Information Network Board of Trustees                        | 3375.65, 3375.66    | 76651 |
| Ohio Quarter Horse Development Commission                                        | 3769.086            | 76652 |
| Ohio Small Government Capital Improvements Commission                            | 164.02(C)(D)        | 76653 |
| Ohio Soil and Water Conservation Commission                                      | 1515.02             | 76654 |
| Ohio Standardbred Development Commission                                         | 3769.085            | 76655 |
| Ohio Subrogation Rights Commission                                               | 2323.44             | 76656 |
| Ohio Thoroughbred Racing Advisory Committee                                      | 3769.084            | 76657 |
| Ohio Transportation Finance Commission                                           | 5531.12(B) to (D)   | 76658 |
| Ohio Tuition Trust Authority                                                     | 3334.03, 3334.08    | 76659 |
| Ohio University College of Osteopathic Medicine Advisory Committee               | 3337.10, 3337.11    | 76660 |
| Ohio Vendors Representative Committee                                            | 3304.34, 20 USC 107 | 76661 |
| Ohio War Orphans Scholarship Board                                               | 5910.02 - 5910.06   | 76662 |
| Ohio Water Advisory Council                                                      | 1521.031            | 76663 |
| Ohio Water Resources Council Advisory Group                                      | 1521.19             | 76664 |
| Ohio Water Resources Council                                                     | 1521.19             | 76665 |
| Oil and Gas Commission                                                           | 1509.35             | 76666 |
| Operating Committee of the Oil and Gas Marketing Program                         | 1510.06, 1510.11    | 76667 |
| Organized Crime Investigations Commission                                        | 177.01              | 76668 |
| Pharmacy and Therapeutics Committee of the Department of Job and Family Services | 5111.084            | 76669 |
| Physician Assistant Policy Committee of the State Medical Board                  | 4730.05, 4730.06    | 76670 |
| Physician Loan Repayment Advisory Board                                          | 3702.81             | 76671 |
| Power Siting Board                                                               | 4906.02             | 76672 |
| Prequalification Review Board                                                    | 5525.07             | 76673 |
| Private Water Systems Advisory Council                                           | 3701.346            | 76674 |



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|-----------------------------------------------------------------------------------------------|-----------------------------------------------|-------|
| <del>Public Health Council</del>                                                              | <del>3701.33, 3701.34</del>                   | 76675 |
| Public Utilities Commission Nominating Council                                                | 4901.021                                      | 76676 |
| Public Utility Property Tax Study Committee                                                   | 5727.85(K)                                    | 76677 |
| Radiation Advisory Council                                                                    | 3748.20                                       | 76678 |
| Reclamation Commission                                                                        | 1513.05                                       | 76679 |
| Reclamation Forfeiture Fund Advisory Board                                                    | 1513.182                                      | 76680 |
| Recreation and Resources Commission                                                           | 1501.04                                       | 76681 |
| Recycling and Litter Prevention Advisory Council                                              | 1502.04                                       | 76682 |
| School and Ministerial Lands Divestiture<br>Committee                                         | 501.041                                       | 76683 |
| Savings and Loan Associations and Savings Banks<br>Board                                      | 1181.16                                       | 76684 |
| Second Chance Trust Fund Advisory Committee                                                   | 2108.35                                       | 76685 |
| Service Coordination Workgroup                                                                | Section 751.20,<br>H.B. 1, 128th<br>G.A.      | 76686 |
| Ski Tramway Board                                                                             | 4169.02                                       | 76687 |
| Small Business Stationary Source Technical and<br>Environmental Compliance Assistance Council | 3704.19                                       | 76688 |
| Solid Waste Management Advisory Council                                                       | 3734.51                                       | 76689 |
| Special Commission to Consider the Suspension of<br>Local Government Officials                | 3.16                                          | 76690 |
| Speed to Scale Task Force                                                                     | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 76691 |
| State Agency Coordinating Group                                                               | 1521.19                                       | 76692 |
| State Audit Committee                                                                         | 126.46                                        | 76693 |
| State Council of Uniform State Laws                                                           | 105.21 - 105.27                               | 76694 |
| State Criminal Sentencing Commission                                                          | 181.22 - 181.26                               | 76695 |
| State Fire Council                                                                            | 3737.81                                       | 76696 |
| State Library Board                                                                           | 3375.01                                       | 76697 |
| State Victims Assistance Advisory Council                                                     | 109.91(B) and<br>(C)                          | 76698 |

|                                                                                                                                                                                         |                      |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------|
| Statewide Consortium of County Law Library                                                                                                                                              | 3375.481             | 76699          |
| Resource Boards                                                                                                                                                                         |                      |                |
| STEM Committee                                                                                                                                                                          | 3326.02              | 76700          |
| Student Tuition Recovery Authority                                                                                                                                                      | 3332.081             | 76701          |
| Sunset Review Committee                                                                                                                                                                 | 101.84 - 101.87      | 76702          |
| Tax Credit Authority                                                                                                                                                                    | 122.17(M)            | 76703          |
| Technical Advisory Committee to Assist Director<br>of the Ohio Coal Development Office                                                                                                  | 1551.35              | 76704          |
| Technical Advisory Council on Oil and Gas                                                                                                                                               | 1509.38              | 76705          |
| Transportation Review Advisory Council                                                                                                                                                  | 5512.07 -<br>5512.09 | 76706          |
| Unemployment Compensation Advisory Council                                                                                                                                              | 4141.08              | 76707          |
| Unemployment Compensation Review Commission                                                                                                                                             | 4141.06              | 76708          |
| Veterans Advisory Committee                                                                                                                                                             | 5902.02(K)           | 76709          |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer)                                                                                                                  | 146.02 - 146.06      | 76710          |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)                                                                                                                             | 146.02 - 146.06      | 76711          |
| Water and Sewer Commission                                                                                                                                                              | 1525.11(C)           | 76712          |
| Waterways Safety Council                                                                                                                                                                | 1547.73              | 76713          |
| Wildlife Council                                                                                                                                                                        | 1531.03 -<br>1531.05 | 76714          |
| Workers' Compensation Board of Directors<br>Nominating Committee                                                                                                                        | 4121.123             | 76715          |
| <b>Section 601.51.</b> That existing Section 4 of Sub. S.B. 171 of<br>the 129th General Assembly is hereby repealed.                                                                    |                      | 76716<br>76717 |
| <b>Section 610.10.</b> That Section 3 of Am. Sub. S.B. 160 of the<br>121st General Assembly be amended to read as follows:                                                              |                      | 76718<br>76719 |
| <b>Sec. 3.</b> Sections 109.57, 109.572, 2950.08, <u>and 2953.32,</u> <del>and</del><br><del>3701.881</del> of the Revised Code, as amended by <del>this act</del> <u>Am. Sub. S.B.</u> |                      | 76720<br>76721 |

160 of the 121st General Assembly regarding employment of persons 76722  
who provide direct care to older adults, and sections ~~173.41,~~ 76723  
3712.09, 3721.121, and 3722.151 of the Revised Code, as enacted by 76724  
~~this act~~ Am. Sub. S.B. 160 of the 121st General Assembly, apply 76725  
only to persons who apply for employment on or after ~~the effective~~ 76726  
~~date of this act~~ January 27, 1997. 76727

**Section 610.11.** That existing Section 3 of Am. Sub. S.B. 160 76728  
of the 121st General Assembly is hereby repealed. 76729

**Section 620.10.** That Section 3 of Am. Sub. S.B. 38 of the 76730  
120th General Assembly be amended to read as follows: 76731

**Sec. 3.** Sections 3301.54, and 5104.09, ~~and 5126.28~~ of the 76732  
Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 38 of the 120th 76733  
General Assembly, and sections 109.572, 2151.86, 3301.32, 76734  
3301.541, ~~3319.311~~ 3319.39, ~~3701.881,~~ 5104.012, 5104.013, and 76735  
5153.111 of the Revised Code, as enacted by ~~this act~~ Am. Sub. S.B. 76736  
38 of the 120th General Assembly, apply only to persons who apply 76737  
for employment for a position on or after ~~the effective date of~~ 76738  
~~this act~~ October 29, 1993. 76739

**Section 620.11.** That existing Section 3 of Am. Sub. S.B. 38 76740  
of the 120th General Assembly is hereby repealed. 76741

**Section 650.10.** That Sections 261.10.10, 261.10.20, 76742  
261.10.30, 261.10.50, 261.10.60, 261.10.80, 261.10.90, 261.20.20, 76743  
261.20.70, 261.30.50, and 263.10.80 of Am. Sub. H.B. 153 of the 76744  
129th General Assembly are hereby repealed. 76745

**Section 701.10.10.** OHIO STATEHOUSE SAFETY AND SECURITY STUDY 76746

The Department of Public Safety shall conduct a study of the 76747  
safety and security of the Ohio Statehouse complex. The study 76748

shall include recommendations for improving the security protocols 76749  
while providing for the health, safety, and convenience of those 76750  
who work in, or visit, the statehouse. The report shall be 76751  
submitted to the Capitol Square Review and Advisory Board for 76752  
adoption not later than December 1, 2012. 76753

**Section 701.20.** As used in this section, "political 76754  
subdivision" has the meaning defined in section 2744.01 of the 76755  
Revised Code. 76756

The Auditor of State shall establish, operate, and maintain 76757  
one or more web sites to serve as an online clearinghouse of 76758  
information about existing joint purchasing programs between or 76759  
among political subdivisions in the state, streamlining government 76760  
operations, collaboration, and shared services to reduce the cost 76761  
of government in this state. The web site may be developed by the 76762  
Auditor of State or through the use of outside vendors. Existing 76763  
web sites may be used if their content conforms to the 76764  
requirements of this section. In establishing, maintaining, and 76765  
operating the online clearinghouse web site, the Auditor of State 76766  
shall: 76767

(A) Use a domain name for the web site that will be easily 76768  
recognized, remembered, and understood by the users of the web 76769  
site; 76770

(B) Maintain the web site so that it is fully accessible to 76771  
and searchable by members of the public at all times; 76772

(C) Not charge a fee to a person who accesses, searches, or 76773  
otherwise uses the web site; 76774

(D) Compile information provided by political subdivisions 76775  
about joint purchasing arrangements they are involved in that the 76776  
Auditor of State verifies, through meetings with various statewide 76777  
associations and others, to have resulted in verifiable cost 76778

savings, and consolidate that information on the web site in a 76779  
consistent manner and compile information provided by political 76780  
subdivisions that includes savings recommendations from 76781  
performance audits, examples of shared services among communities, 76782  
shared services agreements to use as templates, and other tools 76783  
developed independently by the Auditor of State or requested by 76784  
political subdivisions and agreed to by the Auditor of State; 76785

(E) Enable political subdivisions to register and request 76786  
inclusion of their submitted information on the web site, as well 76787  
as to report state and local barriers to collaboration; 76788

(F) Enable information to be accessed by key word, by program 76789  
name, by county, by type of product or service, and by other 76790  
useful identifiers; 76791

(G) Maintain adequate systemic security and back-up features, 76792  
and develop and maintain a contingency plan for coping with and 76793  
recovering from power outages, systemic failures, and other 76794  
unforeseen difficulties; and 76795

(H) Maintain the web site in such a manner that it will not 76796  
infringe legally protected interests, so that vulnerability of the 76797  
web site to interruption because of litigation or the threat of 76798  
litigation is reduced. 76799

The Auditor of State shall bear the expense of establishing, 76800  
operating, and maintaining the online clearinghouse web site. 76801

**Section 701.41.** The Department of Administrative Services 76802  
shall analyze opportunities to reduce travel expenses through 76803  
teleconferencing and web conferencing within state government. The 76804  
Department shall assess current teleconferencing capabilities 76805  
within state government operations, research industry standards 76806  
and best practices, and make recommendations that will optimize 76807  
the use of these technologies. Not later than December 31, 2012, 76808

the Department of Administrative Services shall produce a report 76809  
with its findings and shall deliver the report to the Speaker and 76810  
Minority Leader of the House of Representatives, the President and 76811  
Minority Leader of the Senate, and the Governor. 76812

**Section 701.50.** MARCS STEERING COMMITTEE AND STATEWIDE 76813  
COMMUNICATIONS SYSTEM 76814

There is hereby created a Multi-Agency Radio Communications 76815  
System (MARCS) Steering Committee consisting of the designees of 76816  
the Directors of Administrative Services, Public Safety, Natural 76817  
Resources, Transportation, Rehabilitation and Correction, and 76818  
Budget and Management, and the State Fire Marshal or the State 76819  
Fire Marshal's designee. The Director of Administrative Services 76820  
or the Director's designee shall chair the Committee. The 76821  
Committee shall provide assistance to the Director of 76822  
Administrative Services for effective and efficient implementation 76823  
of the MARCS system as well as develop policies for the ongoing 76824  
management of the system. Upon dates prescribed by the Directors 76825  
of Administrative Services and Budget and Management, the MARCS 76826  
Steering Committee shall report to the Directors on the progress 76827  
of MARCS implementation and the development of policies related to 76828  
the system. 76829

**Section 701.60.** As used in this section, "business day" means 76830  
a day of the week, excluding Saturday, Sunday, or a legal holiday 76831  
as defined in section 1.14 of the Revised Code. 76832

Any regional council of governments that was formed and is 76833  
operating before the effective date of the amendment by this act 76834  
of section 167.04 of the Revised Code shall notify the Auditor of 76835  
State of its existence within 30 business days after the effective 76836  
date of that amendment, and shall provide on a form prescribed by 76837  
the Auditor of State the information required under that section. 76838

The Auditor of State shall review the information and, within one 76839  
year after the effective date of that amendment, shall issue a 76840  
report to the Governor and the General Assembly. The report shall 76841  
address how many regional councils of governments are operating 76842  
under Chapter 167. of the Revised Code, whether those regional 76843  
councils continue to meet the objectives for which regional 76844  
councils were first authorized in 1967, and whether regional 76845  
councils are an efficient and effective way for local governments 76846  
to share services or to participate in cooperative arrangements. 76847

**Section 701.70.10.** (A) The construction and energy operations 76848  
of the Office of the State Architect and Engineer (OSAE) under 76849  
Chapters 123. and 153. are transferred and consolidated into the 76850  
construction and capital funding operations of the Ohio Facilities 76851  
Construction Commission (OFCC). And the Ohio School Facilities 76852  
Commission (OSFC) becomes an independent agency within the Ohio 76853  
Facilities Construction Commission. Notwithstanding Chapter 153. 76854  
of the Revised Code, the OFCC is thereupon and thereafter 76855  
successor to, assumes the power and obligations of, and otherwise 76856  
constitutes the continuation of the construction and energy 76857  
operations and related management functions of the OSAE as 76858  
provided in the applicable sections of Chapter 153. of the Revised 76859  
Code or in any agreements relating to capital expenditures for 76860  
construction operations functions to which the OSAE is a party. 76861  
All statutory references to the OSAE are deemed to be references 76862  
to the OFCC. 76863

(B) Any activities relating to the operations and related 76864  
management functions commenced but not completed by the OSAE shall 76865  
be completed by the OFCC in the same manner and with the same 76866  
effect as if completed by the OSAE. No validation, cure, right, 76867  
privilege, remedy, obligation, or liability is lost or impaired by 76868  
reason of the consolidation, and shall be administered by the 76869  
OFCC. All rules, orders, and determinations related to design, 76870

planning, and construction and energy operations and related 76871  
management functions of the OSAE continue in effect as rules, 76872  
orders, and determinations of the OFCC, until modified or 76873  
rescinded by the OFCC. The Director of the Legislative Service 76874  
Commission shall renumber the OSAE rules related to the design, 76875  
planning, and construction and energy operations and related 76876  
management functions to reflect their transfer to the OFCC. 76877

(C) To the extent possible, all employees of the OSAE shall 76878  
be transferred to the OFCC, as the OFCC determines to be necessary 76879  
for the successful implementation of this section. All employees 76880  
of the OSFC shall remain in their current classifications unless 76881  
the OFCC determines otherwise. 76882

(D) No judicial or administrative action or proceeding, to 76883  
which the OSAE or an authorized officer of either is a party, that 76884  
is pending on the effective date of this section, or on such later 76885  
date as may be established by an authorized officer of the OFCC 76886  
and that is related to its construction, capital funding, or 76887  
energy operation or related management functions, is affected by 76888  
the transfer and consolidation of functions. Any such action or 76889  
proceeding shall be prosecuted or defended in the name of the 76890  
OFCC. On application to the court or agency, the OFCC shall be 76891  
substituted for the OSAE or an authorized officer of either as a 76892  
party to the action or proceeding. 76893

(E) Notwithstanding any provision of the law to the contrary, 76894  
and not sooner than 90 days after the effective date of this 76895  
section, and if requested by the OFCC, the Director of Budget and 76896  
Management shall make budget changes made necessary by the 76897  
transfer, if any, including administrative organization, program 76898  
transfers, the creation of new funds, the transfer of state funds, 76899  
and the consolidation of funds, as authorized by this section. The 76900  
Director of Budget and Management may, if necessary, establish 76901  
encumbrances or parts of encumbrances created in fiscal years 2012 76902



and 2013 in the appropriate fund and appropriation item for the 76903  
same purpose and for payment to the same vendor in fiscal year 76904  
2013. The established encumbrances plus any additional amounts 76905  
determined to be necessary for the OFCC to perform the 76906  
construction, energy, and capital funding operation and related 76907  
management functions of the OSAE are hereby appropriated. 76908

(F) Not later than 30 days after the transfer and 76909  
consolidation of the construction, energy, and capital funding 76910  
operations and related management functions of the OSAE to the 76911  
OFCC, an authorized officer of the OSAE shall certify to the OFCC 76912  
the unexpended balance and location of any funds and accounts 76913  
designated for building and facility operation and management 76914  
functions, and the custody of such funds and accounts shall be 76915  
transferred to the OFCC. 76916

(G) The OFCC and the Department of Natural Resources (DNR) 76917  
shall cooperate in a study to determine which operation functions, 76918  
if any, of the DNR Division of Engineering should be integrated 76919  
and consolidated into the OFCC. The study shall be completed not 76920  
later than December 31, 2012. 76921

**Section 701.70.20.** The Division of Labor in the Department of 76922  
Commerce is hereby renamed the Division of Industrial Compliance 76923  
on the effective date of section 121.04 of the Revised Code, as 76924  
amended by this act. The Division and the Superintendent of 76925  
Industrial Compliance shall have and perform all the duties, 76926  
powers, and obligations of the Division and Superintendent of 76927  
Labor. All rules, actions, determinations, commitments, 76928  
resolutions, decisions, and agreements pertaining to the duties, 76929  
powers, obligations, functions, and rights of the Division or 76930  
Superintendent of Labor, in force or in effect on the effective 76931  
date of section 121.04 of the Revised Code, as amended by this 76932  
act, shall continue in force and effect and apply to the Division 76933

or Superintendent of Industrial Compliance as applicable and 76934  
subject to any further lawful action thereon by the Division or 76935  
Superintendent of Industrial Compliance. Wherever the 76936  
Superintendent of Labor or Division of Labor are referred to in 76937  
any provision of law, or in any agreement or document that 76938  
pertains to those duties, powers, obligations, functions, and 76939  
rights, the reference is to the Superintendent of Industrial 76940  
Compliance or Division of Industrial Compliance, as appropriate. 76941

All authorized obligations and supplements thereto of the 76942  
Superintendent and Division of Labor are binding on the 76943  
Superintendent or Division of Industrial Compliance and nothing in 76944  
this act impairs those obligations or rights or the obligations or 76945  
rights under any contract. The renaming of the Division of Labor 76946  
and Superintendent of Labor does not affect the validity of 76947  
agreements or obligations made by that superintendent or division 76948  
pursuant to Chapters 121., 3703., 3781., 3791., 4104., 4105., and 76949  
4740. of the Revised Code or any other provisions of law. 76950

In connection with the renaming of the Division of Labor, all 76951  
real property and interest therein, documents, books, money, 76952  
papers, records, machinery, furnishings, office equipment, 76953  
furniture, and all other property over which the Superintendent 76954  
and Division of Labor have control and the rights of the 76955  
Superintendent and Division of Labor to enforce or receive any of 76956  
those is automatically transferred to the Superintendent and 76957  
Division of Industrial Compliance without necessity for further 76958  
action on the part of the Superintendent or Division of Industrial 76959  
Compliance, or the Director of Commerce. Additionally, all 76960  
appropriations or reappropriations made to the Superintendent and 76961  
Division of Labor for the purposes of the performance of their 76962  
duties, powers, and obligations, are transferred to the 76963  
Superintendent and Division of Industrial Compliance to the extent 76964  
of the remaining unexpended or unencumbered balance thereof, 76965

whether allocated or unallocated, and whether obligated or 76966  
unobligated. 76967

**Section 701.80.** There is hereby created the Compressed 76968  
Natural Gas Study Committee to examine the use of compressed 76969  
natural gas in the motor vehicle fleets of the state and political 76970  
subdivisions. The Committee shall consist of the following seven 76971  
members: two members of the Ohio Senate appointed by the President 76972  
of the Senate, both of whom shall be of different political 76973  
parties; two members of the Ohio House of Representatives 76974  
appointed by the Speaker of the House of Representatives, both of 76975  
whom shall be of different political parties; one person appointed 76976  
by the Governor who is an Ohio resident and has knowledge of or 76977  
experience in the use of alternative motor vehicle fuels; the 76978  
Director of Administrative Services or the Director's designee; 76979  
and the Director of Transportation, or the Director's designee. 76980  
The initial appointments to the Committee shall be made not later 76981  
than thirty days after the effective date of this section. If a 76982  
member of the Committee who is a member of the Ohio Senate or Ohio 76983  
House of Representatives ceases to be a member of the Ohio Senate 76984  
or Ohio House of Representatives, that person shall cease to be a 76985  
member of the Committee. A vacancy on the Committee shall be 76986  
filled in the same manner as the original appointment. 76987

The Committee shall select from among its members a 76988  
chairperson, a vice-chairperson, and a secretary. Members of the 76989  
Committee shall serve without compensation but shall be reimbursed 76990  
for their actual and necessary expenses incurred in the 76991  
performance of their duties. 76992

The Committee shall examine the feasibility, budgetary 76993  
effect, and return on investment from the use of compressed 76994  
natural gas in the motor vehicle fleets of the state and political 76995  
subdivisions, including transit fleets operated under Chapter 306. 76996

of the Revised Code. In examining the potential return on 76997  
investment, the Committee shall consider the impact of converting 76998  
all or part of the different motor vehicle fleets over a period of 76999  
two to four years and shall develop various proposals for funding 77000  
the conversion of the motor vehicle fleets. The Committee shall 77001  
utilize any information collected by the Department of 77002  
Administrative Services as part of its fleet management and 77003  
requirements concerning use of alternative fuels under sections 77004  
125.83 to 125.838 of the Revised Code. The Committee may conduct 77005  
public hearings and may hire such consultants or experts and other 77006  
persons as the Committee considers necessary to allow the 77007  
Committee to fulfill its duties under this act. 77008

Not later than six months after the last initial appointment 77009  
is made to the Committee, the Committee shall issue a report on 77010  
its findings and recommendations on using compressed natural gas 77011  
to fuel the motor vehicle fleets of the state and political 77012  
subdivisions, including any recommendation for funding the 77013  
conversion to compressed natural gas. The Committee shall furnish 77014  
copies of its report to the Governor, the Ohio Senate, and the 77015  
Ohio House of Representatives. Upon issuing its report, the 77016  
Committee shall cease to exist. 77017

As used in this section, "political subdivision" means a 77018  
county, township, municipal corporation, or any other body 77019  
corporate and politic that is responsible for government 77020  
activities in a geographic area smaller than that of the state. 77021

**Section 701.90.** (A) As used in this section: 77022

(1) "Eligible business" means a for-profit business 77023  
association that has at least six employees but not more than 77024  
ninety-nine employees and that has maintained its principal place 77025  
of business in the state for at least a two-year period ending on 77026  
the date the business applies for assistance under this section. 77027

The business must generate at least seven hundred fifty thousand 77028  
dollars but not more than twenty-five million dollars in annual 77029  
revenue and must have increased both its number of full-time 77030  
equivalent employees in this state and its gross revenue during at 77031  
least three of the five years preceding the date of application. 77032

(2) "Full-time equivalent employee" means the quotient 77033  
obtained by dividing the total number of hours for which an 77034  
eligible business employs employees during a year by two thousand 77035  
eighty. 77036

(B) There is hereby created in the department of development 77037  
the economic gardening technical assistance pilot program. The 77038  
director of development may contract or coordinate with one or 77039  
more persons to aid in the administration and operation of the 77040  
program. 77041

The director shall provide technical assistance to eligible 77042  
businesses, including, but not limited to, access to information 77043  
and market intelligence services, including information on 77044  
markets, customers, and competitors, such as business databases, 77045  
geographic information systems, search engine marketing, and 77046  
business connection development encouraging interaction and 77047  
exchange among business owners and resource providers such as 77048  
trade associations, academic institutions, business advocacy 77049  
organizations, peer-based learning sessions, and mentoring 77050  
programs. The director, through the program, is authorized to 77051  
promote the general business and industrial interests of the 77052  
state. 77053

(C)(1) The director, in selecting eligible businesses to 77054  
assist, shall select businesses in more than one industry 77055  
classification and, to the extent practicable, shall choose 77056  
businesses that are geographically distributed throughout the 77057  
state. 77058

(2) A business receiving assistance under the program must enter into an agreement with the director to establish the business's commitment to participate in the program. The agreement must require, at a minimum, that the business do all of the following:

(a) Attend the number of meetings between the business and the director or another person designated by the director as prescribed in the agreement;

(b) Report job creation data in the manner prescribed by the director;

(c) Provide financial data in the manner prescribed by the director.

The director may prescribe in the agreement additional reporting requirements as are necessary to document the progress of the business and monitor the business's implementation of the assistance.

(D) On or before one year after the effective date of the enactment of this section by Sub. H.B. 487 of the 129th General Assembly, the director of development shall make available on the department of development's web site a report that includes, at a minimum, the number of businesses receiving assistance under this section, the number of full-time equivalent employees created as a result of the assistance, the total amount of compensation paid to such employees, and the locations and types of business conducted by the businesses. The report shall also evaluate the effectiveness of the economic gardening technical assistance pilot program and recommend any changes to be made to the program. The report shall be submitted to the governor, the speaker and minority leader of the house of representatives, and the majority leader and minority leader of the senate.

(E) The director of development shall adopt rules in

accordance with Chapter 119. of the Revised Code that are 77090  
necessary for the administration of the economic gardening 77091  
technical assistance pilot program. 77092

**Section 701.91.** Section 701.90 of this act is hereby 77093  
repealed, effective two years after the effective date of that 77094  
section. 77095

**Section 701.100.** Notwithstanding section 131.44 of the 77096  
Revised Code, no transfer from the General Revenue Fund to the 77097  
Budget Stabilization Fund based on the surplus revenue that 77098  
existed on June 30, 2012, shall be made without the prior approval 77099  
of the General Assembly. 77100

**Section 707.10.** For fiscal years 2013 and 2014, the 77101  
legislative authority of a municipal corporation in a county, with 77102  
a population between three hundred seventy-five thousand and four 77103  
hundred thousand according to the most recent federal decennial 77104  
census, may conduct a pilot program whereby the legislative 77105  
authority may use up to five per cent of the aggregate amount of 77106  
money deposited in the municipal corporation's sewer fund and up 77107  
to five per cent of the aggregate amount of money deposited in a 77108  
fund created by the municipal corporation for water-works for the 77109  
purpose of extending the municipal corporation's water or sewerage 77110  
system, as applicable, if both of the following apply: 77111

(A) The water or sewerage system is being extended to areas 77112  
for economic development purposes. 77113

(B) The areas into which the water or sewerage system is 77114  
being extended are the subject of a cooperative economic 77115  
development agreement entered into by the municipal corporation 77116  
under section 701.07 of the Revised Code. 77117

With regard to either fund, the legislative authority shall 77118

not exceed the five per cent limit established in this section. 77119

**Section 733.05.** Not later than ninety days after the 77120  
effective date of this section, the Ohio Board of Regents shall 77121  
complete a review of each entity that held the Department of 77122  
Insurance's designation under section 3305.03 of the Revised Code 77123  
immediately prior to the effective date of this act. In conducting 77124  
the review, the Board shall comply with the applicable 77125  
requirements of sections 3305.03 and 3305.031 of the Revised Code, 77126  
as amended and enacted by this act. 77127

**Section 733.10.** (A) This section applies to a state 77128  
university, as defined in section 3345.011 of the Revised Code, 77129  
that has a main campus subsidy-eligible undergraduate enrollment 77130  
of more than 17,000 but less than 22,000 students for fiscal year 77131  
2012. 77132

(B) Notwithstanding section 3313.41 of the Revised Code, when 77133  
a school district board of education decides to dispose of real 77134  
property that the board owns in its corporate capacity, exceeds in 77135  
value ten thousand dollars, and is located within one hundred 77136  
yards of any classroom or administrative building on the main 77137  
campus of the state university as described in division (A) of 77138  
this section, prior to offering that property for sale under 77139  
divisions (A) to (G) of section 3313.41 of the Revised Code, the 77140  
board may offer that property to the board of trustees of the 77141  
state university in either or both of the following manners: 77142

(1) In an "as is" condition in return for an agreement 77143  
between the board of trustees and the school district board, under 77144  
which the university will provide the school district with in-kind 77145  
services, educational programs, or other assistance valued in the 77146  
aggregate in an amount reasonably related to the appraised fair 77147  
market value of the property; 77148



(2) For sale for money at a price that is not higher than the appraised fair market value of that property.

(C) If the board of trustees does not accept either offer, or if the agreement is not entered into between the school district board and the board of trustees, within sixty days after the offer is made by the district board, the district board then shall offer the property for sale as provided in division (G) of section 3313.41 of the Revised Code.

(D) This section expires on December 31, 2012.

**Section 737.10. ABOLISHMENT OF THE PUBLIC HEALTH COUNCIL**

On the effective date of this section, the Public Health Council is abolished and the responsibilities of the Public Health Council are transferred to the Director of Health.

Any business before the Public Health Council commenced but not completed before the effective date of this section shall be completed by the Director of Health. The business shall be completed in the same manner, and with the same effect, as if completed by the Director of Health immediately prior to the effective date of this section.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's abolishment of the Public Health Council and transfer of responsibility to the Director of Health. Each such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the Director of Health.

All rules, orders, and determinations of the Public Health Council adopted or made immediately prior to the effective date of this section shall continue in effect as rules, orders, and determinations of the Director of Health until modified or rescinded by the Director of Health. If necessary to ensure the

integrity of the numbering system of the Administrative Code, the 77179  
Director of the Legislative Service Commission shall renumber the 77180  
rules to reflect the transfer of the Public Health Council's 77181  
responsibilities to the Director of Health. 77182

Any action or proceeding that is related to the functions or 77183  
duties of the Public Health Council pending on the effective date 77184  
of this section is not affected by the transfer and shall be 77185  
prosecuted or defended in the name of the Director of Health. In 77186  
all such actions and proceedings, the Director of Health, on 77187  
application to the court, shall be substituted as a party. 77188

**Section 737.20.** (A) On the effective date of the amendment of 77189  
the statutes governing the Division of Recycling and Litter 77190  
Prevention in the Department of Natural Resources by this act or 77191  
on July 1, 2012, whichever is later, the Division of Recycling and 77192  
Litter Prevention is abolished, and all of its functions, together 77193  
with its assets and liabilities, are transferred from within the 77194  
Department of Natural Resources to within the Environmental 77195  
Protection Agency. 77196

(B) Any business commenced but not completed by the Division 77197  
of Recycling and Litter Prevention in the Department of Natural 77198  
Resources on the effective date of the transfer shall be completed 77199  
by the Environmental Protection Agency. Any validation, cure, 77200  
right, privilege, remedy, obligation, or liability is not lost or 77201  
impaired solely by reason of the transfer required by this section 77202  
and shall be administered by the Environmental Protection Agency 77203  
in accordance with this act. 77204

(C) All of the rules, orders, and determinations of the 77205  
Division of Recycling and Litter Prevention in the Department of 77206  
Natural Resources or of the Department of Natural Resources in 77207  
relation to that Division continue in effect as rules, orders, and 77208  
determinations of the Environmental Protection Agency until 77209

modified or rescinded by the Environmental Protection Agency. If 77210  
necessary to ensure the integrity of the numbering of the 77211  
Administrative Code, the Director of the Legislative Service 77212  
Commission shall renumber rules of the Department of Natural 77213  
Resources in relation to the former Division of Recycling and 77214  
Litter Prevention in that Department to reflect the transfer to 77215  
the Environmental Protection Agency. 77216

(D) Subject to the provisions of the applicable bargaining 77217  
unit agreements, all of the positions of the Division of Recycling 77218  
and Litter Prevention in the Department of Natural Resources are 77219  
transferred to the Environmental Protection Agency. Employees who 77220  
transfer with the positions shall retain their same or 77221  
substantially similar positions and all the benefits accruing 77222  
thereto. Upon completion of the transfer, the employees shall be 77223  
subject to the policies and procedures of the Environmental 77224  
Protection Agency. 77225

(E) Whenever the Division of Recycling and Litter Prevention 77226  
in the Department of Natural Resources or the Chief of the 77227  
Division of Recycling and Litter Prevention is referred to in any 77228  
law, contract, or other document, the reference shall be deemed to 77229  
refer to the Environmental Protection Agency or to the Director of 77230  
Environmental Protection, whichever is appropriate in context. 77231

(F) Any action or proceeding pending on the effective date of 77232  
the amendment of the statutes governing the Division of Recycling 77233  
and Litter Prevention by this act is not affected by the transfer 77234  
of the functions of that Division by this act and shall be 77235  
prosecuted or defended in the name of the Environmental Protection 77236  
Agency. In all such actions and proceedings, the Environmental 77237  
Protection Agency, upon application to the court, shall be 77238  
substituted as a party. 77239

**Section 737.30.** The Recycling and Litter Prevention Advisory 77240

Council created within the Environmental Protection Agency by 77241  
section 3736.04 of the Revised Code, as amended and renumbered by 77242  
this act, is a continuation of the Recycling and Litter Prevention 77243  
Advisory Council created within the Division of Recycling and 77244  
Litter Prevention in the Department of Natural Resources by 77245  
section 1502.04 of the Revised Code prior to its amendment and 77246  
renumbering by this act. 77247

**Section 737.40.** (A) As used in this section: 77248

(1) "Food service operation," "retail food establishment," 77249  
and "vending machine location" have the same meanings as in 77250  
section 3717.01 of the Revised Code. 77251

(2) "Micro market" means an area or room that has displays of 77252  
not more than two hundred fifty linear feet that offer either of 77253  
the following: 77254

(a) Prepackaged foods that are not time- or 77255  
temperature-controlled for food safety purposes; 77256

(b) Prepackaged foods that are refrigerated or frozen and 77257  
time- or temperature-controlled for food safety purposes and that 77258  
are stored in equipment that complies with Chapter 3717-1 of the 77259  
Administrative Code. 77260

(B) Until the Director of Agriculture adopts rules under 77261  
section 3717.04 of the Revised Code governing the licensure of 77262  
micro markets, the operation of a micro market is exempt from the 77263  
licensure requirements for retail food establishments, food 77264  
service operations, and vending machine locations established 77265  
under Chapter 3717. of the Revised Code. This division applies to 77266  
a micro market that was previously exempted under division (B)(5) 77267  
of section 3717.22 of the Revised Code by the Director from being 77268  
licensed as a retail food establishment. 77269

(C) Not later than sixty days following the adoption of rules 77270

by the Director under section 3717.04 of the Revised Code 77271  
governing the licensure of micro markets, the operator of a micro 77272  
market shall apply for a license in accordance with those rules. 77273

**Section 737.50.** Not later than 30 days after the amendment by 77274  
this act of section 3791.11 of the Revised Code takes effect, the 77275  
Treasurer of State shall give written notice to each property 77276  
owner or lessee who, under former division (D) of that section, 77277  
deposited money or a surety or government-issued bond with the 77278  
Treasurer of State that the money will be refunded or the bond 77279  
will be released within the following time period, and that the 77280  
property owner or lessee must file a bond in the manner required 77281  
by division (C) of section 3791.11 of the Revised Code immediately 77282  
after the refund or release: 77283

(A) If money was deposited, the Treasurer of State will 77284  
refund the money to the property owner or lessee within 180 days 77285  
after the effective date of section 3791.11 of the Revised Code, 77286  
as amended by this act; 77287

(B) If a surety bond was deposited, the Treasurer of State 77288  
will release the bond to the property owner or lessee upon the 77289  
earlier of the expiration of the bond or within two years after 77290  
the effective date of section 3791.11 of the Revised Code, as 77291  
amended by this act; 77292

(C) If a government-issued bond was deposited, the Treasurer 77293  
of State will release the bond to the property owner or lessee 77294  
within 180 days after the effective date of section 3791.11 of the 77295  
Revised Code, as amended by this act. 77296

**Section 737.60.** LUPUS EDUCATION AND AWARENESS PROGRAM 77297

(A) In establishing the Lupus Education and Awareness Program 77298  
under sections 3701.77 to 3701.775 of the Revised Code, as enacted 77299  
by this act, the General Assembly hereby finds the following: 77300

(1) Lupus is a serious, complex, and debilitating autoimmune disease that can cause inflammation and tissue damage to virtually any organ system in the body, including the skin, joints, other connective tissue, blood and blood vessels, heart, lungs, kidneys, and brain. 77301  
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(2) The Lupus Foundation of America, Inc., estimates that approximately 1.5 to 2 million Americans live with lupus. 77306  
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(3) According to the Centers for Disease Control and Prevention, the rate of lupus mortality has increased since the late 1970s. 77308  
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(4) The pain and fatigue associated with lupus can threaten the ability to live independently, maintain employment, and lead a normal life. One in five individuals with lupus is disabled by the disease, and consequently receives support from government programs, including Medicare, Medicaid, Social Security Disability, and Social Security Supplemental Income. 77311  
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(5) The estimated average annual cost of medical treatment for an individual with lupus is between \$10,000 and \$30,000; for individuals who have the most serious form of lupus, medical costs can greatly exceed this amount, causing a significant economic, emotional, and social burden to the entire family and society. 77317  
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(6) More than half of individuals with lupus suffer four or more years and visit three or more physicians before obtaining a diagnosis of lupus; early diagnosis of and treatment for lupus can prevent or reduce serious organ damage, disability, and death. 77322  
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(7) Despite the magnitude of lupus and its impact on individuals and families, health professional and public understanding of lupus remains low; only one in five Americans can provide basic information about lupus, and awareness of lupus is lowest among adults 18 to 34 years of age - the age group most likely to develop lupus. 77326  
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(8) Lupus is a significant national health issue that 77332  
deserves a comprehensive and coordinated response by state and 77333  
federal governments with involvement of the health care provider, 77334  
patient, and public health communities. 77335

(B) The purpose of sections 3701.77 to 3701.775 of the 77336  
Revised Code, as enacted by this act, is to create a 77337  
multi-pronged, statewide program to promote public and health 77338  
professional awareness and increase knowledge concerning the 77339  
causes and consequences of lupus, the importance of early 77340  
diagnosis and appropriate management, and effective treatment and 77341  
management strategies by all of the following: 77342

(1) Conducting educational and training programs for health 77343  
professionals on lupus diagnosis and management; 77344

(2) Developing and disseminating educational materials and 77345  
information to patients and health professionals on lupus research 77346  
results and health care services available; 77347

(3) Designing and implementing a statewide public education 77348  
campaign aimed at heightening public awareness of lupus; 77349

(4) Leveraging educational and training resources and 77350  
services previously developed by organizations with appropriate 77351  
expertise and knowledge of lupus. 77352

**Section 737.70. PILOT PROGRAM FOR OPIOID- AND 77353**  
ALCOHOL-DEPENDENT OFFENDERS 77354

(A) The Department of Alcohol and Drug Addiction Services 77355  
shall conduct a pilot program to provide to certain 77356  
opioid-dependent, alcohol-dependent, or opioid- and 77357  
alcohol-dependent offenders within the criminal justice system 77358  
treatment to prevent relapse into dependency, including 77359  
medication-assisted treatment. The medication-assisted treatment 77360  
shall be provided by using one or more drugs that constitute 77361

long-acting antagonist therapy and meet all of the following 77362  
conditions: 77363

(1) There is no potential for abuse of the drugs by the 77364  
person to whom they are given or through diversion of the drugs to 77365  
others. 77366

(2) There is no potential for a person to become addicted to 77367  
or otherwise dependent on the drugs. 77368

(3) The drugs have been approved by the United States Food 77369  
and Drug Administration to prevent relapse into opioid dependency, 77370  
alcohol dependency, or opioid and alcohol dependency. 77371

(B) The Department shall conduct the program in Franklin 77372  
County and Scioto County and may conduct the program in any one or 77373  
more other counties the Department selects. In conducting the 77374  
program, the Department shall collaborate with the boards of 77375  
alcohol, drug addiction, and mental health services that serve the 77376  
counties included in the program. The Department also shall 77377  
collaborate with the Departments of Mental Health, Job and Family 77378  
Services, and Health and with any other state agency that the 77379  
Department determines may be of assistance in accomplishing the 77380  
objectives of the program. 77381

(C) The program shall serve not more than one hundred fifty 77382  
opioid-dependent or alcohol-dependent offenders selected by the 77383  
Department, each of whom meets all of the following criteria: 77384

(1) Is either being released from a community-based 77385  
correctional facility or being diverted from prosecution under 77386  
section 2935.36 of the Revised Code by a county drug court or 77387  
municipal court; 77388

(2) Is transitioning to community-based programs as 77389  
prescribed by the court; 77390

(3) Was opioid dependent, alcohol dependent, or opioid and 77391



alcohol dependent at the time of committing the offense for which 77392  
the offender was most recently sentenced; 77393

(4) Resides in this state and in the offender's own 77394  
court-approved residence or court-approved transitional housing. 77395

(D) A program participant shall do both of the following: 77396

(1) Commit to participate in the program for twelve months 77397  
and comply with all requirements established by the program, 77398  
sentencing court, and treatment providers, including testing, 77399  
counseling, medication therapies, and reporting requirements; 77400

(2) Attend any on-site programming specified by the 77401  
sentencing court or treatment provider. 77402

(E) Treatment under the program shall be provided by an 77403  
alcohol and drug addiction program certified by the Department 77404  
under section 3793.06 of the Revised Code. Treatment shall be 77405  
based on an integrated service delivery model. The treatment 77406  
provider shall do all of the following: 77407

(1) Conduct a professional, comprehensive substance abuse and 77408  
mental health diagnostic assessment of each person who is a 77409  
potential program participant to determine whether the person is 77410  
opioid dependent, alcohol dependent, or opioid and alcohol 77411  
dependent and would benefit from substance abuse treatment and 77412  
monitoring to address the dependency; 77413

(2) Determine treatment needs for each program participant 77414  
based on the diagnostic assessment; 77415

(3) Develop individualized goals and objectives for each 77416  
program participant that follow guidelines provided by the 77417  
Department; 77418

(4) Provide initial treatment to each program participant by 77419  
persons professionally qualified to provide substance abuse 77420  
counseling or treatment; 77421

(5) Provide substance abuse and co-occurring disorder treatment that includes psychosocial therapies and monthly medication-assisted treatment; 77422  
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(6) Provide access to long-acting antagonist therapies to the same extent that access may be provided to any other medication-assisted treatment approved by the United States Food and Drug Administration; 77425  
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(7) Monitor program compliance through regular urinalysis drug testing. 77429  
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(F) Not later than three months after the program has ended, Kent State University shall prepare a report of the findings obtained from the program, along with its recommendations, if any. The University shall include in the report data derived from the drug testing performed under the program. In preparing the report, the University shall obtain assistance from the Department of Alcohol and Drug Addition Services. When the report is complete, the University shall submit the report to the Governor; President of the Senate; Speaker of the House of Representatives; Departments of Mental Health, Job and Family Services, and Health; and any other agency the Department collaborates with in conducting the program. 77431  
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**Section 747.10.10.** (A) The Manufactured Homes Commission shall adopt the rules required by section 4781.26 of the Revised Code as amended by this act not later than December 1, 2012. After adopting the rules, the Commission immediately shall notify the Director of Health. 77443  
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(B)(1) The rules governing manufactured home parks adopted by the Public Health Council under former section 3733.02 of the Revised Code shall remain in effect in a health district until the Commission adopts rules under section 4781.26 of the Revised Code as amended by this act. 77448  
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(2) On the effective date of the rules adopted by the Commission as required by section 4781.26 of the Revised Code as amended by this act, the Public Health Council rules adopted under former section 3733.02 of the Revised Code cease to be effective within the jurisdiction of that board of health.

(C) No board of health of a city or general health district shall invoice or collect manufactured home park licensing fees for calendar year 2013.

(D) As used in this section:

(1) "Manufactured home park," "board of health," and "health district" have the same meanings as in section 4781.01 of the Revised Code, as amended by this act.

(2) "Public Health Council" means the Public Health Council created by section 3701.33 of the Revised Code.

**Section 747.10.20.** Any manufactured home park license and inspection fees collected pursuant to former section 3733.04 of the Revised Code by a board of health prior to the transition of the annual license and inspection program to the Manufactured Homes Commission as required under this act in the amount of two thousand dollars or less may be transferred to the health fund of the city or general health district. Any of those funds in excess of two thousand dollars shall be transferred to the Manufactured Homes Commission Regulatory Fund created in section 4781.54 of the Revised Code as enacted by this act.

**Section 747.10.30.** Notwithstanding the original term of the appointment, the term of the Manufactured Homes Commission member who was appointed by the Governor as a representative of the Department of Health pursuant to division (B)(2)(b) of section 4781.02 of the Revised Code shall end on the effective date of that section as amended by this act. The initial term of the

registered sanitarian appointed to the Manufactured Homes 77483  
Commission pursuant to section 4781.02 of the Revised Code, as 77484  
amended by this act, shall expire on the date when the 77485  
representative of the Department of Health's term would have 77486  
expired, but for this section. 77487

**Section 747.20.10.** On the effective date of the amendments 77488  
made to section 4765.02 of the Revised Code by this act, the 77489  
member of the renamed State Board of Emergency Medical, Fire, and 77490  
Transportation Services who is an administrator of an adult or 77491  
pediatric trauma center shall cease to be a member of the Board. 77492  
On the effective date of the amendments made to section 4765.02 of 77493  
the Revised Code by this act, the member of the renamed State 77494  
Board of Emergency Medical, Fire, and Transportation Services who 77495  
is a member of the Ohio Ambulance Association shall cease to be a 77496  
member of the Board. On the effective date of the amendments made 77497  
to section 4765.02 of the Revised Code by this act, the member of 77498  
the renamed State Board of Emergency Medical, Fire, and 77499  
Transportation Services who is a physician certified by the 77500  
American board of surgery, American board of osteopathic surgery, 77501  
American osteopathic board of emergency medicine, or American 77502  
board of emergency medicine, is chief medical officer of an air 77503  
medical agency, and is currently active in providing emergency 77504  
medical services shall cease to be a member of the Board. On the 77505  
effective date of the amendments made to section 4765.02 of the 77506  
Revised Code by this act, of the members of the renamed State 77507  
Board of Emergency Medical, Fire, and Transportation Services who 77508  
were EMTs, advanced EMTs, or paramedics and were appointed to the 77509  
Board in that capacity, only the members who are designated by the 77510  
Governor to continue to be members of the Board shall continue to 77511  
be so; the other persons shall cease to be members of the Board. 77512  
On the effective date of the amendments made to section 4765.02 of 77513

the Revised Code by this act, the member of the renamed State Board of Emergency Medical and Transportation Services who is a registered nurse and is in the active practice of emergency nursing shall cease to be a member of the Board. Not later than sixty days after the effective date of those amendments, the Governor shall appoint to the renamed State Board of Emergency Medical and Transportation Services a registered nurse with EMS certification who is in the active practice of critical care nursing. The Governor shall appoint this member from among three persons nominated by the Ohio Nurses Association and three persons nominated by the Ohio State Council of the Emergency Nurses Association.

On the effective date of the amendments made to section 4765.02 of the Revised Code by this act, all members of the former State Board of Emergency Medical Services who do not cease to be members of the renamed State Board of Emergency Medical, Fire, and Transportation Services by the terms of this act shall continue to be members of the renamed State Board of Emergency Medical, Fire, and Transportation Services, and the dates on which the terms of the continuing members expire shall be the dates on which their terms as members of the former State Board of Emergency Medical Services expired. On the effective date of the amendments made to section 4765.02 of the Revised Code by this act, the following members of the former Ohio Medical Transportation Board shall become members of the State Board of Emergency Medical, Fire, and Transportation Services, and the dates on which those members' terms on the State Board of Emergency Medical, Fire, and Transportation Services expire shall be as follows:

(A) The person who owns or operates a private emergency medical service organization operating in this state, as designated by the Governor, term ends November 12, 2012;

(B) The person who owns or operates a nonemergency medical service organization that provides only ambulance services, term ends November 12, 2012; 77545  
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(C) The person who is a member of the Ohio Association of Critical Care Transport and represents air-based services, term ends November 12, 2013. 77548  
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(D) The person who is a member of the Ohio Association of Critical Care Transport and represents a ground-based mobile intensive care unit organization, term ends November 12, 2013. 77551  
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All subsequent terms of office for these six positions on the State Board of Emergency Medical, Fire, and Transportation Services shall be for three years as provided in section 4765.02 of the Revised Code. 77554  
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**Section 747.20.20. TRANSFER OF THE MEDICAL TRANSPORTATION BOARD TO THE DEPARTMENT OF PUBLIC SAFETY** 77558  
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On July 1, 2012, the Medical Transportation Board and all of its functions are transferred to the Department of Public Safety. As of such date, the Medical Transportation Board shall operate under the Department of Public Safety, which shall assume all of the Board's functions. All assets, liabilities, any capital spending authority related thereto, and equipment and records, regardless of form or medium, related to the Medical Transportation Board's functions are transferred to the Department of Public Safety on July 1, 2012. 77560  
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No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer. All of the Medical Transportation Board's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Public Safety until modified or rescinded by the Department of Public Safety. 77569  
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Subject to the lay-off provisions of sections 124.321 to 77575  
124.328 of the Revised Code, all employees of the Medical 77576  
Transportation Board are transferred to the Department of Public 77577  
Safety and shall retain their positions and all benefits accruing 77578  
thereto. 77579

No action or proceeding pending on July 1, 2012, is affected 77580  
by the transfer and any action or proceeding pending on July 1, 77581  
2012, shall be prosecuted or defended in the name of the 77582  
Department of Public Safety or its director. In all such actions 77583  
and proceedings, the Department of Public Safety or its director, 77584  
upon application to the court, shall be substituted as a party. 77585

On or after July 1, 2012, notwithstanding any provision of 77586  
law to the contrary, the Director of Budget and Management shall 77587  
take any action with respect to budget changes made necessary by 77588  
the transfer. The Director may transfer cash balances between 77589  
funds. The Director may cancel encumbrances and reestablish 77590  
encumbrances or parts of encumbrances as needed in the fiscal year 77591  
in the appropriate fund and appropriation item for the same 77592  
purpose and to the same vendor. As determined by the Director, 77593  
encumbrances reestablished in the fiscal year in a different fund 77594  
or appropriation item used by an agency or between agencies are 77595  
appropriated. The Director shall reduce each year's appropriation 77596  
balances by the amount of the encumbrance canceled in their 77597  
respective funds and appropriation item. Any unencumbered or 77598  
unallocated appropriation balances from the previous fiscal year 77599  
may be transferred to the appropriate appropriation item to be 77600  
used for the same purposes, as determined by the Director. Any 77601  
such transfers are hereby appropriated. 77602

**Section 751.05.** FISCAL YEAR 2013 QUALITY BONUS PAYMENTS TO 77603  
NURSING FACILITIES 77604

(A) As used in this section: 77605

- (1) "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code. 77606  
77607
- (2) "Point days" means the product of the following: 77608
- (a) A qualifying nursing facility's quality bonus points for fiscal year 2013; 77609  
77610
- (b) The number of the qualifying nursing facility's Medicaid days in fiscal year 2012. 77611  
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- (3) "Qualifying nursing facility" means a nursing facility that qualifies for a quality bonus for fiscal year 2013 as determined under division (C) of this section. 77613  
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- (4) "Quality bonus points" means the amount determined by subtracting five from the number of points awarded to a qualifying nursing facility under division (C) of section 5111.244 of the Revised Code for fiscal year 2013. 77616  
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- (B) Notwithstanding sections 5111.222 and 5111.245 of the Revised Code, quality bonuses to nursing facilities shall be made in accordance with this section for fiscal year 2013 rather than section 5111.245 of the Revised Code. 77620  
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- (C) The Department of Job and Family Services shall pay a nursing facility provider a quality bonus for fiscal year 2013 if the provider's nursing facility is awarded more than five points under division (C) of section 5111.244 of the Revised Code for fiscal year 2013 and at least one of the points is awarded to the nursing facility pursuant to division (C)(10), (11), (12), (13), or (14) of that section. 77624  
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- (D) The total quality bonus to be paid to the provider of a qualifying nursing facility for fiscal year 2013 shall equal the product of the following: 77631  
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- (1) The quality bonus per Medicaid day for the fiscal year determined for the provider's qualifying nursing facility under 77634  
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|                                                                                                                                                                                                |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| division (E) of this section;                                                                                                                                                                  | 77636                   |
| (2) The number of the qualifying nursing facility's Medicaid days in fiscal year 2012.                                                                                                         | 77637<br>77638          |
| (E) A qualifying nursing facility's quality bonus per Medicaid day for fiscal year 2013 shall be the product of the following:                                                                 | 77639<br>77640<br>77641 |
| (1) The nursing facility's quality bonus points for fiscal year 2013;                                                                                                                          | 77642<br>77643          |
| (2) The quality bonus per point for fiscal year 2013 determined under division (F) of this section.                                                                                            | 77644<br>77645          |
| (F) The quality bonus per point for fiscal year 2013 shall be determined as follows:                                                                                                           | 77646<br>77647          |
| (1) Determine the number of each qualifying nursing facility's point days for fiscal year 2013.                                                                                                | 77648<br>77649          |
| (2) Determine the sum of all qualifying nursing facilities' point days for fiscal year 2013.                                                                                                   | 77650<br>77651          |
| (3) Divide thirty million dollars by the sum determined under division (F)(2) of this section.                                                                                                 | 77652<br>77653          |
| (G) The calculation of a qualifying nursing facility's bonus payment is not subject to appeal under Chapter 119. of the Revised Code.                                                          | 77654<br>77655<br>77656 |
| (H) The Director of Job and Family Services may adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.                                                  | 77657<br>77658<br>77659 |
| <b>Section 751.10. LICENSURE OF ICFs/MR AS RESIDENTIAL FACILITIES</b>                                                                                                                          | 77660<br>77661          |
| (A) Until July 1, 2013, a person or government agency that, on the effective date of this section, operates an intermediate care facility for the mentally retarded pursuant to a nursing home | 77662<br>77663<br>77664 |

license issued under Chapter 3721. of the Revised Code shall not 77665  
be subject to a penalty under section 5123.99 of the Revised Code 77666  
for operating the facility without a license issued under section 77667  
5123.19 of the Revised Code notwithstanding sections 5123.20 and 77668  
5123.99 of the Revised Code. 77669

(B) Notwithstanding the amendments by this act to sections 77670  
3702.62, 3721.01, and 5123.19 of the Revised Code and the repeal 77671  
by this act of section 5123.192 of the Revised Code, an 77672  
intermediate care facility for the mentally retarded that is 77673  
licensed as a nursing home under Chapter 3721. of the Revised Code 77674  
on the effective date of this section shall continue to be a 77675  
nursing home for the purposes for which it is considered to be a 77676  
nursing home under the law in effect on the day immediately 77677  
preceding the effective date of those amendments and that repeal 77678  
until the earliest of the following: 77679

(1) The date that the facility's nursing home license is 77680  
revoked or voided under section 3721.07 of the Revised Code; 77681

(2) The date that a residential facility license is obtained 77682  
for the facility under section 5123.19 of the Revised Code; 77683

(3) July 1, 2013. 77684

(C) Notwithstanding the amendment by this act to section 77685  
3721.21 of the Revised Code, a nursing home or part of a nursing 77686  
home certified as an intermediate care facility for the mentally 77687  
retarded on the effective date of this section shall continue to 77688  
be excluded from the definition of "long-term care facility" in 77689  
that section for as long as it is certified as an intermediate 77690  
care facility for the mentally retarded. 77691

(D) Notwithstanding the amendment by this act to section 77692  
3721.50 of the Revised Code, a nursing home or part of a nursing 77693  
home licensed under section 3721.02 or 3721.09 of the Revised Code 77694  
that is certified as an intermediate care facility for the 77695

mentally retarded on the effective date of this section shall 77696  
continue to be exempt from the franchise permit fee under sections 77697  
3721.50 to 3721.58 of the Revised Code and instead subject to the 77698  
franchise permit fee under sections 5112.30 to 5112.39 of the 77699  
Revised Code for as long as it is certified as an intermediate 77700  
care facility for the mentally retarded. 77701

(E) Notwithstanding the amendment by this act to section 77702  
5123.41 of the Revised Code, a nursing home or part of a nursing 77703  
home that is certified as an intermediate care facility for the 77704  
mentally retarded on the effective date of this section shall 77705  
continue to be a residential facility for the purpose of section 77706  
5123.41 of the Revised Code for as long as it is certified as an 77707  
intermediate care facility for the mentally retarded or is 77708  
licensed under section 5123.19 of the Revised Code. 77709

(F) Notwithstanding the amendment by this act to section 77710  
5126.51 of the Revised Code, a nursing home or part of a nursing 77711  
home that is certified as an intermediate care facility for the 77712  
mentally retarded on the effective date of this section shall 77713  
continue to be a residential facility for the purpose of section 77714  
5126.51 of the Revised Code for as long as it is certified as an 77715  
intermediate care facility for the mentally retarded or otherwise 77716  
meets the definition of "residential facility" in section 5123.19 77717  
of the Revised Code. 77718

**Section 751.10.10. ADULT CARE FACILITY LICENSURE TRANSITION** 77719

Pursuant to the amendment and repeal by this act of sections 77720  
5119.22, 5119.70 to 5119.88, and 5119.99 of the Revised Code, the 77721  
Director of Mental Health may convert an adult care facility's 77722  
license in effect immediately before the effective date of this 77723  
section to a license as a residential facility. Until the Director 77724  
converts the license or issues an order denying the conversion, 77725  
the adult care facility's license is deemed to be a residential 77726

facility license. All rules, orders, and determinations pertaining 77727  
to the adult care facility license continue in effect as rules, 77728  
orders, and determinations pertaining to the residential facility 77729  
license. 77730

**Section 751.15.** AGING IN PLACE PILOT PROGRAM 77731

(A) As used in this section: 77732

(1) "Aging in Place administrator" means the organization 77733  
that contracts with the Department of Aging pursuant to division 77734  
(E) of this section to administer the Aging in Place pilot 77735  
program. 77736

(2) "Nursing home" and "residential care facility" have the 77737  
same meanings as in section 3721.01 of the Revised Code. 77738

(3) "Residential facility" means a residential facility as 77739  
defined in section 5119.22 or a residential facility as defined in 77740  
section 5123.19 of the Revised Code. 77741

(4) "Veteran" means either of the following: 77742

(a) A former member of the armed forces of the United States 77743  
who served on active military duty and received an honorable 77744  
discharge or honorable separation; 77745

(b) A member of the United States army transport service or 77746  
the United States naval transport service who has an honorable 77747  
report of separation from the active duty military service, form 77748  
DD214 or DD215. 77749

(B) The Department of Aging shall establish the Aging in 77750  
Place pilot program in Butler, Clermont, Hamilton, and Warren 77751  
counties. Up to one hundred eighty eligible individuals may enroll 77752  
in the pilot program to receive home repairs and modifications 77753  
that are covered by the pilot program. The pilot program shall be 77754  
operated for two years. 77755

(C) To be eligible to enroll in the Aging in Place pilot program, an individual must meet all of the following requirements: 77756  
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(1) The individual must be at least fifty years of age or a veteran of any age. 77759  
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(2) The individual must be a resident of one of the counties in which the pilot program is established. 77761  
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(3) The individual must reside in a private residence that is not a nursing home, residential care facility, residential facility, or other facility that may not operate legally without a license, certificate, or other authority issued by an agency of this state or a political subdivision of this state. 77763  
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(4) The individual or a member of the individual's household must own the private residence in which the individual resides. 77768  
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(5) The individual must be at risk of moving to a nursing home or residential care facility due to a medical condition. 77770  
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(6) The private residence in which the individual resides must be in need of a repair or modification covered by the pilot program. 77772  
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(7) The individual must meet any other requirements specified in rules adopted under this section. 77775  
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(D) The Aging in Place pilot program shall cover home repairs and modifications specified in rules adopted under this section. 77777  
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(E) The Department of Aging shall contract with an organization that meets all of the following requirements to administer the Aging in Place pilot program: 77779  
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(1) It must have been founded not later than 1975. 77782

(2) It must provide professional and critical home repair and modification services to individuals who reside in the counties in which the pilot program is established and have low incomes or are 77783  
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elderly or disabled. 77786

(3) It must be exempt from federal income taxation under 77787  
section 501(a) and described in section 501(c)(3) of the "Internal 77788  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501, as amended. 77789

(F) The Aging in Place administrator may help coordinate the 77790  
home repairs and modifications provided under the Aging in Place 77791  
pilot program with home health services that individuals enrolled 77792  
in the pilot program receive under the Medicaid program or other 77793  
programs. 77794

(G) The Aging in Place administrator shall seek 77795  
nongovernmental funds to help pay the costs of the Aging in Place 77796  
pilot program. 77797

(H) The Department of Job and Family Services shall apply to 77798  
the United States Secretary of Health and Human Services for a 77799  
federal Medicaid waiver to make the Aging in Place pilot program a 77800  
component of the Medicaid program. If the waiver is granted, the 77801  
Department of Job and Family Services shall enter into an 77802  
interagency agreement with the Department of Aging under section 77803  
5111.91 of the Revised Code regarding the Department of Aging's 77804  
duties under this section and the Department of Aging shall 77805  
establish the pilot program as a Medicaid component. If the waiver 77806  
is not granted, the Department of Aging shall establish the pilot 77807  
program as a non-Medicaid program. 77808

(I) The Director of Aging shall adopt rules in accordance 77809  
with Chapter 119. of the Revised Code as necessary to implement 77810  
this section. If the Aging in Place pilot program is established 77811  
as a Medicaid component, the Director of Job and Family Services 77812  
shall adopt any rules that are necessary for the Director of Aging 77813  
to be able to adopt the rules for the pilot program. 77814

(J) Not later than ninety days after the termination of the 77815  
Aging in Place pilot program, the Department of Aging shall 77816

prepare a report regarding the pilot program. On completion of the 77817  
report, the Department shall submit it to the Governor and, in 77818  
accordance with section 101.68 of the Revised Code, the General 77819  
Assembly. The report shall include the Department's conclusions 77820  
regarding all of the following: 77821

(1) The number of individuals in the state who would benefit 77822  
from the services covered by the pilot program if the services 77823  
were made available statewide; 77824

(2) How governmental and nongovernmental resources can be 77825  
leveraged most efficiently to make the services available 77826  
statewide; 77827

(3) The costs, if any, that the Medicaid program and other 77828  
governmental health care programs would incur if the services were 77829  
available statewide; 77830

(4) The impact that the services would have on the quality of 77831  
patient care and treatment; 77832

(5) The impact that the services would have on the 77833  
communities in which they would be provided; 77834

(6) The overall costs and benefits to the state that the 77835  
services would have. 77836

**Section 751.20.** The amendments by this act to Section 3 of 77837  
Am. Sub. S.B. 38 of the 120th General Assembly eliminate the 77838  
exemptions from the requirements of sections 3701.881 and 5126.28 77839  
of the Revised Code that Section 3 of that act gave to persons 77840  
who, before October 29, 1993, were employed or had applied for 77841  
employment in positions covered by sections 3701.881 and 5126.28 77842  
of the Revised Code. The amendments by this act to Section 3 of 77843  
Am. Sub. S.B. 160 of the 121st General Assembly eliminate the 77844  
exemptions from the requirements of sections 173.41 (as 77845  
subsequently renumbered as 173.394) and 3701.881 of the Revised 77846

Code that Section 3 of that act gave to persons who, before 77847  
January 27, 1997, were employed or had applied for employment in 77848  
positions covered by sections 173.41 (173.394) and 3701.881 of the 77849  
Revised Code. The exemptions are eliminated in conjunction with 77850  
this act's amendments to sections 173.394, 3701.881, and 5123.081 77851  
of the Revised Code and the repeal of section 5126.28 of the 77852  
Revised Code so that the Directors of Aging, Health, and 77853  
Developmental Disabilities may adopt rules under those amended 77854  
sections to make persons formerly exempt from the requirements of 77855  
sections 173.394, 3701.881, and 5126.28 of the Revised Code 77856  
subject to the requirements of sections 173.394, 3701.881, and 77857  
5123.081 of the Revised Code. 77858

**Section 753.11.** (A) Notwithstanding section 3313.41 of the 77859  
Revised Code, during the period beginning June 30, 2005, and 77860  
ending December 31, 2005, a school district board of education in 77861  
support of economic development within the territory of the 77862  
district may dispose of real property that it owns in its 77863  
corporate capacity, and that exceeds in value ten thousand 77864  
dollars, by direct sale in lieu of offering the property for sale 77865  
at public auction as provided in division (A) of that section, in 77866  
lieu of offering the property for sale to an entity listed in 77867  
division (C) of that section, or in lieu of offering the property 77868  
for sale to a community school as provided in division (G) of that 77869  
section, if all of the following conditions are satisfied: 77870

(1) The real property is encumbered by easements, liens, or 77871  
other use restrictions that benefit the person acquiring the 77872  
property under this section; 77873

(2) The real property was part of or adjacent to real 77874  
property previously disposed of by the board of education; 77875

(3) The real property when sold will be used for commercial 77876



development. 77877

(B) Notwithstanding division (A)(3) of this section, on or 77878  
after the effective date of this section, the real property may be 77879  
used for residential development as well as commercial 77880  
development. 77881

**Section 757.10.** A board of township trustees or the 77882  
legislative authority of a municipal corporation to which section 77883  
5705.19 or 5705.252 of the Revised Code applies, as enacted or 77884  
amended by this act, may adopt the resolution proposing the levy 77885  
of the tax or the combined questions authorized by those 77886  
enactments or amendments and certify a copy of the resolution to 77887  
the proper county board of elections as otherwise prescribed by 77888  
law after this act becomes law and before the effective date of 77889  
those enactments or amendments, requesting that the board of 77890  
elections submit the proposal to the electors at the general 77891  
election occurring on November 6, 2012. The board of elections, 77892  
upon receiving a properly certified copy of such a resolution not 77893  
later than four p.m. on August 8, 2012, shall submit the proposal 77894  
to electors at that election as otherwise provided under section 77895  
5705.25 or 5705.252 of the Revised Code, and such actions of the 77896  
board of township trustees, municipal legislative authority, and 77897  
board of elections are hereby ratified. 77898

**Section 757.20.** As used in this section, "qualified property" 77899  
means real property that satisfies the qualifications for tax 77900  
exemption under the terms of section 5709.07 of the Revised Code 77901  
and that is owned by a church as defined in that section. 77902

Notwithstanding section 5713.081 of the Revised Code, when 77903  
qualified property has not received tax exemption due to a failure 77904  
to comply with Chapter 5713. or section 5715.27 of the Revised 77905  
Code, the current owner of the property, or the prior owner of the 77906

property requesting exemption from prior taxes, at any time on or 77907  
before twelve months after the effective date of this section, may 77908  
file with the Tax Commissioner an application requesting that the 77909  
property be placed on the tax-exempt list and that all unpaid 77910  
taxes, penalties, and interest on the property be abated. 77911

The application shall be made on the form prescribed by the 77912  
Tax Commissioner under section 5715.27 of the Revised Code and 77913  
shall list the name of the county in which the property is 77914  
located; the property's legal description; its taxable value; the 77915  
amount in dollars of the unpaid taxes, penalties, and interest; 77916  
the date of acquisition of title to the property; the use of the 77917  
property during any time that the unpaid taxes accrued; and any 77918  
other information required by the Tax Commissioner. The county 77919  
auditor shall supply the required information upon request of the 77920  
applicant. 77921

Upon request of the applicant, the county treasurer shall 77922  
determine if all taxes, penalties, and interest that became a lien 77923  
on the qualified property before it first was used for an exempt 77924  
purpose and all special assessments charged against the property 77925  
have been paid in full. If so, the county treasurer shall issue a 77926  
certificate to the applicant stating that all such taxes, 77927  
penalties, interest, and assessments have been paid in full. Prior 77928  
to filing the application with the Tax Commissioner, the applicant 77929  
shall attach the county treasurer's certificate to it. The Tax 77930  
Commissioner shall not consider an application filed under this 77931  
section unless such a certificate is attached to it. 77932

Upon receipt of the application and after consideration of 77933  
it, the Tax Commissioner shall determine if the applicant meets 77934  
the qualifications set forth in this section, and if so shall 77935  
issue an order directing that the property be placed on the 77936  
tax-exempt list of the county and that all unpaid taxes, 77937  
penalties, and interest for every year the property met the 77938

qualifications for exemption described in section 5709.07 of the Revised Code be abated. If the Tax Commissioner finds that the property is not now being so used or is being used for a purpose that would foreclose its right to tax exemption, the Tax Commissioner shall issue an order denying the application.

If the Tax Commissioner finds that the property is not entitled to tax exemption and to the abatement of unpaid taxes, penalties, and interest for any of the years for which the current or prior owner claims an exemption or abatement, the Tax Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property for those years in accordance with law.

The Tax Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Tax Commissioner on the effective date of this section, without requiring the property owner to file an additional application. The Tax Commissioner also may apply this section to any qualified property that is the subject of an application for exemption filed on or after the effective date of this section and on or before twelve months after that effective date, even though the application does not expressly request abatement of unpaid taxes, penalties, and interest.

**Section 806.10.** The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any 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 of law or application.

**Section 812.10. Sections subject to referendum: general**

**effective date.** Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State.

**Section 812.20. Sections exempt from referendum: general effective date.** The amendment, enactment, or repeal by this act of the following sections is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law:

Sections 145.01, 145.012, 167.04, 306.04, 306.36, 340.091, 901.54, 2927.023, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 3125.41, 3734.131, 3734.15, 3743.06, 3743.19, 3752.06, 4163.07, 4303.22, 4501.01, 4501.06, 4503.81, 4506.01, 4506.03, 4506.22, 4506.25, 4511.78, 4513.50, 4731.293, 4905.01, 4905.02, 4905.03, 4905.05, 4905.06, 4905.402, 4905.54, 4905.57, 4905.58, 4905.80, 4905.801, 4905.81, 4905.82, 4905.83, 4905.84, 4907.01, 4907.02, 4907.04, 4907.08, 4907.19, 4907.28, 4907.35, 4907.37, 4907.43, 4907.49, 4907.57, 4907.59, 4907.60, 4907.61, 4907.62, 4909.01, 4909.02, 4909.03, 4909.17, 4909.22, 4909.24, 4909.28, 4911.01, 4919.75, 4919.76, 4919.77, 4919.78, 4919.79, 4919.99, 4921.01, 4921.02, 4921.03, 4921.04, 4921.05, 4921.06, 4921.07, 4921.08, 4921.09, 4921.10, 4921.101, 4921.11, 4921.12, 4921.13, 4921.14, 4921.15, 4921.16, 4921.17, 4921.18, 4921.19, 4921.20, 4921.21, 4921.23, 4921.24, 4921.25, 4921.26, 4921.27, 4921.28, 4921.30, 4921.31, 4921.32, 4921.34, 4921.35, 4921.36, 4921.37, 4921.38, 4921.39, 4921.40, 4921.99, 4923.01, 4923.02, 4923.03, 4923.04, 4923.05, 4923.06, 4923.07, 4923.08, 4923.09, 4923.10, 4923.11, 4923.12, 4923.13, 4923.14, 4923.15, 4923.17, 4923.20, 4923.26, 4923.99, 4927.01, 4929.01, 4929.02, 4933.18, 4933.19, 4939.01,

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 4953.04, 4961.03, 4965.54, 5119.691, 5503.02, 5503.34, 5743.031,<br>and 5751.033 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 78000<br>78001                                                                                                    |
| Section 205.10 of Am. Sub. H.B. 114 of the 129th General<br>Assembly, as amended by Am. Sub. H.B. 153 of the 129th General<br>Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 78002<br>78003<br>78004                                                                                           |
| Section 201 of Sub. H.B. 123 of the 129th General Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 78005                                                                                                             |
| Section 1 of H.B. 124 of the 129th General Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 78006                                                                                                             |
| Sections 205.10, 207.10, 207.10.80, 207.20.10, 207.20.30,<br>207.20.90, 209.10, 209.30, 211.10, 215.10, 223.10, 229.10, 243.10,<br>261.10, 261.10.10, 261.10.20, 261.10.30, 261.10.40, 261.10.50,<br>261.10.60, 261.10.70, 261.10.80, 261.10.90, 261.20.10, 261.20.20,<br>261.20.40, 261.20.50, 261.20.60, 261.20.70, 261.20.80, 261.20.90,<br>261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.50, 261.30.60,<br>261.30.70, 261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30,<br>263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.20, 267.10.40,<br>267.30.40, 279.10, 283.10, 283.20, 283.30, 291.10, 307.10, 309.10,<br>315.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 367.10,<br>369.10, 371.10, 371.50.61, 371.60.70, 371.60.80, 373.10, 375.10,<br>379.10, 387.10, 403.10, 411.10, 415.10, 503.50, 521.70, and 701.40<br>of Am. Sub. H.B. 153 of the 129th General Assembly. | 78007<br>78008<br>78009<br>78010<br>78011<br>78012<br>78013<br>78014<br>78015<br>78016<br>78017<br>78018<br>78019 |
| Section 247.10 of Am. Sub. H.B. 153 of the 129th General<br>Assembly, as amended by Sub. H.B. 319 of the 129th General<br>Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 78020<br>78021<br>78022                                                                                           |
| Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the<br>129th General Assembly, as amended by Sub. H.B. 371 of the 129th<br>General Assembly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 78023<br>78024<br>78025                                                                                           |
| Sections 515.10, 515.11, 515.12, and 515.13 of this act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 78026                                                                                                             |
| Sections 701.70.10, 701.80, 701.90, 701.91, and 733.10 of<br>this act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 78027<br>78028                                                                                                    |
| Sections 812.20 and 812.21 of this act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 78029                                                                                                             |

Section 812.30 of this act insofar as it refers to parts of 78030  
sections that are exempt from the referendum. 78031

**Section 812.21. Sections exempt from the referendum: special** 78032  
**effective date.** The amendment, enactment, or repeal by this act of 78033  
sections 125.05, 152.09, 154.25, 183.28, 3301.75, 3313.603, 78034  
3313.976, 3313.978, 3313.979, 3314.074, 3317.06, 3317.50, 3317.51, 78035  
3319.22, 3319.235, 3333.82, 3333.90 (3333.59), new 3333.90, 78036  
3345.12, 3353.01 (3333.89), 3353.02, 3353.03, 3353.04, 3353.05 78037  
(3333.91), 3353.06 (3333.92), 3353.07 (3333.93), 3353.09, 3353.11 78038  
(3333.94), 3353.15, and 3353.20 of the Revised Code is exempt from 78039  
the referendum under Ohio Constitution, Article II, Section 1d and 78040  
section 1.471 of the Revised Code and is therefore entitled to 78041  
take effect immediately when this act becomes law. However, the 78042  
amendment of those sections takes effect on July 1, 2012, or the 78043  
date this act becomes law, whichever is later. 78044

**Section 812.30. Mixed sections: general effective dates.** The 78045  
sections listed in the left-hand column of the following table 78046  
combine amendments by this act that are and that are not exempt 78047  
from the referendum. The middle column identifies amendments to 78048  
the listed sections that are subject to the referendum under Ohio 78049  
Constitution, Article II, Section 1c and therefore take effect on 78050  
the ninety-first day after this act is filed with the Secretary of 78051  
State. The right-hand column identifies amendments to the listed 78052  
sections that are exempt from the referendum under Ohio 78053  
Constitution, Article II, Section 1d and section 1.471 of the 78054  
Revised Code and therefore take effect immediately when this act 78055  
becomes law, except as indicated otherwise. 78056

| Section of law | Amendments subject to referendum                 | Amendments exempt from referendum      |                |
|----------------|--------------------------------------------------|----------------------------------------|----------------|
| 105.41         | All except as described in the right hand column | The amendment to division (E)(2) takes | 78057<br>78058 |

effect July 1, 2012,  
 or the date this act  
 becomes law, whichever  
 is later.

|          |                                                             |                                                                                                                                               |       |
|----------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 4905.90  | The amendment in division (A)                               | All amendments except as described in the middle column                                                                                       | 78059 |
| 5111.941 | The amendment that inserts division (A)(4)                  | All amendments except as described in the middle column                                                                                       | 78060 |
| 5119.61  | All amendments except as described in the right-hand column | The amendment in division (A) striking "(C)" and inserting "(D)" and the amendment in division (F) striking "abuse" and inserting "addiction" | 78061 |
| 5119.69  | The amendments in relettered divisions (D)(1)(b) and (c)    | All amendments except as described in the middle column                                                                                       | 78062 |
| 5502.01  | All amendments except as described in the right-hand column | The amendment in division (F)                                                                                                                 | 78063 |

**Section 815.20.** The General Assembly, applying the principle 78064  
 stated in division (B) of section 1.52 of the Revised Code that 78065  
 amendments are to be harmonized if reasonably capable of 78066  
 simultaneous operation, finds that the following sections, 78067  
 presented in this act as composites of the sections as amended by 78068  
 the acts indicated, are the resulting versions of the sections in 78069  
 effect prior to the effective date of the sections as presented in 78070  
 this act: 78071

Section 9.90 of the Revised Code as amended by both Am. Sub. 78072

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| H.B. 153 and Sub. S.B. 171 of the 129th General Assembly.          | 78073 |
| Section 102.02 of the Revised Code as amended by both Am.          | 78074 |
| Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly.     | 78075 |
| Section 121.04 of the Revised Code as amended by both Am.          | 78076 |
| Sub. H.B. 153 and Sub. H.B. 229 of the 129th General Assembly.     | 78077 |
| Section 123.01 of the Revised Code as amended by both Am.          | 78078 |
| Sub. H.B. 133 and Am. Sub. H.B. 153 of the 129th General Assembly. | 78079 |
| Section 124.11 of the Revised Code as amended by both Am.          | 78080 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 78081 |
| Section 149.43 of the Revised Code as amended by both Sub.         | 78082 |
| H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly.       | 78083 |
| Section 1923.01 of the Revised Code as amended by both Sub.        | 78084 |
| H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.        | 78085 |
| Section 1923.02 of the Revised Code as amended by both Sub.        | 78086 |
| H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.        | 78087 |
| Section 3301.55 of the Revised Code as amended by both Am.         | 78088 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 78089 |
| Section 4731.22 of the Revised Code as amended by both H.B.        | 78090 |
| 78 and Am. Sub. H.B. 93 of the 129th General Assembly.             | 78091 |